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Various pagings.

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Part of Sessional papers No. 83 & 144 not printed.

In Sessional paper No. 89, pages 283 & 328 are incorrectly numbered pages 583 & 128.

In Sessional paper No. 121, page 46 is incorrectly numbered page 4.

In Sessional paper No. 179, page 32 is incorrectly numbered page 3.

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VOLUME 9.

FOURTH SESSION OF THE THIRD PARLIAMENT

OF THE

DOMINION OF CANADA.

SESSION 1877.



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 ———— **SUPPLEMENT No. 1** :—Canal Statistics for 1876.
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- No. 5... **MARINE AND FISHERIES** :—Ninth Annual Report of the Department of, for the fiscal year ended 30th June, 1876.
 ———— **SUPPLEMENT No. 1** :—List of Lights on the Coasts, Rivers and Lakes of the Dominion of Canada, on the 31st December, 1876.
 ———— **SUPPLEMENT No. 2** :—Report of the Chairman of the Board of Steam-boat Inspection, for the calendar year ended 31st December, 1876.

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- Report of the Chief Engineer, on the progress of Canal Enlargement between Lake Erie and Montreal.
- WATER SUPPLY, PUBLIC BUILDINGS :—Agreement between the Water Commissioners of the City of Ottawa and Her Majesty Queen Victoria, for the supply of water to the Parliament and Departmental Buildings, Workshops, and Post Office, &c., Ottawa and Rideau Hall. (*Not printed.*)
- No. 7... MILITIA :—Report on the State of the Militia of the Dominion of Canada, for the year 1876.
- No. 8... AGRICULTURE :—Report of the Minister of Agriculture for the Dominion of Canada for the calendar year 1876.

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- No. 9... SECRETARY OF STATE FOR CANADA :—Report of, for the year ended 31st December, 1876.
- No. 10... NORTHERN RAILWAY COMMISSION :—Message with Report of a Commission appointed by Order in Council of 22nd July, 1876, to enquire into the affairs of the Northern Railway Company of Canada.
- No. 11... INTERIOR :—Report of the Department of the Interior, for the year ended 30th June, 1876.
- No. 12... INSURANCE :—Report of the Superintendent of, for the year ending 31st December, 1875.
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- Abstract of Statements of Insurance Companies in Canada, for the year 1876. (*In advance of the Report of the Superintendent of Insurance.*)
- ROYAL CANADIAN INSURANCE COMPANY :—Return to Address, Reports of, which may have been made, in conformity with 36 Victoria, chapter 99, section 16, and 31 Victoria, chapter 48. Also, Reports respecting the business carried on by the said Royal Canadian Insurance Company, in the United States of America, in conformity with 31 Victoria, chapter 48, of the Acts of Parliament of Canada, and the Forms B. and C. of the said Acts. (*Not printed.*)
- A full and complete statement of the property and affairs of the Canada Agricultural Insurance Company, incorporated in 1872, by the Act of Canada, 25 Victoria, chapter 104—such statement to be duly sworn to as required by the Act of Canada, 38 Victoria, chapter 20, and to exhibit a List of the Stockholders, with the amount subscribed for, the amount paid thereon, and the residence of each Stockholder, &c., &c. (*Not printed.*)
- No. 13... MINISTER OF JUSTICE—MISSION TO ENGLAND :—Relating to Extradition of Criminals; Maritime Jurisdiction upon the Inland Waters, and of the Royal Instructions and Commission to the Governor General, particularly with reference to the prerogative of Pardon.
- No. 14... TREATY OF WASHINGTON :—Return to Address, Correspondence between the Government of the Dominion, and the Government of the United States, respecting the alleged violation of the Treaty of Washington.
- Report of the Committee of the Privy Council which had under consideration the long and serious delays that had arisen in the organization of the Commission that was to have met at Halifax for the consideration of certain articles in the Treaty of Washington.
- Correspondence which may have taken place on Article XX of the Washington Treaty. (*Not printed.*)

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- No. 15... PENITENTIARIES :—Report of the Minister of Justice on, for the year ended 31st December, 1876.
- No. 16... LIBRARY OF PARLIAMENT :—Report of the Librarian on the state of.
- No. 17... EXTRADITION OF PRISONERS :—Return relating to cases of Extradition of Prisoners under Treaty between Great Britain and the United States.

- No. 18... BANKS:—List of Shareholders of the several Banks of the Dominion of Canada, in compliance with Act 34 Vic., cap. 5, sec. 12. [*Not printed.*]
- No. 19... BAPTISMS, MARRIAGES AND BURIALS:—General Statement of, for certain Districts in the Province of Quebec, for the year 1876. [*Not printed.*]
- No. 20... STATUTES:—Official Return of the distribution of the Statutes of the Dominion of Canada, being 39 Victoria, Third Session of the Third Parliament, 1876. [*Not printed.*]
- No. 21... SUPERANNUATION:—Statement of Allowances and Gratuities under the Act 33 Vic., cap. 4.
- No. 22... STEAM FIRE ENGINES:—Return to Order, Statement of all Steam Fire Engines imported into the Dominion of Canada, and the Country whence imported, from 1st July, 1867, to 22nd March, 1876. [*Not printed.*]
- No. 23... UNFORESEEN EXPENSES:—Statement of Payments charged to Unforeseen Expenses under Orders in Council, from 1st July, 1876, to date, in accordance with the Act 39 Vict., cap. 1, Schedule B. [*Printed for distribution only.*]
- No. 24... NEW SOUTH WALES EXHIBITION:—Statement of Expenditure on account of New South Wales Exhibition, under authority of Special Warrant of His Excellency the Governor General, dated 21st December, 1876, for \$25,000. [*Not printed.*]
- 25... INTERCOLONIAL RAILWAY:—Statement of all claims made by private individuals or corporations in relation to the construction of the Intercolonial Railway, within the limits of the Province of Quebec. [*Not printed.*]
- Names of the Valuators employed on the Intercolonial Railway, in the Counties of Temiscouata and Rimouski, for the purchase of lands and the valuation of damages. [*Not printed.*]
- Claims filed with the Government for damages caused by the expropriation of lands in the said Counties, and the amount allowed by the Valuator on each of the said claims. [*Not printed.*]
- Statement shewing the amount which the Government of Canada have incurred in the construction of the Branch around Courtney Bay towards the Ballast Wharf, at the City of St. John, N.B.; and for the purchase of the Rankin Wharf Property for a deep water terminus for the said Railway. [*Not printed.*]
- Contract for the Iron Roof of the Station House, to be erected at Halifax; together with Tenders for the same.
- Tenders received for the erection of the Passenger Station at Halifax; correspondence, &c. [*Not printed.*]
- Correspondence in connection with payments made to J. F. B. McCready and others in King's County, for alleged damage sustained from the Intercolonial Road from fire and other causes. [*Not printed.*]
- Correspondence between the authorities of the City of Saint John, N.B., and the Dominion Government, in the matter of the Courtney Bay Extension of the Intercolonial Railway to the Ballast Wharf and ground required for the Works. [*Not printed.*]
- Correspondence between the Government and the interested parties of the Parish of Bic, with reference to the change of site of the Railway Station at the said place;—also with the interested parties of the Parish of St. Octave de Métis, and neighbouring Parishes, asking that the Station at St. Octave, be placed in a more convenient situation. [*Not printed.*]
- Correspondence between the workmen on Section 8 of the Intercolonial Railway and the Government, in relation to the non-payment of their wages for work done under the direction of John O'Donnell, agent of Duncan McDonald, contractor for the said section. [*Not printed.*]
- Statement of accidents which have occurred on the Intercolonial Railway in the County of Northumberland—the number of cattle killed—with the causes of such accidents—with a list of claims and amounts paid. [*Not printed.*]
- Statement shewing the monthly sales of Season and commutation tickets, at each Station of the Intercolonial Railway for a period of eighteen months preceding the 31st December last. [*Not printed.*]

- No. 25... INTERCOLONIAL RAILWAY:—Statement shewing all claims made against the Intercolonial Railway for damages or loss of any kind sustained by private individuals resulting from working the railway during the year 1876. [*Not printed.*]
- Statement giving full information in relation to the arrangement made between the Government and the Pullman Palace Car Company, in pursuance of which their cars are run on the Intercolonial Railway. [*Not printed.*]
- Statement shewing the various tariffs for the carriage of freight on the Intercolonial Railway, which have been in operation since 1st January, 1875, together with the changes made therein; and also shewing all special rates granted since 1st January, 1876, to persons and companies or particular stations. [*Not printed.*]
- Correspondence relating to property on the Marsh Road in the County of St. John, N.B., alleged to have been damaged by Fire from Locomotives. [*Not printed.*]
- Statement of Tenders made from the 30th June, 1875, to 31st December, 1876, &c., for Wheels, Axles, Springs and other principal supplies, and for Buildings, Snow Sheds, &c., including the names of the parties, who made such offers. [*Not printed.*]
- Correspondence with the Phoenixville Iron Company, or a person from a Company in the State of Pennsylvania, in relation to any offers for Bridge Superstructure, Iron Roofs, Turn-Tables, Engines, Cars, &c. since, 31st December, 1875. [*Not printed.*]
- Orders in Council and Correspondence in regard to the appointment of Mr. James McAlister to the position of Cashier of the Intercolonial Railway, the creation of the office of Dominion Auditor at Moncton, the transfer of Mr. James McAlister thereto, the appointment of Mr. Charles D. Thompson, to the position of Cashier, the subsequent removal of Mr. Thompson, the abolition of the office of Dominion Auditor and the re-appointment of Mr. James McAlister to the office of Cashier; also in regard to the subsequent provision made for Mr. Thompson. [*Not printed.*]
- Statement of Accidents which have occurred on the Intercolonial Railway since 1st July last, the locality and cause of each, and damage done, &c. [*Not printed.*]
- Contracts for the conveyance of Mails between Wallace in the County of Cumberland and Greenville Station on the Intercolonial Railway, supplying the several way offices at Wallace Bridge, Six Mile Road, &c., to 1st November last when the delivery for these offices was changed to Wentworth Station, with the Contract for the latter service and the amount paid therefor. (*Not printed.*)
- Return of all monthly measurements and estimates for the various kinds of work done on Section No. 16, Intercolonial Railway, while under contract to Messrs. King & Gough, and subsequently under contract to J. C. Gough, shewing the actual quantities and kinds of all work executed and returned, &c. [*Not printed.*]
- Correspondence relating to Coal alleged to be detained, forfeited or misappropriated. [*Not printed.*]
- Correspondence in pursuance of which the Officers of the Intercolonial Railway are insured with the Guarantee Company of Canada. [*Not printed.*]
- Statement showing the authority under which two dwelling-houses with stables and outbuildings were erected during the past summer, at Moncton, for the use of the resident Engineer and Traffic Superintendent of the Intercolonial Railway; the amount authorized to be expended and the amount actually expended. [*Not printed.*]
- Expenses incurred for changing the gauge of the Intercolonial Railway, and showing how the expenditure is classified in the Railway Accounts. [*Not printed.*]
- Description and cost of each of the works of the Intercolonial Railway, not chargeable to ordinary maintenances, which have been constructed during the two years ending 31st December, 1876. [*Not printed.*]
- Statement shewing (1st) the arrangement made for insuring the Employés of the Intercolonial Railway against accidents; (2nd), the monthly deductions made from the wages or salaries on account of said insurance; and (3rd), the particulars of all amounts paid out of the Railway on account of such insurance. [*Not printed.*]

- No. 25... **INTERCOLONIAL RAILWAY** :—Statement of all expenditures made in constructing restaurant, enlarging the store-house, erecting freight-house, &c., and other such work done in the railway station yard at Moncton during the year 1876. [*Not printed.*]
- Return showing the number and names of all persons who have passed free on the Intercolonial Railway and its branches; from the 1st day of January, 1876, to the 1st day of March, 1877, stating authority, and for what cause such free passages were given. [*Not printed.*]
- Return showing the total cost of the Superintendent's Palace Car, so called, including the work done thereon by the artisans employed by the railway authorities, the extra cost of running the same, &c. [*Not printed.*]
- Return of the salaries or perquisites received by the General Superintendent and all other officers and employés of the said railway, including Conductors, Station Masters and Ticket Agents. [*Not printed.*]
- Return of the resident employés on the Intercolonial Railway within the County of Northumberland—the date of their appointment—when they were located or stationed in their present positions—the nationalities of the several individuals, and the number of them which were at the time of their appointment residents of the said County, with the rate of wages which they respectively receive. [*Not printed.*]
- No. 26... **JESUIT BARRACKS** :—Return and Supplementary Return to Address, Correspondence between the Dominion Government, and the Government of Quebec, relating to the Jesuit Barracks in the City of Quebec, &c.
- No. 27... **SUPREME COURT** :—General Rules and Orders made by the Judges of the Supreme and Exchequer Courts since last Session. [*Not printed.*]
- Return to Address, Number of suits instituted before the Supreme Court; and of the number of Judgments rendered by the said Court. [*Not printed.*]
- Return to Address, Correspondence between the Government of the Province of New Brunswick and the Dominion Government, on the subject of obtaining the opinion of the Supreme Court on the question of the powers of the Provincial Legislature, relative to the granting or withholding of licenses to sell intoxicating liquors.
- No. 28... **MCGILL COLLEGE** :—Copy of every contract, deed or agreement entered into between the Government of the Dominion of Canada and McGill College, concerning an immovable, situate in the City of Montreal, known by the name of the Crystal Palace, and heretofore possessed by the Board of Arts and Manufactures, and subsequently by the Council of Arts and Manufactures, of the Province of Quebec. [*Not printed.*]
- No. 29... **IMMIGRATION DEPARTMENT, LONDON** :—Return to Address, Statement of the amounts expended on behalf of the Dominion in the Government Immigration Department in London, England, and all expenditures connected therewith, from the 30th June to 1st January last; also, Correspondence between the Dominion Government and the Agent General of Canada, in London, respecting changes in the Immigration Department at London. [*Not printed.*]
- No. 30... **ADVERTISING** :—Return to Address, Statement showing the newspapers in which advertising has been done by the Government for the years 1872, 1873, 1874 and 1875, in each of the Provinces of the Dominion, &c. [*Not printed.*]
- Return to Order, Statement of the expenses during the years 1874, 1875 and 1876, in advertising on behalf of the Government or any public service in the public journals of the Dominion; also, the amount paid in subscriptions.
- No. 31... **BONDS AND SECURITIES** :—Statement of Bonds and Securities registered in the Department of the Secretary of State of Canada, dated 16th February, 1877. [*Not printed.*]
- No. 32... **VIEUX CHATEAU ST. LOUIS** :—Return to Address, Correspondence between the Dominion Government and the Government of the Province of Quebec, relating to an exchange of the property called "Vieux Chateau St. Louis," in the City of Quebec, for that of Hospital and Officers' Quarters, in St. Louis Street of the said City.
- No. 33... **HARBOUR COMMISSIONERS, MONTREAL** :—Return to Address, Statement of all salaries, fees and indemnity paid by the Harbour Commissioners of Montreal, to any member or employé of the said Harbour Commission, since 1872. [*Not printed.*]
- No. 34... **MILITARY COLLEGE, KINGSTON** :—Return to Order, Number of candidates that have come forward for admission to the Military College at Kingston, from each Province, distinguishing those of French origin from the others. [*Not printed.*]

- No. 35... FINANCIAL AGENTS, &c.:—Return to Order, Statement of all moneys lying at the credit of the Dominion in any bank, or in the hands of any financial agent, or other persons with whom such moneys are deposited in Canada or elsewhere. [*Not printed.*]
- No. 36... CHENAL ECARTÉ, &c.:—Return to Order, All expenditure in detail incurred in dredging a channel at the entrance of the Chenal Ecarté, into Lake St. Clair. [*Not printed.*]
- No. 37... FISHERMEN, ST. LAWRENCE :—Return to Address, Correspondence between the Federal Government and Local Government of the Province of Quebec, respecting the distressing condition of the resident fishermen and traders located on the North Coast of the River St. Lawrence, within the Dominion. [*Not printed.*]
- No. 38... WALLACE AND MALAGASH :—Return to Order, Contract for the conveyance of the Mail between Wallace and Malagash, in the County of Cumberland, &c. [*Not printed.*]
- No. 39... LOAN :—Return to Order, Prospectus issued by the Hon. Minister of Finance in London for the last Loan—a Statement of the time allowed for the reception of tenders, and the period when the reception of Tenders was closed, with the several amounts offered by parties tendering, and the amounts allotted to them respectively.
- No. 40... MANUFACTURED GOODS :—Return to Order, Showing the general nature and value of all Manufactured Goods imported into Canada from the United States in the years 1874, 1875, and 1876.
- No. 41... MANITOBA :—Return to Address, Letters between the Dominion Government and the Government of Manitoba, respecting the relief to be given to settlers. [*Not printed.*]
 ————Return to Order, Returns of all lands surrendered by the Dominion Government to the Government of Manitoba, for road purposes. [*Not printed.*]
 ————Return to Order, Correspondence relating to the distribution of Half-breed lands, in the Province of Manitoba. [*Not printed.*]
- No. 42... RAILWAYS, NEW BRUNSWICK :—Return to Address, Correspondence between the Government of Canada or Companies in New Brunswick, since the 1st January, 1874, in relation to aid to be given to the construction of Railways in that Province. [*Not printed.*]
- No. 43... CAPITAL OFFENCES :—Return to Order, All convictions for capital offences between the 1st July, 1867, and the 31st December, 1876, showing the names of the convicts, the nature of the crime, the action of the Executive, and the date of such action.
- No. 44... LORANGER, Hon. Mr :—Return to Address, Petitions of T. D. Latour and others, dated the 5th June, 1874, and the 2nd November, 1875, presented to the Government, concerning the Hon. Mr. Justice Loranger, and of all correspondence relating thereto. [*Not printed.*]
 ————Return to Address, Petition of J. B. Brousseau, Esq., of the Town of Sorel, dated the 24th February, 1876, in relation to Mr. Justice Loranger. [*Not printed.*]
- No. 45... SURGEONS ON BRITISH STEAMERS :—Return to Address, Correspondence between the Government of Canada and the Imperial Government or any Steamship Company or private individual, touching the qualifications of Surgeons on British Steamers, or other passenger ships sailing to, or from British ports.
- No. 46... DOMINION DAM :—Return to Order, All instructions or orders from the Department of Public Works relating to the destruction by force, last July, of the Dam called the Dominion Dam, on Devil Lake, in the County of Addington. [*Not printed.*]
- No. 47... VICTORIA BREAKWATER :—Return to Order, Reports in possession of the Department of Public Works, in connection with the Victoria Breakwater, Wood Islands, Prince Edward Island; also all correspondence relating to the same, received from the Government of Prince Edward Island. [*Not printed.*]
- No. 48... CITADEL OF QUEBEC :—Return to Order, Contracts between the Government and any person or company for the execution of work at the Citadel of Quebec in 1874 and 1875; 2nd. Copies of all arrangements made for the execution of any portion of the said works. [*Not printed.*]
- No. 49... RAILWAYS IN NOVA SCOTIA :—Return to Order, Special rates accorded to any companies or individuals for the conveyance of freight over the Railways in Nova Scotia or New Brunswick, with the names of the companies or individuals. (*Not printed.*)
- No. 50... RAILS :—Return to Order, Quantity of old Rails in the possession of the Government, shewing whether the same are of such a character as to be made available for the aiding in the construction of Branch Lines.

- No. 51... NOVA SCOTIA, INDIAN COMMISSIONERS :—Return to Order, The number of Commissioners for Indian Grants in Nova Scotia; the Counties over which each presides, and the amount annually placed in the hands of each. [*Not printed.*]
- No. 52... MORRIS, HON. ALEXANDER :—Return to Address, Instructions to the Honorable Alexander Morris, Lieutenant-Governor of the North-West Territories. (*Not printed.*)
- No. 53... WEIGHTS AND MEASURES ACT :—Return to Order, Instructions from the Department of Inland Revenue to Inspectors, in connection with the Weights and Measures Act; together with the names and salaries of each Inspectors, and Sub-Inspectors.
- Correspondence relating to the working of the Act on "Weights and Measures." (*Not printed.*)
- No. 54... VICE-ADMIRALTY, &C., COURT OF :—Return to Address, Correspondence between the Government of the Dominion, and of the late Province of Canada, and the Imperial Government, touching the extension of the Jurisdiction of the Court of Vice-Admiralty to the Inland Waters of Canada.
- No. 55... GRAND TRUNK RAILWAY :—Correspondence respecting disturbance on the line of the Grand Trunk Railway of Canada.
- Correspondence on the subject of the arrangements effected, permitting the carriages of the Intercolonial Railway Company to run over that section of the Grand Trunk Railway between Rivière-du-Loup and Point Lévis.
- No. 56... MARINE HOSPITAL, QUEBEC :—Return to Order, For Mr. Langmuir's Report on the Marine Hospital, at Quebec. (*Not printed.*)
- No. 57... PACIFIC RAILWAY :—Return to Address, Reports made as to the construction of the Georgian Bay Branch of the Pacific Railway, under contract by the Hon. A. B. Foster, together with a statement of the service or services for which the sum of \$109,000.50 has been paid to the said A. B. Foster on account of said contract. (*With Maps.*)
- Correspondence between the Government and the Contractors for the construction of the Pacific Telegraph.
- Return to Order, Tenders received for the construction of Contract No. 15, Canadian Pacific Railway. (*Not printed.*)
- Return to Address, Papers connected with the awarding of Section 15 of the Canadian Pacific Railway, including copies of advertisements for tenders.
- Statement shewing the quantity of land purchased for railway purposes by the Government on the Kaminstiquia for a terminus of the Canadian Pacific Railway, the persons from whom said purchase was made, and the amount paid therefor. Also, a copy of all correspondence between the Government and the Municipality of Shuniah, Prince Arthur's Landing, touching the terminus of the said Railway, or aid thereto.
- Message with Correspondence having reference to the construction of the Canadian Pacific Railway.
- Statement showing cost of construction of Pacific Telegraph. (*Not printed.*)
- Contracts entered into for construction of the Canadian Pacific Railway, together with a Statement of sums expended in construction, in conformity with the provisions of the Act 37 Victoria, Chapter 14, Section 9. (*Not printed.*)
- No. 58... BLOOMSBURG :—Return to Order, Correspondence with the Postmaster General in reference to charges preferred against the Postmaster of Bloomsburg, in the County of Norfolk. (*Not printed.*)
- No. 59... PRINTING AND STATIONERY, POST OFFICE DEPARTMENT :—Return to Order, Showing the amounts paid for printing and stationery for the Post Office Department during the year 1875 and 1876 respectively, other than to the Parliamentary Printer and Contractor at Ottawa, &c.
- No. 60... COLLET, Mr. :—Return to Order, Correspondence and documents relating to the dismissal of Mr. Collet, as Postmaster of St. Henri, in the County of Lévis. (*Not printed.*)
- No. 61... LIVE STOCK—IMPORTS AND EXPORTS, &C :—Return to Order, Classified Return of imports and exports of live stock, showing place from whence it comes and destination; for each quarter, from March 1st, 1875, to January 1st, 1877, and for the month of January, 1877.

- No. 62... GREAT BRAS d'OR :—Return to Order, Correspondence regarding the Postmaster at Great Bras d'Or and the reason why McLeod did not get the office, after he was appointed. (*Not printed.*)
- No. 63... SEIZING AND LANDING OFFICERS.—Return to Order, Correspondence with John Baine, Angus Morrison and Charles S. Campbell, regarding their dismissals from office as Seizing and Landing Officers at Great Bras d'Or.
- No. 64... GYPSUM :—Return to Order, All Gypsum or Plaster of Paris imported from the United States into Canada, giving the Ports or places whence imported, as also the Ports in Canada where entered. (*Not printed.*)
- No. 65... SUGAR IMPORTED, &c. :—Return to Order, Return from 1st January, 1875, to 1st January, 1877, showing the quantities of different grades of sugar imported from Europe, British and Foreign West Indies and the United States.
- No. 66... PARTRIDGE ISLAND RIVER, &c. :—Return and Supplementary Return to Order, Correspondence relating to the improvement of the Harbor at the mouth of Partridge Island River. (*Not printed.*)
- No. 67... INGONISH HARBOR :—Return to Order, Tenders and Contracts for the construction of a Harbor at Ingonish, Nova Scotia, &c. (*Not printed.*)
- Return, Plans of Contract for building Ingonish Harbor (being part of Contract); also report of Engineer agreeing to curtailment of said original plans and specification, and the correspondence on that subject. (*Not printed.*)
- No. 68... SENATORS, ADDITIONAL :—Return to Address, Correspondence that has taken place between the Canadian and Imperial Governments since 1873, in reference to the appointment of additional Senators to the Senate, as provided by Clause 26 of the British North America Act.
- Return to Address, All correspondence between the Dominion and the Imperial Governments from the month of October, 1873, to 31st December, 1874, and relating to the appointment of Senators for the Dominion. (*Not printed.*)
- No. 69... CREIGHTON JOSEPH :—Return to Address, Correspondence with the Government relative to the appointing last year of Joseph Creighton, Shipping Officer for the Port of Lunenburg, Nova Scotia. (*Not printed.*)
- No. 70... LAKE HURON MAIL SERVICE, &c. :—Return to Address, Advertisement or notice issued calling for tenders for the performance of the Mail Service for the season of 1876, on Lakes Huron and Superior between the ports on Lake Huron and the Georgian Bay and Prince Arthur's Landing, Duluth, &c. (*Not printed.*)
- No. 71... MARINE HOSPITAL, SYDNEY :—Return and Supplementary Return to Order, All money expended in building a Marine Hospital at Sydney, Cape Breton. (*Not printed.*)
- No. 72... CARS ON RAILWAYS, INTERCHANGE OF, &c. :—Return to Order, Statement of any arrangement made between the Government Railways and the Grand Trunk Railway Company, for the interchange of cars and transportation of passengers and freight. (*Not printed.*)
- No. 73... RIVER SYDENHAM SURVEYS, &c. :—Return to Order, Statement in detail of all expenses incurred and moneys expended in connection with the surveys of the North Branch of the River Sydenham. (*Not printed.*)
- No. 74... BAIE ST. PAUL, &c. :—Return to Order, Mr. Kingsford's Report on the Piers at Baie St. Paul, Eboulements and Malbaie, in the summer of 1876. (*Not printed.*)
- No. 75... GODERICH HARBOR WORKS :—Return to Address, Orders in Council, having reference to the Goderich Harbor Works.
- No. 76... MILITIAMEN 1812 '15 :—Return to Order, Shewing the names of all veterans who have proved their right to partake in the grant of \$50,000 voted last session by Parliament in favor of Militiamen of 1812 and '15.
- CONTENTS OF VOLUME No. 9.
- No. 77... STEEL RAILS :—Return to Address, Statement showing the use which has been made, during the year 1876, of any portion of the Steel Rails purchased by the Government in the years 1874 and 1875.
- Return to Order, Statement of all accounts paid in connection with the purchase of 50,000 tons of Steel Rails, fastenings, &c., for the Pacific Railway.

- No. 78... GOVERNMENT RAILWAYS, MARITIME PROVINCES:—Return to Address, Shewing the number of tons of freight carried over the Government Railways in the Maritime Provinces, in the quarter ending December 31st, 1875. (*Not printed.*)
- No. 79... ST. PETER'S CANAL, C.B.:—Return to Address, All correspondence during the past year in relation to the enlargement of St. Peter's Canal, in the Island of Cape Breton. (*Not printed.*)
- No. 80... DOMINION NOTES:—Return to Address, Statement showing the amount of Dominion Notes that have been redeemed in gold from the first day of September, 1874, to the 31st December, 1875, showing the names of the banks or individuals making the demand, or to whom the money has been paid. (*Not printed.*)
- Return to Order, Accounts of Dominion Notes of the denomination of one and two dollars, payable in Victoria, which have been forwarded by Government to the Assistant Receiver-General for the Province of British Columbia, during each year, since the admission of that Province into the Dominion. (*Not printed.*)
- No. 81... SYDNEY TO COW BAY, &C., MAILS:—Return to Address, Contracts entered into during the year 1876, for the conveyance of Her Majesty's Mails from Sydney to Cow Bay, Little and Big Glace Bays, and Bridgeport, in the County of Cape Breton. (*Not printed.*)
- No. 82... VOLUNTEER FORCE OF CANADA:—Return to Order, The names of all the Deputy Adjutant-Generals and Brigade Majors on the Staff of the Volunteer Militia Force of Canada on the 1st day of January, 1876. (*Not printed.*)
- No. 83... BARNARD, F. J.:—Return to Address, Correspondence between the Government of Canada and F. J. Barnard, Esquire, Contractor for the Telegraph Lines in British Columbia, since the 26th May, 1875.
- Return to Order, Statement showing each sum of money paid to F. J. Barnard, Esquire, Contractor for the Telegraph Lines in British Columbia, since the 10th February, 1875. (*Not printed.*)
- No. 84... EAGLE HARBOR:—Return to Engineer's Report of the Survey of Eagle Harbor, in the County of Elgin, to decide on its suitability as a Harbor of Refuge; and map of the said Harbor. (*Not printed.*)
- No. 85... SCOTT'S JUNCTION:—Return to Order, Correspondence between the Inspector of Post Offices for the Quebec Division, in relation to the contract for carrying the Mail between Scott's Junction, in the County of Beauce, and Parish of St. Bernard, in the County of Dorchester. (*Not printed.*)
- No. 86... NOVA SCOTIA, GREAT SEAL:—Return and Supplementary Return to Address, All correspondence relating to the Great Seal of the Province, that has been affixed to all documents requiring the same since Confederation.
- No. 87... GRAHAM, WILLIAM:—Return to Order, Correspondence between Sarah Graham, Widow, and the Government, in reference to an application for aid in consequence of the reduction of salary and subsequent death of the late William Graham, at that time a Messenger of this House. (*Not printed.*)
- No. 88... FORT FRANCIS LOCKS, &C.:—Return to Address, All Orders in Council relating to the construction of Fort Francis Locks or Canal.
- No. 89... PROVINCIAL ACTS, DISALLOWANCE OF:—Return to Address, All correspondence between the Federal and any of the Provincial Governments since the establishment of Confederation concerning the disallowance of Provincial Acts or the action on Provincial Bills reserved.
- Return to Address, Correspondence between the Imperial and Canadian Governments, concerning the mode of exercising the power of disallowance of Provincial Acts.
- No. 90... RONDEAU LIGHTHOUSE:—Return to Order, Shewing in detail the cost of erection of Lighthouse at the Harbor of Refuge at Rondeau. (*Not printed.*)
- No. 91... NICOLAS RIOUX:—Supplementary Return to Order, Correspondence between the Government and the Censitaires of the Seigniorie Nicolas Rioux, in the County of Rimouski, in the matter of the tax which they pay to the Seigniors, instead of Statute days' labor (*les journées de Corvée*). (*Not printed.*)
- No. 92... DOMINION POLICE:—Annual Return under the Act 31 Victoria, chapter 73, section 6, shewing the average number of the Dominion Police employed during each month of the year, ended 31st December, 1876; the cost of pay, and of travelling expenses, expended in respect thereof. (*Not printed.*)

- No. 93.. MALT, DUTY ON:—Return to Order, Instructions issued from the Inland Revenue Department to its Officers throughout the Dominion, as to what time the additional duty on malt was to take effect. (*Not printed.*)
- Return to Order, Monthly Return of the malt taken out of bond each month from the 1st July, 1876, to the 28th February, 1877. (*Not printed.*)
- No. 94.. TOBIQUE INDIANS:—Return to Order, Correspondence between the Government and the Tobique Indians relating to the appointment of a resident agent at that place. (*Not printed.*)
- No. 95.. LE CRÉDIT FONCIER DU BAS CANADA:—A statement of the property and business assets and liabilities of a Company bearing the name of "Le Crédit Foncier du Bas Canada," incorporated under Chapter 102 of the Statutes of Canada, 36 Vic., (1873), &c. (*Not printed.*)
- No. 96.. "BERNE" POSTAL UNION:—Return to Address, All correspondence in regard to placing the Dominion of Canada in as favourable a position as any Foreign Country, under the provisions of the Postal Union made at "Berne" on the 9th October, 1874. (*Not printed.*)
- No. 97.. LAPSED BALANCES, &c.:—Return to Order, Showing all amounts carried over by Orders in Council, at the end of the financial year, under the authority of Chapter 2 of the Act of last Session; with copies of the Orders in Council, and a Statement of the amounts of such lapsed balances remaining unexpended at the end of three months from that date; together with a Statement of all amounts carried forward by Orders in Council, from 1st July, 1867, showing the sums actually expended in each case, and the Parliamentary authority sanctioning the same. (*Not printed.*)
- No. 98.. "NORTHERN LIGHT":—Return to Address, Showing the number of passages made by the Steamship *Northern Light* between Georgetown in Prince Edward Island and Pictou, or Pictou Island in Nova Scotia and back; the number of mails carried by the said Steamship, and the number of passengers carried by her on each passage. (*Not printed.*)
- Return to Order, Showing the total amount of cost of the Steamer *Northern Light*; also an account of any and all expenditure in connection with the said Steamer, down to the 31st January last. (*Not printed.*)
- Return to Order, Contract with Mr. Sewell for building the Steamer *Northern Light*; the Report of the Inspector and Government Agent connected with the building of the said Steamer. (*Not printed.*)
- No. 99.. MERCHANT SHIPPING:—Return to Address, Correspondence between the Government of Canada and Her Majesty's Government in relation to Legislation affecting Merchant Shipping. (*Not printed.*)
- Instructions given to Mr. William Smith, Deputy of the Minister of Marine and Fisheries, on his recent mission to England in connection with the above subject. (*Not printed.*)
- Correspondence had in relation to such mission between the Minister of Marine and Fisheries and the said Deputy with the Report of the said Deputy, in relation to such mission. (*Not printed.*)
- No. 100.. CANADIAN SHIPS SOLD IN FRANCE:—Return to Address, Correspondence between the Government of Canada, the Imperial Government and any other Governments or persons on the subject of the duty imposed on Canadian ships sold in France.
- No. 101.. STEAM COMMUNICATION, P.E.I.:—Return to Address, Statement showing what steps have been taken by the Government, touching the opening up of steam communication in the winter season, between Prince Edward Island and the mainland, in accordance with the terms of Union. (*Not printed.*)
- No. 102.. INTERNATIONAL EXHIBITION, PHILADELPHIA, 1876:—Report of the Canadian Commission of. (*Not re-printed for Sessional Papers.*)
- No. 103.. REVENUE PAID BY EACH PROVINCE, &c.:—Return to Order, Setting forth, as nearly as the officers of the Government can do so, the amount of the revenue paid by each Province of the Dominion, and the expenditures made therein on Dominion account during the past five years.
- No. 104.. NAVIGATION OF AMERICAN CANALS:—Return to Address, Correspondence between the Dominion, United States and Imperial Governments, respecting the navigation of American canals and rivers.
- No. 105.. COAL IMPORTED INTO THE DOMINION:—Return to Order, Quantities and value of the Coal imported into the Dominion of Canada for the six months ending 31st December, 1876.

- No. 106. HORSE SHOE BAR CHANNEL, MIRAMICHI RIVER :—Return to Order, Correspondence between the Minister of Public Works and the officer in charge of the dredging improvements and deepening of the Horse Shoe Bar Channel at the entrance of the Miramichi River. (*Not printed.*)
- No. 107. ARICHAT WEST BREAKWATER :—Return to Order, Reports and plan of Arichat West Breakwater, in the County of Richmond, Nova Scotia. (*Not printed.*)
- No. 108. SMELT FISHERIES, HARBOUR OF BATHURST :—Return to Address Orders, in Council, Rules and Regulations made in relation to the Smelt Fisheries in the Harbour of Bathurst. (*Not printed.*)
- No. 109. PILOTAGE RETURNS, CAPE BRETON :—Return to Order, Returns from Pilotage Authorities of Cape Breton for the year 1876, showing the names of all Pilots, and the amount paid to each. (*Not printed.*)
- No. 110. INTOXICATING LIQUORS, SALE OF, &c. :—Return to Address, Correspondence between the Government and the Lieutenant Governors of the different Provinces regarding the relative jurisdiction of the Dominion and Provincial Parliament over the manufacture and sale of Intoxicating Liquors. (*Not printed.*)
- No. 111. LITTLE GLACE BAY, HARBOUR FEES, &c. :—Return to Order, Return of the Harbour Master for the Port of Little Glace Bay, N.S., for the year ending 31st December, 1876; shewing the amounts of Fees collected; the names of all vessels from which fees were collected; also any Correspondence in relation to the office of Harbour Master of the Port of Little Glace Bay, N.S. (*Not printed.*)
- No. 112. TORONTO HARBOUR :—Return to Order, Statement shewing the extent and character of the Works carried on in the improvement of the Toronto Harbour during the past year. (*Not printed.*)
- No. 113. LONG ISLAND BRIDGE BY-WASH, &c. :—Return to Order, Correspondence between the Government and the Council of the County of Carleton respecting a Bridge over the By-Wash at Long Island. (*Not printed.*)
- No. 114. CULBUTE CANAL :—Return to Order, Correspondence between the Department of Public Works and the Engineer in charge of the Culbute Canal, in reference to the petition of Elizabeth Sullivan, of the Township of Pembroke, in the County of Renfrew, praying for compensation for damages alleged to have been sustained by her, through the construction of a Dam at the said Culbute Canal. (*Not printed.*)
- No. 115. PORT HOOD HARBOUR :—Return to Order, Reports and Plans of Port Hood Harbour, in the County of Inverness, made by the Engineers under the direction of the Dominion Government. (*Not printed.*)
- No. 116. RIDEAU RIVER, VILLAGE OF WELLINGTON :—Return to Address, Correspondence between the Government, and the Council of the County of Carleton, respecting a Bridge across the Rideau River, at the Village of Wellington. (*Not printed.*)
- No. 117. ST. JOHN RIVER, N.B. :—Return to Order, Reports made by the Engineer or Engineers in charge of Public Works on the improvement of the Navigation of the St. John River, N.B., since June, 1871. (*Not printed.*)
- No. 118. JUDICIAL STAFF, MONTREAL :—Return to Address, Correspondence since last Session, between the Federal and the Quebec Governments, concerning the Judicial Staff of the District of Montreal. (*Not printed.*)
- No. 119. CABLE COMPANIES, &c. :—Return to Address, Correspondence between the United States Cable Company The Anglo-American Telegraph Company and any other Marine or Telegraph Company and the Government, as well as copies of all Orders in Council affecting the same, since the twenty-first day of March, 1876.
- No. 120. MONTREAL HARBOUR COMMISSIONERS :—Return to Order, Statement as exact as possible, shewing the amount paid by each Steamboat, to the Harbour Commissioners of Montreal, during the season 1875-76, for wharfage dues,—together with the name and length of such Steamboat. (*Not printed.*)
- No. 121. MORRIS, HON. ALEXANDER :—Return to Address, Instructions to the Honourable Alexander Morris, Lieutenant-Governor of the North-West Territories; also copies of all Orders in Council relative to the said Territories since their organization, and not already published; also copies of all reports and official correspondence between the Lieutenant-Governor and the Dominion Government from the date of his appointment.

- No. 122. **ASPY BAY HARBOUR, VICTORIA** :—Return to Order, Report of the Government Engineer, on the practicability of opening Aspy Bay Harbour, Victoria, so as to admit vessels of certain tonnage, in the year 1872. (*Not printed.*)
- No. 123. **POST OFFICES AND CUSTOM HOUSES OF THE DOMINION** :—Return to Order, Shewing the number of Post Office and Custom House Buildings owned by the Dominion, designating those built since 1867; the names of the Cities and Towns where the same are situate. (*Not printed.*)
- No. 124. **ESQUIMAULT, GRAVING DOCK** :—Return to Address, Correspondence by telegraph or otherwise respecting the Graving Dock at Esquimault since July, 1874. (*Not printed.*)
- No. 125. **QUEBEC TO LAKE ST. JOHN, RAILWAY** :—Return to Order, Correspondence respecting the grant by the Dominion Government of a sum of money, to assist in the construction of the Railway from Quebec to Lake St. John. (*Not printed.*)
- No. 126. **MAIL BAG, LOSS OF, &c.**—Return to Order, Correspondence between the Postmaster General and the Post Office Inspector at Halifax and other Post Office officials, with reference to the loss of a Mail Bag between Truro and Halifax. (*Not printed.*)
- No. 127. **MOWAT, JOHN** :—Return to Order, Commission or other document appointing John Mowat a Fishery Officer in the County of Restigouche, in the Province of New Brunswick. (*Not printed.*)
- No. 128. **DEEP-SEA WEIRS OR POUNDS** :—Return to Order, Number of persons who have obtained Licences or permission from the Department of Marine and Fisheries to erect Deep Sea Weirs or Pounds for the purpose of capturing Fish at the Head-lands or Capes of the Maritime Provinces. (*Not printed.*)
- No. 129. **NOTRE DAME DE GRACE AND STE. CUNÉGONDE, P.Q.** :—Return to Order, Petitions respecting the establishment of a Post Office at Notre Dame de Grace, near Montreal, and of another at Ste. Cunégonde, part of the territory of the Town of St. Henri, in the County of Hochelaga, recently erected into a separate Municipality. (*Not printed.*)
- No. 130. **NORRIS, J. G.** :—Return to Address, Correspondence with reference to the appointment of Mr. J. G. Norris, as Deputy Collector of Customs, Kootenay, British Columbia. (*Not printed.*)
- No. 131. **SCHOONER "NAPIER"** :—Return to Order, Correspondence connected with the seizure of the Schooner *Napier*, in Ingonish, in the year 1872, for smuggling, and a statement showing if the Hon. William Ross has redeemed his bonds given for the release of said vessel. (*Not printed.*)
- No. 132. **WARREN, WM.** :—Return to Order, Correspondence relating to the superannuation of William Warren, Esq., late Collector of Customs for the Port of Whitby, Ontario. (*Not printed.*)
- No. 133. **VICTORIA AND KOOTENAY, CUSTOMS STATIONS** :—Return to Address, Correspondence between the Government and Mr. C. T. Dupont, or any other parties, with reference to his inspection of the several Customs Stations between Victoria and Kootenay, in 1876.
- No. 134. **NEWCASTLE, ONT., FISH-BREEDING ESTABLISHMENT** :—Return to Order, Showing the title held by the Government to the land and other property connected with the Fish-breeding establishment at Newcastle, Ontario. (*Not printed.*)
- No. 135. **NEW BRUNSWICK, NON-TIDAL WATERS** :—Return to Order, All leases of the right to fish in the non-tidal waters of New Brunswick. (*Not printed.*)
- No. 136. **COVE FIELD, QUEBEC** :—Return to Order, Statement showing the instructions given for the division of the Ordnance property at Quebec, known as the Cove Field; the cost of dividing, &c. (*Not printed.*)
- No. 137. **GOVERNMENT DEPOSITS IN BANKS, &c.** :—Return to Order, Return of the Government deposits in the different Banks of the Dominion on the first day of each month, from January 1st, 1876, to January 1st, 1877, inclusive; and also at the agencies of such Banks and other Banking Houses in London.
- No. 138. **ILLICIT STILLS** :—Return to Order, Shewing the number of Illieit Stills seized by the Revenue Officers of the Dominion in 1872, '74 and '75. (*Not printed.*)
- No. 139. **CASCUMPEC HARBOUR** :—Return to Address, Survey and Report on the Improvement of Cascumpec Harbour, Prince Edward Island, made by C. E. Perley, Esq., C.E. (*Not printed.*)
- No. 140. **MONTREAL MUSEUM** :—Return to Address, Correspondence which has taken place between the Director of the Geological Survey and the Minister of the Interior since the 1st April, 1873, on the subject of removing the Staff and Museum from Montreal to Ottawa.

- No. 141.. RIDEAU CANAL:—Return to Order, Shewing the quantity and price of land purchased for the purposes of the construction and maintenance of the Kingston and Ottawa Division of the Rideau Canal. (*Not printed.*)
- No. 142.. MAILS DELAYED, &C., GRAND TRUNK:—Return to Order, Statement shewing the expenditure incurred by the Post Office Department for carrying the mails below Quebec, during the whole time when the Grand Trunk was stopped by snow, during the winters of 1874, 1875 and 1876. (*Not printed.*)
- No. 143.. RAILWAY STATISTICS OF CANADA:—Reports for the years 1875–76.
- No. 144.. CIVIL SERVICE:—Return, in part, to Order, For certain statistical information respecting the inside and outside Divisions of the Civil Service of Canada.
—Return to Order, for the names of persons appointed to office between the 1st of January and the 7th of November, 1873; the names of the officials whose salaries were increased during the same period; the names of those so appointed whose appointments were cancelled subsequent to the 7th of November. (*Not printed.*)
- No. 145.. ENGINEERS' ESTIMATES, &C.:—Return to Address, Reports and estimates of the Engineer upon the works proposed to be performed at the following ports or localities, namely:—Arisaig, N.S., Annapolis, N.S., &c., &c. (*Not printed.*)
- No. 146.. GOVERNMENT OFFICIALS, P.E.I.:—Return to Address, shewing the names of all Government Officials in Prince Edward Island, specifying nature of office held by each, date of appointment and amount of salary.
- No. 147.. CHARBONNEAU AND CÔTÉ:—Return to Address, A petition complaining of injustice done by the Montreal Harbour Commissioners, or by some person or persons in their employ, in the arbitrary dismissal of Pierre Charbonneau, Pierre Côté and several others employed on the works of the said Commissioners on the River St. Lawrence. (*Not printed.*)
- No. 148.. BUSHBY, ARTHUR T.:—Return to Address, Correspondence between the Dominion Government and the Local Government of British Columbia, relative to the appointment of a County Court Judge for the District of New Westminster in place of Arthur T. Bushby, deceased. (*Not printed.*)
- No. 149.. BUFFALO IN N. W. T., PRESERVATION OF THE:—Return to Address, Communications from the first Council of the North-West Territories in regard to the preservation of the buffalo; and all Orders in Council or Acts passed by the present Government of the North-West Territories having this object in view. (*Not printed.*)
- No. 150.. PARRY SOUND HARBOUR:—Return to Order, Engineer's Report of the survey of Parry Sound Harbour, made by Mr. Michaud, C.E., and others, in 1876. (*Not printed.*)
- No. 151.. MARQUETTE, MAN., WOODLAND IN:—Return to Order, Showing the quantity of woodland in the County of Marquette, and the number of licenses to cut wood, sold or issued by the Dominion Lands Office, in Manitoba, during the last three years, to persons not being actual settlers. (*Not printed.*)
- No. 152.. RAILWAY FROGS, ACCIDENTS BY:—Return to Address, Showing the number of accidents to persons caught in railway frogs; the points where the accidents occurred, and the particulars connected therewith; for the five years ending 31st December last. (*Not printed.*)
- No. 153.. INDIAN LANDS, B.C.:—Return to Address, Correspondence between the Local and the Dominion Governments during 1876, with reference to the adjustment of Indian lands, in British Columbia. (*Not printed.*)
- No. 154.. KIDSTON, WILLIAM:—Return to Order, Correspondence in connection with the defalcations of the ex-Collector of Customs, William Kidston, at the Port of Baddeck. (*Not printed.*)
- No. 155.. COLWELL, WILLIAM:—Return to Order, Correspondence in connection with the dismissal of William Colwell, looker in the Customs House Department, St. John, New Brunswick. (*Not printed.*)
- No. 156.. CANADIAN SHIPPING, LIGHT DUES ON:—Return to Address, Correspondence that may have passed during the past three years between the Government of Great Britain and the Government of this Dominion, relative to the abolition of light dues on Canadian shipping. (*Not printed.*)
- No. 157.. FISHERIES, &C., ABOLITION OF:—Return to Order, Papers relating to the abolition of fisheries in the rapids of the Richelieu, in front of the Village of the Canton of Chamilly. (*Not printed.*)

- No. 158.. ST. PETER'S CANAL:—Return to Address, Contracts and Orders in Council during the year 1876, in connection with the enlargement of the St. Peter's Canal. (*Not printed.*)
- No. 159.. L'ISLET, &c., BREAKWATERS:—Return to Address, Instructions given to Mr. Kingsford, and correspondence in relation to repairs and other work done on the breakwaters at L'Islet, Rivière Ouelle, Rivière du Loup and Rimouski, on the south shore of the St. Lawrence, Province of Quebec. (*Not printed.*)
- No. 160.. POINT ESCUMINAC BREAKWATER:—Return to Order, Correspondence with the Government and the inhabitants of the County of Northumberland, in relation to the necessity of a breakwater for the protection of fishermen at the easterly side of Point Escuminac. (*Not printed.*)
- No. 161.. GOVERNMENT RAILWAYS—IRON RAILS:—Return to Order, Showing the quantity of iron rails removed from the Government railways—Railway Companies to which they have been loaned, &c.
- No. 162.. MOFFATT, ROBERT:—Return to Order, Letters, &c., which have passed between Robert Moffatt, of Dalhousie, N.B., and the Government of the Dominion, in respect to the transport of cargoes of rails and other railway materials from the vessels *Colonist*, *Bessie Parker* and *Stabstadt*, &c.
- No. 163.. DEPARTMENT OF JUSTICE—ORDNANCE LAND SALES:—Return to Address, Statement of all sums of money charged and received by the Department of Justice, by way of costs or moneys over due on ordnance land, sold under authority.
- No. 164.. DECK LOAD LAW:—Return to Address, Correspondence between the Government of Canada and the Inspector of Customs for the Province of Nova Scotia, or any of the Custom House officials, in relation to the violation of the Deck Load Law. (*Not printed.*)
- No. 165.. PRINCE EDWARD ISLAND RAILWAY:—Return to Address, Disbursements paid on account of the Prince Edward Island Railway up to January, 1876, together with a statement of the earnings of the Road up to that time. (*Not printed.*)
- No. 166.. NEWSPAPERS PAID POSTAGE, &c.:—Return to Order, Statement setting forth the total number of Newspapers and other periodicals in each County and City of the Dominion, which have paid postage on papers sent from "the office of publication," with the total revenue raised therefrom during the past year. (*Not printed.*)
- No. 167.. PILOTAGE, TARIFF OF:—Return to Address, Order in Council of the 5th March, ultimo, approving of a By-law of the Montreal Harbour Commissioners, in reference to the Tariff of Pilotage between Quebec and Montreal. (*Not printed.*)
- No. 168.. UPPER ST. FRANCIS, N.B.:—Return to Order, Correspondence in the possession of the Government, regarding the dismissal of the Postmaster of Upper St. Francis, in the County of Madawaska, in the Province of New Brunswick. (*Not printed.*)
- No. 169.. CAMPBELLTON AND PASPEBIAC:—Return to Order, Correspondence respecting the renewal of the contract for the transportation of the mail between Campbellton and Paspebiac. (*Not printed.*)
- No. 170.. CATTLE, IMPORTATION OF:—Return to Order, Showing the value of live cattle imported into and exported from each Province, between the 1st day of January, 1875, and the 1st day of January, 1877; the value of live cattle imported and exported, and the total value of meats, fresh or cured.
- No. 171.. "CHAMBLY" AND "CULTIVATEUR" STEAMERS:—Return to Order, Statement showing the amounts paid by the Steamer *Chambly* and the Steamer *Cultivateur*, at the St. Our's Lock on the River Chambly, during the season of 1875. (*Not printed.*)
- No. 172.. PRINCE EDWARD ISLAND, LEGAL SERVICES, &c.:—Return to Order, Of all monies paid for legal services or legal expenses in Prince Edward Island, from 1st January, 1874, to the present time. (*Not printed.*)
- No. 173.. FOG WHISTLE, CAPE D'OR:—Return to Order, Correspondence between the Government and any parties in Nova Scotia, relating to the supply of coal and water for the operation of the Fog-Whistle at Cape D'Or. (*Not printed.*)
- No. 174.. HARBOR MASTERS, SOREL, ST. JOHN, &c.:—Return to Order, Indicating the names and date of appointment of Harbour Masters at Sorel, St. John's, Three Rivers and Lachine, in the Province of Quebec, and also giving a detailed account of all fees collected by said Harbour Masters since the 15th April, 1875, up to this date, under the authority of 38 Victoria, Chapter 30, amending 37 Victoria, Chapter 34, together with the names of the ships on which such fees have been levied in each year, and the names of the masters of those ships. (*Not printed.*)

- No. 175. ST. AGGUSTIN, PARISH OF:—Return to Order, Correspondence in relation to the appointment of a new Postmaster for the Parish of St. Augustin, County of Two Mountains, and to the change in the location of the Post Office the of said Parish. (*Not printed.*)
- No. 176. CORNOCK, WILLIAM:—Return to Order, All correspondence in reference to the dismissal of Mr. Wm. Cornock from the Postmastership of Erin Village, in the County of Wellington. (*Not printed.*)
- No. 177. KENNEBEC RAILWAY, MAIL CONDUCTORS:—Return to Address, Correspondence having reference to the change of Mail Conductors on the Kennebec Railway, since the first of January, 1875;—and also the names of those parties from whom contracts were taken away since that date. (*Not printed.*)
- No. 178. PORTAGE ISLAND:—Return to Address. Correspondence between the Dominion Government and the British Government, in relation to the transfer of Portage Island, in the Bay of Miramichi, from the jurisdiction of the British Admiralty to the Dominion Government. (*Not printed.*)
- No. 179. GOVERNMENT DEPOSITS, ONTARIO BANK:—Return to Order, Correspondence between the President or Cashier of the Ontario Bank and the Hon. the Finance Minister, or the Finance Department, respecting the Government Deposits in the Ontario Bank since 1st November, 1873, to the present time.
- No. 180. BRITISH COLUMBIA MAILS:—Return to Order, Copy of every tender received since November last by the Postal Department, for carrying the Mails in British Columbia. (*Not printed.*)
- No. 181. SLIDE MASTERS, OTTAWA RIVER:—Return to Order, Shewing the names of the Slide Masters at each of the Slide Stations on the Ottawa River and its tributaries on the 1st day of July, 1876; the salary or remuneration paid to each, the number of pieces of timber and saw logs, respectively, passed through each of the said Slide Stations, for the year ending 1st July, 1876. (*Not printed.*)
- No. 182. QUEBEC HARBOR COMMISSIONERS:—Return to Address, Petition of the Harbor Commissioners of Quebec, praying for the guarantee of the Government for an additional sum of \$250,000, in order to complete improvements. (*Not printed.*)
- No. 183. KAMOURASKA COURT HOUSE:—Return to Address, A statement of debentures issued by the Government of Canada, for the purchase of a building for the Court House and Gaol of the District of Kamouraska, &c. (*Not printed.*)
- No. 184. ST. JEAN L'EVANGELISTE DE LA NOUVELLE POST OFFICE:—Return to Address, Correspondence on the subject of the closing of the Post Office in the vicinity of the church St. Jean L'Evangeliste de la Nouvelle. (*Not printed.*)
- No. 185. DEWE, JOHN:—Return to Order, Commission or other documents appointing John Dewe, Post Office Inspector, and also of all orders defining his duties and functions. (*Not printed.*)
- No. 186. NASE, J. MURRAY:—Return to Order, Correspondence in connection with the dismissal of J. Murray Nase, Postmaster, at the mouth of the Neripis, King's Co., N.B. (*Not printed.*)
- No. 187. LETTERS, UNPREPAID:—Return to Order, Correspondence between the Council of the Quebec Board of Trade, and the Dominion Government, relating to the rule in existence in regard to unprepaid letters. (*Not printed.*)
- No. 188. BASS AND GASPERAUX FISHERIES, MIRAMICHI:—Return to Address, All Reports to Council in relation to the Bass and Gasperaux Fisheries, in the Rivers Napan and Black River, Miramichi, and the shores of the vicinity of the same. (*Not printed.*)
- No. 189. LACHINE CANAL:—Return to Order, Statement shewing the names and salaries or wages of each officer composing the Government staff of the Lachine Canal for 1875-6 and 1876-7; and the amount of contingencies in connection with the said staff for each of these years. (*Not printed.*)
- No. 190. LAGACÉ, BENJAMIN:—Return to Order, Correspondence respecting the appointment of Mr. Benjamin Lagacé as Postmaster of Jonquières, in the County of Chicoutimi, &c. (*Not printed.*)
- No. 191. NORTH AMERICAN BOUNDARY COMMISSION:—Message, transmitting Despatch, dated 1st September, 1876, from H. M. Secretary of State for the Colonies, relative to the North American Boundary Commission, together with a record of the proceedings, at the meeting held by the Commissioners on the 29th of May last. (*Not printed.*)
- No. 192. CARPENTER & Co.:—Return to Address, Returns of all moneys paid to Carpenter & Co., together with Orders in Council recommending such payment on account of the Dawson Route Subsidy, from 1st January, 1877, to 31st March, 1877. (*Not printed.*)

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- No. 193. CANADA CENTRAL EXTENSION, ENGINEER'S REPORT:—Return to Order, Engineer's Report of the Bonnechère and other possible routes of the Canada Central Extension. (*Not printed.*)
- No. 194. GEOLOGICAL SURVEY OF CANADA:—Report of Progress of the Geological Survey of Canada, by Alfred R. C. Selwyn, F.R.S., F.G.S., Director, for the year 1875-76. (*Not re-printed in Sessional Papers.*)
- No. 195. MACDONALD, RIGHT HON. SIR J. A.:—Return to Order, Statement of the suits and legal matters in which the legal firm of the Honorable Sir John A. Macdonald, M.P., or any partner of his said firm was instructed by his Department to act on behalf of the Crown, during his tenure of office as Minister of Justice and Attorney-General of Canada. (*Not printed.*)
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R E T U R N

TO AN ORDER of the HOUSE OF COMMONS, dated 19th February, 1877 ;
For a statement of all amounts paid to this date in connection with the
purchase of 50,000 tons of Steel Rails, Fastenings, &c., for the Pacific
Railway, with the dates of such payments, and to whom paid, in-
cluding all charges and commissions upon the same prior to their
delivery in Canada ; and all sums still remaining unpaid on account
of such purchase.

By Command,

(Signed)

R. W. SCOTT,

Secretary of State

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 12th March, 1877.

MEMORANDUM of Payments to the Mersey Steel and Iron Co., Limited, on account Contract for Steel Rails, &c.

1875.		£ s. d.	1875.		£ s. d.
April 9	Amount paid.....	3,561 19 7	Sept. 30	Brought forward...	1,707 19 2
do 20	do	4,546 6 0	do 30	do	60 14 9
do 22	do	4,623 9 3	Oct. 7	do	447 6 9
do 30	do	6,326 12 5	do 7	do	106 17 6
do 28	do	359 0 0	do 7	do	102 7 0
May 12	do	2,234 16 0	do 11	do	2,088 19 1
do 12	do	1,051 4 6	do 14	do	1,055 10 5
do 12	do	1,403 2 4	do 14	do	348 18 3
do 12	do	257 16 0	do 14	do	873 10 5
do 12	do	2,076 6 2	do 22	do	103 17 9
do 12	do	2,443 12 8	do 22	do	247 7 10
do 18	do	1,253 5 3	do 22	do	43 18 7
do 25	do	1,341 15 10	do 22	do	421 11 11
June 3	do	3,226 5 0	do 27	do	522 4 9
do 8	do	861 6 9	do 28	do	20 16 7
do 12	do	558 14 0	Nov. 5	do	20 11 6
do 12	do	262 16 1	do 5	do	1,004 12 4
do 12	do	64 9 1	do 23	do	2 10 0
do 18	do	890 9 11	Dec. 21	do	1,839 6 1
do 18	do	1,136 11 6	1876.		
do 18	do	350 15 7	Jan. 3	do	1,104 19 4
do 18	do	610 18 2	do 15	do	358 14 10
do 18	do	313 6 3	do 18	do	2,169 11 4
do 18	do	9,673 0 2	Feb. 21	do	1,056 7 0
do 25	do	1,155 17 3	March 6	do	2,796 10 7
do 25	do	1,581 13 1	do 13	do	12,120 5 6
do 25	do	89 15 1	do 25	do	3,612 5 4
do 25	do	335 8 11	do 27	do	4,672 5 11
do 25	do	2,658 5 5	do 31	do	315 9 8
do 25	do	3,738 5 2	do 31	do	189 10 7
do 25	do	479 8 2	do 31	do	372 2 8
do 25	do	1,032 18 9	April 8	do	4,756 0 8
do 30	do	6,044 10 6	do 15	do	6,064 5 3
July 2	do	1,330 12 11	do 21	do	3,542 13 9
do 2	do	1,373 13 7	do 25	do	455 2 7
do 13	do	1,676 19 2	do 25	do	443 12 4
do 13	do	451 4 4	do 25	do	4,359 1 11
do 17	do	2,653 2 10	May 3	do	51 12 7
do 21	do	212 14 8	do 4	do	2,161 13 0
do 27	do	4,620 2 4	do 4	do	2,394 18 3
do 27	do	245 5 6	do 8	do	508 17 5
do 29	do	59 5 0	do 8	do	3,570 0 2
do 29	do	1,856 9 6	do 8	do	3,424 18 11
do 29	do	465 4 1	do 15	do	181 3 11
Aug. 5	do	2,927 8 10	do 15	do	479 13 6
do 10	do	5,857 12 3	do 15	do	2,435 14 4
do 11	do	1,317 19 2	do 15	do	1,109 8 7
do 18	do	5,200 9 5	do 17	do	2,181 18 10
do 20	do	2,631 18 6	do 23	do	443 13 11
do 23	do	2,518 11 3	do 26	do	938 14 5
do 31	do	1,884 18 9	do 26	do	2,270 13 11
do 31	do	4,343 1 10	do 26	do	219 17 7
Sept. 1	do	1,768 6 8	June 2	do	3,692 19 10
do 6	do	5,710 18 6	do 7	do	599 11 0
do 8	do	1,599 12 7	do 10	do	1,148 2 4
do 8	do	754 12 9	do 23	do	1,188 9 7
do 20	do	5,419 7 3	Sundry payments at Halifax on account freights and deducted from 20 per cent. drawback paid in England		741 14 4
do 20	do	788 12 5			
do 30	do	239 9 6			
do 30	do	768 16 5			
do 30	do	393 4 0			
do 30	do	80 19 0			
Carried forward.....			Carried forward.....		

MEMORANDUM of Payments to the Morsey Steel and Iron Co., Limited, &c.—Continued.

1876.		£ s. d.	1876.		£ s. d.
<i>Brought forward...</i>			<i>Brought forward...</i>		
July 7	Amount paid.....	2,605 16 9	Aug. 5	Amount paid.....	545 9 9
do 7	do	540 8 3	do 5	do	54 19 4
do 7	do	112 14 11	do 10	do	567 13 6
do 15	do	608 18 7	do 12	do	287 0 7
do 15	do	3,030 1 4	do 12	do	923 4 11
do 21	do	983 9 1	do 18	do	297 2 5
do 21	do	1,778 3 5	do 23	do	100 2 2
do 21	do	1,501 15 10	Sept. 12	do	105 18 1
do 29	do	1,189 0 2	do 12	do	646 6 11
do 29	do	149 17 9	Oct. 21	do	318 0 6
do 29	do	234 13 7	do 21	do	205 14 1
Aug. 5	do	277 7 1	do 21	do	3 17 7
<i>Carried forward.....</i>			<i>Total</i>		231,932 6 9

MEMORANDUM of Payments to Morton, Rose & Co., on account of Commission and Cablegrams.—Contract for Steel Rails.

1875.		£ s. d.	1876.		£ s. d.
June 30	Amount paid for cables and postage	60 12 0	June 30	Amount paid for commission	719 1 10
do 30	Amount paid for commission	1,025 4 9	do 30	Amount paid for commission	202 7 1
Dec. 15	Amount paid for commission	891 4 0	Sept. 30	Amount paid for cable	12 10 0
do 15	Amount paid for cable	29 6 0	Dec. 31	do do	15 0 0
1876.			do 31	Amount paid for commission	84 14 1
June 30	do do	21 4 9	<i>Total</i>		3,061 4 6

MEMORANDUM of Payments to C. P. Sandberg on account of Inspection.—Contract for Steel Rails.

1875.		£ s. d.	1876.		£ s. d.
June 21	Amount paid	900 0 0	May 22	Amount paid.....	198 16 0
July 30	do	207 0 0	June 26	do	125 4 0
Aug. 14	do	306 15 0	Aug. 2	do	1,219 17 0
Sept. 16	do	255 6 0	Dec. 22	do	247 5 6
1876			<i>Total</i>		3,906 16 6
May 1	do	446 13 0			

MEMORANDUM of Payments to the Patent Nut and Bolt Co., on account.—Contract for Steel Rails.

1875.		£ s. d.	1875.		£ s. d.
May 10	Amount paid.....	555 0 0	May 22	Amount paid.....	57 0 9
do 10	do	390 9 9	do 22	do	236 18 6
do 22	do	157 19 0	<i>Total</i>		1,397 8 0

MEMORANDUM of Payments to Guest & Co., on account.—Contract for Steel Rails.

1875.		£	s.	d.	1875.		£	s.	d.		
July	9	Amount paid.....	5,393	12	7	April	20	Amount paid.....	13,622	11	6
do	12	do	4,277	17	6	do	24	do	379	15	7
do	19	do	4,149	19	10	May	16	do	14,558	11	7
do	30	do	14,227	15	9	do	29	do	7,307	17	2
Aug.	20	do	14,229	3	7	July	15	do	94	18	10
do	26	do	3,931	11	10	Aug.	10	do	3,035	13	8
Sept.	16	do	2,417	17	7	do	10	do	2,859	3	7
do	25	do	3,556	19	0	do	10	do	270	3	0
do	25	do	3,574	15	11	do	14	do	292	11	3
Oct.	25	do	1,034	18	8	Sept.	6	do	1,323	19	6
Nov.	4	do	982	18	0	do	16	do	10	10	2
1876.						Amount paid in Halifax on account of freight..			2,489	2	2
Jan.	12	do	10,901	12	5	Total.....			118,440	14	10
do	12	do	1,984	19	9						
April	5	do	1,431	14	5						

MEMORANDUM of Payments to the Ebbn Vale Steel Co., on account.—Contract for Steel Rails.

1875.		£	s.	d.	1875.		£	s.	d.		
May	6	Amount paid.....	6,353	2	10	Aug.	26	Amount paid.....	4,840	18	11
do	11	do	4,399	2	2	do	31	do	1,587	12	2
do	14	do	7,557	4	2	Sept.	20	do	1,306	16	4
do	28	do	293	8	7	Oct.	6	do	1,170	4	7
do	28	do	2,733	3	0	Nov.	15	do	1,066	0	10
June	7	do	6,352	5	8	Dec.	6	do	1,210	4	9
July	19	do	5,237	1	9	1876.					
do	22	do	1,656	18	5	Feb.	5	do	1,067	6	5
do	27	do	4,719	7	2	do	5	do	675	17	8
Aug.	20	do	4,264	3	6	Total.....			58,380	5	0
do	24	do	1,889	6	1						

MEMORAN UM of Payments to Naylor, Benson & Co., on account.—Contract for Steel Rails.

1875.		£	s.	d.	1875.		£	s.	d.		
April	7	Amount paid.....	10,936	16	8	June	11	Amount paid.....	11,316	14	0
May	1	do	5,581	16	1	do	21	do	6,685	6	4
do	7	do	6,390	0	9	do	25	do	2,414	11	6
do	22	do	4,820	7	0	Total.....			54,462	16	3
June	4	do	6,317	3	11						

MEMORANDUM of payments to Anderson, Anderson & Co., on account.—Contract for Steel Rails.

1875.		£	s.	d.	1875.		£	s.	d.		
May	11	Amount paid.....	81	5	8	July	5	Amount paid.....	1,299	19	8
do	18	do	1,497	10	11	1876.					
do	21	do	1,464	15	0	Jan.	20	do	526	5	6
do	31	do	11	5	9	do	20	do	597	5	8
do	31	do	9	0	6	Feb.	21	do	587	4	5
June	7	do	1,761	13	5	do	21	do	433	6	7
do	9	do	12	0	5	May	19	do	488	5	0
do	9	do	2	11	7	Total.....			10,574	11	8
do	9	do	7	4	4						
do	11	do	1,794	17	3						

MEMORANDUM of Payments to the West Cumberland Iron and Steel Company on account.—Contract for Steel Rails.

1875.		£	s.	d.	1876.		£	s.	d.		
April	19	Amount paid.....	6,339	17	3	July	15	Amount paid.....	741	0	1
do	19	do	5,701	12	10	do	15	do	1,170	12	9
do	27	do	5,634	12	4	do	29	do	7,144	10	3
do	29	do	5,530	4	7	Sept.	6	do	62	12	1
May	10	do	6,074	2	6	do	16	do	5,704	19	8
do	15	do	5,116	7	3	Oct.	6	do	967	2	0
do	18	do	167	9	6	do	14	do	4,029	3	9
do	18	do	354	19	6	Nov.	6	do	442	12	9
do	24	do	407	2	0	do	16	do	1,241	7	3
June	9	do	6,827	14	5	do	20	do	3,972	19	10
do	28	do	502	0	0	do	27	do	1,463	1	5
do	28	do	4,819	8	7	do	27	do	1,546	6	4
do	28	do	477	12	0	Dec.	15	do	2,504	18	6
do	28	do	4,368	11	1						
July	22	do	232	7	8				108,633	7	4
do	29	do	1,593	10	7			do at Halifax	24	16	10
do	31	do	244	18	0			Amount unpaid.....	7,255	5	4
Aug.	12	do	4,886	9	10						
do	16	do	72	16	5						
do	20	do	2,446	5	5						
do	30	do	88	0	0						
do	31	do	2,505	5	5						
Sept.	9	do	828	4	4						
do	10	do	1,728	18	7	1875.					
do	20	do	1,279	0	4	June	30	Insurance on rails to			
do	24	do	207	1	1	do	30	British Columbia.....	597	18	3
Oct.	21	do	611	11	4	do	30	do do ..	554	7	3
Nov.	5	do	1,221	12	6	1876.					
do	22	do	2,964	0	4	June	30	do do ..	670	13	0
						do	30	do do ..	587	2	4
						do	30	do do ..	332	1	2
1876.						do	30	Surveyor's fee.....	4	4	0
May	11	do	4,682	11	3			Total.....	118,648	16	6
do	11	do	349	15	8						
do	15	do	18	4	1						

J. BAINE,
Accountant.

RETURN

To an ADDRESS of THE SENATE, dated 15th February, 1877; For a statement showing the use which has been made, during the year 1876, of any portion of the Steel Rails purchased by the Government in the years 1874 and 1875.

By Command,

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 5th March, 1877.

CANADIAN PACIFIC RAILWAY.

OFFICE OF THE ENGINEER-IN-CHIEF,

OTTAWA, February 26th, 1877.

F. BRAUN, Esq.,

Secretary Public Works :—

SIR,—In reply to yours of the 22nd instant, enclosing Address from the Senate asking for a Return showing the use made of the steel rails purchased in 1874-5, I beg to hand you the following memorandum :—

Steel Rails.

	<i>Tons.</i>
Laid in track from Fort William westward, 25½ miles.....	2,295
Delivered at Railway Wharf, Fort William.....	14,057
Delivered opposite Winnipeg at St. Boniface.....	12,008
Delivered at Selkirk, Red River.....	918
Delivered for the Intercolonial Railway at Halifax.....	11,160
Delivered at Penitentiary Wharf, Kingston.....	4,575
Delivered at Nanaimo, British Columbia.....	5,077
Total tons.....	50,090

I am, &c., &c.,

(Signed)

SANDFORD FLEMING.

(No. 78.)

R E T U R N

To an ADDRESS of the SENATE, dated 3rd April, 1876;—Showing the number of tons of freight carried over the Government Railways in the Maritime Provinces in the quarter ending December 31st, 1875, distinguishing between that carried under special rates and that under regular tariff rates; also the average rate per ton per mile in each case.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 7th March, 1877.

(No. 79.)

R E T U R N

To an ADDRESS of the HOUSE OF COMMONS, dated 12th March, 1877;—For copies of all contracts and Orders in Council during the year 1876, in connection with the enlargement of St. Peter's Canal.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 17th April, 1877.

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

(No. 80.)

RETURN

To an ADDRESS of the SENATE, dated 28th March, 1876 ;---A Statement showing the amount of Dominion Notes that have been redeemed in gold from the first day of September, 1874, to the 31st December, 1875, showing the names of the banks or individuals making the demand, or to whom the money has been paid.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 8th March, 1877.

(No. 80.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 7th March, 1877 ;---For Returns of the accounts of Dominion Notes of the denominations of one and two dollars (payable in Victoria), which have been forwarded by Government to the Assistant Receiver-General for the Province of British Columbia, during each year since the admission of that Province into the Dominion ; together with the amounts of such notes returned for cancellation during each year therein mentioned.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 15th March, 1877.

(No. 81.)

R E T U R N

To an ADDRESS of the SENATE, dated 15th February, 1877;—1st. Copies of all contracts entered into during the year 1876, for the conveyance of Her Majesty's Mails from Sydney to Cow Bay, Little and Big Glace Bays, and Bridgeport, in the County of Cape Breton.

2nd. Also copies of notices for tenders, and the titles of the newspapers wherein they were inserted, with all copies of other documents, correspondence, &c., in reference to such contracts.

Also,---Copies of all other contracts entered into in the year 1874, 1875 and 1876, in the said County of Cape Breton, with vouchers of payments for said services for transmission of Mails.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 8th March, 1877.

(No. 82.)

R E T U R N

To an ORDER of the HOUSE OF COMMONS, dated 5th March, 1877;—For names of all the Deputy Adjutant-Generals and Brigade-Majors on the staff of the Volunteer Militia Force of Canada on 1st January, 1876; the Districts in which they were stationed, the date of their appointments, respectively, the length of time they had each served, the names of those who have been removed from the staff, the date of such removal, and the names of those officers who have been appointed Deputy Adjutant-Generals and Brigade-Majors since 1st January, 1876, and the length of time they have served in the Volunteer Force of Canada before such appointments were made.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 8th March, 1877.

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

(No. 83.)

RETURN

To an ADDRESS of the HOUSE OF COMMONS, dated 19th February, 1877 ;—For all correspondence which may have passed between the Government of Canada or any of its officers, and F. J. Barnard, Esq., Contractor for the Telegraph Lines in British Columbia, since the 26th May, 1875 ; also all Departmental Orders or Orders in Council since the same date in relation to the construction or maintenance of the said Telegraph Lines ; or in relation to the claims made by the said F. J. Barnard, in consequence of the Orders given him on 9th April, 1875, to stop work on the said Telegraph Line in British Columbia.

By Command.

R. W. SCOTT,
*Secretary of State.*DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 12th March, 1877.

(No. 83.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 19th February, 1877 ;—For statement showing each sum of money paid to F. J. Barnard, Esq., Contractor for the Telegraph Line in British Columbia, since 10th February, 1875, also stating why each sum of money was so paid, and giving the estimates, vouchers, reports and orders in virtue of which each sum was so paid.

By Command.

R. W. SCOTT,
*Secretary of State.*DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 12th March, 1877.

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

(No. 84.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 7th March, 1877;—For a copy of the Engineer's Report of the survey of Eagle Harbor, in the County of Elgin, to decide on its suitability for a Harbor of Refuge and map of said Harbor.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 12th March, 1877.

(No. 85.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 29th March, 1876;—For copies of all tenders, correspondence and documents of whatsoever nature, between the Inspector of Post Offices for the Quebec Division, The Post Office Department at Ottawa, and any persons whomsoever, in relation to the contract for carrying the Mail between Scott's Junction, in the County of Beauce, and Parish of St. Bernard, in the County of Dorchester.

By Command.

R. W. SCOTT,

Secretary of State

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 12th March, 1877.

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

RETURN AND SUPPLEMENTARY RETURN TO ADDRESS.

CORRESPONDENCE

RELATING TO THE

G R E A T S E A L

OF THE

PROVINCE OF NOVA SCOTIA

BEING AFFIXED TO DOCUMENTS REQUIRING THE SAME.

Printed by Order of Parliament.



OTTAWA:

PRINTED BY MACLEAN, ROGER & Co., WELLINGTON STREET.

1877

RETURN

TO AN ADDRESS OF THE HOUSE OF COMMONS, dated 12th March, 1877; For copies of all correspondence between the Imperial Government and the Dominion Government; and between the Dominion Government and the Provincial Government of Nova Scotia, relating to the Great Seal of the Province that has been affixed to all documents requiring the same, since Confederation.

By Command,

(Signed) R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 13th March, 1877.

The Secretary of State for the Colonies to the Governor-General.

DOWNING STREET,
14th October, 1868.

(Canada Separate.)

MY LORD,—I have the honour to enclose a certified copy of Her Majesty's Warrant of Assignment of Armorial Bearings, for the Dominion and Provinces of Canada, which has been duly enrolled in Her Majesty's College of Arms, and I have to request that your Lordship will take such steps as may be necessary for carrying Her Majesty's gracious intentions into effect.

I have, &c.,

(Signed) BUCKINGHAM & CHANDOS.

To Governor
The Right Hon. VISCOUNT MONK,
&c. &c., &c.

Warrant granting Armorial Bearings for the Provinces of Ontario, Quebec, Nova Scotia, New Brunswick, and a Great Seal for the Dominion of Canada.

VICTORIA R.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c.

To our right trusty and well-beloved Councillor, Edward George Fitzalan Howard, (commonly called Lord Edward George Fitzalan Howard,) Deputy to our right trusty and right entirely beloved Cousin, Henry, Duke of Norfolk, Earl Marshal, and our Hereditary Marshal of England,

GREETING :

WHEREAS, by virtue of and under the authority of an Act of Parliament, passed in the twenty-ninth year of Our Reign, entitled "An Act for the Union of Canada, Nova Scotia, and New Brunswick, and the Government thereof," We were empowered to declare, after a certain day therein appointed, that the said Provinces of Canada, Nova Scotia, and New Brunswick, should form one Dominion, under the name of Canada; and it was provided that on and after the day so appointed, Canada should be divided into four Provinces, named Ontario, Quebec, Nova Scotia, and New Brunswick; that the part of the then Province of Canada which formerly constituted the Province of Upper Canada, should constitute the Province of Ontario; and the part which formerly constituted the Province of Lower Canada, should constitute the Province of Quebec; and that the Provinces of Nova Scotia and New Brunswick, should have the same limits as at the passing of the said Act. And, whereas, we did by our Royal Proclamation, bearing date the twenty-second day May last, declare, ordain, and command, that on and after the first day of July, 1867, the said Provinces should form and be one Dominion, under the name of Canada accordingly.

And forasmuch as it is our Royal Will and Pleasure that for the greater honour and distinction of the said Provinces certain armorial ensigns should be assigned to them;

Know ye, therefore, that We, of Our Princely Grace and special favour, have granted and assigned, and by these presents do grant and assign the armorial ensigns following, that is to say:—

For the Province of Ontario:—Vert a sprig of three leaves of maple slipped or, on a chief argent the cross of St. George.

For the Province of Quebec:—Or on a fess gules between two fleur-de-lis in chief azure and a sprig of three leaves of maple slipped vert in base a lion passant guardant or.

For the Province of Nova Scotia:—Or on a fess navy azure between three thistles proper a salmon naiant argent.

For the Province of New Brunswick:—Or on waves a lymphad, or ancient galley with oars in action proper on a chief gules, a lion passant guardant, or, as the same are severally depicted in the margin hereof, to be borne for the said respective provinces on seals, shields, banners, flags or otherwise according to the laws of arms.

And we are further pleased to declare that the said United Provinces of Canada being one Dominion under the name of Canada, shall upon all occasions that may be required, use a common seal to be called the "Great Seal of Canada," which said seal shall be composed of the arms of the said four Provinces quarterly, all which Armorial Bearings are set forth in this our Royal Warrant. Our will and pleasure, therefore, is that you, Edward George Fitzalan Howard (commonly called Lord Edward George Fitzalan Howard), Deputy to our said Earl Marshal, to whom the cognizance of matters of this nature doth properly belong, do require and command that this our Concession and Declaration be recorded in our College of Arms in order that our officers of arms and all other public functionaries whom it may concern, may take

full notice and knowledge thereof, in their several and respective departments; and for so doing, this shall be your Warrant. Given at our Court at St. James this twenty-sixth day of May, in the thirty-first year of Our Reign.

By Her Majesty's Command,
(Signed) BUCKINGHAM & CHANDOS.

I, Albert William Woods, of the College of Arms, London; Lancaster, Herald and Registrar of the said College, do hereby certify and declare that the foregoing is a true and faithful copy of the original Warrant, and that the same has been examined with the record thereof in the books of the College of Arms, by me this twenty-first day of September, 1868.

(Signed) ALBERT W. WOODS,
Lancaster and Registrar.

Lord Monck to the Duke of Buckingham and Chandos.

(No. 202.)

QUEBEC, 10th November, 1868.

MY LORD DUKE,—Referring to Your Grace's despatch of 14th October, marked separate, and the accompanying Royal Warrant granting armorial bearings to the Dominion of Canada and the several Provinces, and designating the "Great Seal" of the Dominion, I have the honour to state that I have abstained from publishing in the *Gazette* the Royal Warrant until a "Great Seal" in accordance with its requirements shall have been prepared, as I am advised that the publication of the warrant might render invalid documents issued under the "Great Seal" of the Dominion at present in use.

I have, &c.,
(Signed) MONCK.

His Grace the DUKE of
BUCKINGHAM and CHANDOS.

(Canada—No. 234.)

DOWNING STREET, 9th December, 1868.

SIR,—With reference to Viscount Monck's despatch, No. 202, of the 10th of November last, I have the honour to transmit to you a copy of a letter from the chief engravers of Her Majesty's seals, intimating that the five seals which are now in the course of engraving, to be used in the Dominion of Canada, are in a very forward state, and that they will lose no time in completing them.

I have, &c.,

(Signed) BUCKINGHAM & CHANDOS.

The Right Honourable

Sir JOHN YOUNG, Bart., G.C.B., G.C.M.G., &c. &c.

Messrs. Wyon to Sir Frederic Rogers.

287 REGENT STREET, 3rd December, 1868.

SIR,—We beg to acknowledge the receipt of your letter of the 2nd inst., and to state in reply, for the information of His Grace the Duke of Buckingham and Chandos, that immediately upon the receipt of your letter of the 19th August last, enclosing Her Majesty's warrant, ordering us to engrave five seals to be used in the Dominion of Canada, we proceeded to execute the same with all possible despatch. The seals are now in a very forward state; and we will continue to lose no time in completing them, which we hope to do shortly.

We are, &c.,

(Signed) J. L. & A. B. WYON,
Chief Engravers of Her Majesty's Seals.

Sir FREDERIC ROGERS, Bart., &c., &c.,

(Canada—No. 17.)

DOWNING STREET, 16th January, 1869.

SIR,—With reference to my predecessor's despatch, No. 234, of the 9th ultimo, I transmit to you for your information, a copy of a further letter from Messrs Wyon, intimating that the Great Seal for the Dominion of Canada is expected to be completed in the course of the month of February. It will then be submitted at the next Council for Her Majesty's final approval.

I have, &c.,

(Signed)

GRANVILLE.

Governor General,
The Right Honourable
Sir J. YOUNG, G.C.B., G.C.M.G.,
&c., &c.

Messrs. Wyon to Sir Frederic Rogers.

287 REGENT STREET W., 29th December, 1868.

SIR,—In reply to your letter of the 24th inst., we beg to state that we expect to complete the Great Seal for the Dominion of Canada some time in February next.

The design being of a very elaborate character, we find it takes a longer time to execute than we anticipated, but we are proceeding with it with all possible despatch.

We have, &c.,

(Signed)

J. P. & A. B. WYON.

Sir FREDERIC ROGERS, Bt.,
&c., &c.

(Canada—No. 23.)

DOWNING STREET, 8th May, 1869.

SIR,—With reference to previous correspondence, and especially to my despatch No. 17, of the 16th January last, I have the honour to transmit to you five Seals, for the Dominion of Canada, and the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick respectively.

I also transmit to you the Queen's Warrant under the Royal Sign Manual and Signet, authorizing and directing that the said Seals shall respectively be used for the sealing of all things whatsoever which shall pass the Great Seal of the Dominion of Canada and the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, and requiring you to return the old Seals for the General Government of Canada and the Provincial Governments of Ontario, Quebec, Nova Scotia and New Brunswick, in order to their being defaced by Her Majesty in Her Privy Council.

I have the honour to be, Sir,

Your most obedient, humble servant,

(Signed)

GRANVILLE.

Governor General,
The Right Honourable
Sir JOHN YOUNG, Bart., G.C.B., G.C.M.G.
&c., &c.

Warrant authorizing the use of Seals prepared for the Dominion of Canada and Provinces of Ontario, Quebec, Nova Scotia and New Brunswick.

[L.S.]

VICTORIA R.

To our right trusty, and well-beloved Councillor, Sir John Young, Baronet, Knight Grand Cross of Our Most Honourable Order of the Bath, Knight Grand Cross of Our Most Distinguished Order of St. Michael and Saint George, our Governor-General of Canada, or in his absence, to our Lieutenant-Governor or the officer administering the Government of our Dominion of Canada for the time being, Greeting :

With this you will receive five Seals prepared by Our Order for the use of Our Dominion of Canada and Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick respectively. Our Will and Pleasure is, and we do hereby authorize and direct that the said Seals shall be respectively used for the sealing of all things whatsoever which shall pass the Great Seals of Our said Dominion of Canada and Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, and for Our Service in our said Dominion and Provinces. We do further require and command you that you do return the old Seals for the General Government of Canada and the Provincial Governments of Ontario, Quebec, Nova Scotia and New Brunswick to us through one of our principal Secretaries of State in order to their being defaced in like manner with other seals by Us in Our Privy Council, and so We bid you farewell.

Given at Our Court at Osborne House, Isle of Wight, this seventeenth day of May 1869, in the thirty-second year of Our Reign.

By Her Majesty's command.

(Signed) GRANVILLE.

No. 72.)

The Governor General to the Secretary of State for the Colonies.

OTTAWA, 2nd July, 1869.

MY LORD,—I have the honour to enclose a memorandum furnished by the Honourable the Minister of Justice, the Prime Minister, on the subject of a Great Seal for the Dominion of Canada and of Great Seals for the four Provinces of which the Dominion is composed.

Her Majesty's Warrant, issued from the College of Arms on the 21st September, 1868, grants Armorial Bearings to the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, but makes mention of a Great Seal only for the Dominion of Canada.

Under these circumstances stated in the Minister of Justice's memorandum, I beg leave to be furnished with your Lordship's instructions for my guidance in respect to the four Provincial Seals.

I have, &c.,

(Signed) JOHN YOUNG.

The Right Honourable

The EARL GRANVILLE, K.G.,

&c., &c., &c.

DEPARTMENT OF JUSTICE,

OTTAWA, 25th June, 1869.

The undersigned has the honour to call your Excellency's attention to the several despatches from the Colonial Office on the subject of a Great Seal for the Dominion of Canada, and of Great Seals for the four Provinces of which it is composed.

With a despatch from the Duke of Buckingham dated 1st June, 1867, three seals for the Dominion of Canada and the Provinces of Ontario and Quebec respectively, were transmitted to the Governor General. At the same time there was sent the Queen's Warrant ordering that the Seals should be used for the sealing of all things whatever which should pass the Great Seal of the Dominion, or of either of the said Provinces, and the Governor General was informed that it was intended to substitute for those Seals thereafter, others of a different and more elaborate design.

In a subsequent Despatch of 14th October, 1868, His Grace transmitted a certified copy of Her Majesty's Warrant of assignment of Armorial Bearings for the Dominion and the four Provinces of Canada, and the Governor General was requested to take such steps as might be necessary for carrying Her Majesty's wishes into effect.

This Warrant conferred Armorial Bearings on the Dominion, and on each of the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, and provided further that Canada should have a Great Seal, which Seal should be composed of the Arms of the said four Provinces quarterly.

As this despatch and Warrant were not accompanied by a Great Seal according to the Warrant, Lord Monk in a despatch bearing date informed the Colonial Secretary that he could not publish the Warrant officially as on the issue of the proclamation the Seal previously transmitted to His Lordship would cease to be the Great Seal of Canada.

His Grace replied on the informing His Lordship that
the new Seal was in progress, and would be transmitted as soon as completed.

It will be observed that the Warrant, while it provides for a Great Seal for the Dominion, is silent as to Seals for the Provinces and merely gives them Armorial Bearings.

With the last despatch received from the Colonial Office on the subject from Earl Granville, bearing date 8th May last, five Seals for the Dominion of Canada and for the four Provinces respectively were transmitted, and they were accompanied by a Warrant from Her Majesty to Your Excellency ordering those seals to be used in the sealing of all things which should pass the Great Seal of the Dominion and the Provinces respectively, and Your Excellency was commanded thereby to return the old Seals in order to their being defaced.

There can be no doubt that Her Majesty has the sole power to order and to change at will the Great Seal of the Dominion. A question, however, arises, whether, under the British North America Act, 1867, and under the altered position of the Provinces caused by that Act, the power to fix the Great Seals for those Provinces does not rest elsewhere.

Instead of being separated Colonies they are now portions of the Dominion. Their Lieutenants-Governors are no longer appointed by Her Majesty but by the Governor General in Council, and in the absence of any express provision in the Act, it might be argued that their Great Seals should be appointed and altered by the Governor General in the same manner as Her Majesty orders the Great Seal for the Dominion.

It is, however, expressly provided by the 136th clause of the Act, that until altered by the Lieutenant-Governor in Council, the Great Seals of Ontario and Quebec, respectively, shall be the same, or of the same design as those used in the Provinces of Upper Canada and Lower Canada respectively, before their union, and the Province of Canada.

There is no mention in the Act of Great Seals for Nova Scotia and New Brunswick, but it would seem that if the Lieutenants-Governors of Ontario and Quebec have the sole right of altering the Great Seal of their respective Provinces at pleasure, that the same authority ought to be held to exist in the Governments of Nova Scotia and New Brunswick.

The undersigned, under the circumstances, begs leave to recommend that Your Excellency give effect at once to that portion of Her Majesty's Warrant which established the new Great Seal for the Dominion, but before taking further steps with respect to the Seals appointed for the Provinces, that additional instructions should be asked for.

All which is respectfully submitted.

(Signed)

JOHN A. MACDONALD.

(Canada—No. 169.)

The Secretary of State to the Governor General.

DOWNING STREET, 23rd August, 1869.

SIR,—I have the honour to acknowledge the receipt of your despatch, No. 72, of the 2nd July, enclosing a memorandum of the Hon. the Minister of Justice on the subject of the Great Seal for the Dominion, and of the Seals for the four Provinces of which the Dominion is composed.

No question has been raised with respect to the Great Seal of the Dominion, and, in truth, there can be no doubt that Her Majesty has the sole power to order and to change at will that Great Seal.

Nor do I entertain any doubt that in Her Majesty alone is vested a like power with respect to the Great Seals of the Provinces of New Brunswick and Nova Scotia; the Imperial Act is silent as to these seals, and the power existing in Her Majesty at the time of the passing of the Act cannot, I apprehend, be considered to have been taken away by any implication arising from the 136th section, which is in terms expressly confined to the Provinces of Ontario and Quebec.

With respect to the Great Seals for these latter Provinces, the provisions of the 136th section appear to have escaped observation till quite recently, but I am clearly of opinion that the proper mode of introducing the new seals into those Provinces will be by proclamation or order of the respective Lieutenant-Governors under the powers vested in them by that section. I presume that there will be no difficulty in taking this course.

These observations appear to me to dispose of the questions arising upon the recent Warrant of the 7th May.

For the future, however, it will probably be convenient that the four Provinces should be on the same footing with respect to their Great Seals; and that if the Lieutenant-Governors of the Provinces of Ontario and Quebec have the sole right of altering the Seals of those Provinces, at pleasure, the same right should be vested in the Lieutenant-Governors of New Brunswick and Nova Scotia.

A doubt also may be raised upon the construction of the 136th section, whether the power of altering the Great Seals of Ontario and Quebec will cease after it has once been exercised, or whether it may afterwards be exercised from time to time.

On these grounds, and because I cannot doubt that it was intended to vest the power of altering the Seals in the Lieutenant-Governors of those Provinces, I see no reason, as at present advised, why the power from time to time to alter the Great Seals of all the Provinces should not be vested in the respective Lieutenant-Governors.

I should be glad, however, to be favored with the views of yourself and your responsible Ministers upon this point.

If they desire this power to be vested in the Lieutenant-Governors, the question will arise whether this can be done by local legislation or will require an Act of the Imperial Parliament.

Upon this question I am advised that the assent of the Crown being first obtained, local Acts afterwards assented to by the Crown would be a legal mode of empowering

this alteration to be made in those Provinces where it is not at present legal. But that it might be a shorter and more convenient mode of affecting the same object to pass an Imperial Act.

I have, &c.,

Signed) GRANVILLE.

Governor General,
The Right Honourable
Sir JOHN YOUNG, Bt., G.C.B., G.C.M.G.

COPY of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor-General in Council, on the 16th November, 1869.

The Committee have had under consideration the annexed memorandum, dated 13th November, 1869, from the Hon. the Minister of Justice, on certain correspondence had with Her Majesty's Imperial Government respecting the appointing and altering of the Great Seals for the Provinces of the Dominion, and they humbly advise that the recommendations submitted in the said annexed memorandum be approved and carried out.

Certified.

(Signed)

WM. H. LEE,
Clerk Privy Council.

To the Honorable
The Secretary of State,
for Provinces, &c., &c., &c.

DEPARTMENT OF JUSTICE,

OTTAWA, November 13th, 1869.

The undersigned has the honour to report to your Excellency that by Her Majesty's Warrant, bearing date the 26th day of May, 1868, Armorial Bearings for the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick were granted, and a Great Seal appointed for the Dominion of Canada, to be composed of the said arms of the said four Provinces quarterly;

That no Great Seal was transmitted with such Warrant;

That with another Warrant of Her Majesty, bearing date the 7th day of May, 1869, five seals were transmitted, which are stated in such Warrant to be for the use of the Dominion of Canada and the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick respectively; and by such Warrant Her Majesty authorized and directed that the said Seals should be respectively used for the sealing of all things whatsoever which shall pass the Great Seals of the said Dominion and of the said Provinces.

That the said Warrants were referred to the undersigned for report, and that he, on the 25th day of June, last, in his report to Your Excellency, called your attention to the subject in the following words:—

“There can be no doubt that Her Majesty has the sole power to order and to change, at will, the Great Seal of the Dominion. A question, however, arises, whether, under the British North America Act, 1867, and under the altered position of the Provinces caused by that Act, the power to fix the Great Seals for those Provinces does not rest elsewhere.

“Instead of being separate colonies, they are now portions of the Dominion Their Lieutenant-Governors are no longer appointed by Her Majesty, but by the

Governor General in Council, and in the absence of any express provision in the Act, it might be argued that their Great Seals should be appointed and altered by the Governor General, in the same manner as Her Majesty orders the Great Seal for the Dominion.

"It is, however, expressly provided by the 136th clause of the Act, that until altered by the Lieutenant Governor in Council, the Great Seals of Ontario and Quebec respectively shall be the same, or of the same design as those used in the Provinces of Upper Canada and Lower Canada respectively, before their Union as the Province of Canada.

"There is no mention in the Acts of Great Seals for Nova Scotia and New Brunswick, but it would seem that if the Lieutenant-Governors of Ontario and Quebec have the sole right of altering the Great Seal of their respective Provinces at pleasure, that the same authority ought to be held to exist in the Governments of Nova Scotia and New Brunswick."

And the undersigned recommended that, before taking any steps with respect to the Seals appointed for the Provinces, Your Excellency should ask for further instructions.

This report having been transmitted by Your Excellency to the Secretary of State for the Colonies, a despatch dated 23rd August last was received, stating his opinion that in Her Majesty was vested the power of ordering a Great Seal for the Provinces of Nova Scotia and New Brunswick.

The Colonial Secretary further states with respect to the Great Seals for Ontario and Quebec, that the provisions of the 136th section appeared to have escaped observation, but that in his opinion the proper mode of introducing the New Seals into those Provinces will be by proclamation or order of the respective Lieutenant-Governors under the powers vested in them by that section.

He also states that for the future it will probably be convenient that the four Provinces should be on the same footing with respect to the Great Seals, and that if the Lieutenant Governors of the Provinces of Ontario and Quebec have the sole right of altering the seals of those Provinces at pleasure, the same right should be invested in the Lieutenant-Governors of Nova Scotia and New Brunswick, and suggests that provision might be made either by local legislation or by an Act of the Imperial Parliament.

The undersigned has now the honour to recommend :

First,—That your Excellency do, under the authority of the Warrant of the 7th May, 1869, at once order that the Great Seal transmitted therewith be hereafter used as the Great Seal of the Dominion of Canada, and that the old Seal be returned according to such Warrant.

Secondly,—That the Great Seals for the Provinces of Nova Scotia and New Brunswick be transmitted to the Lieutenant-Governors of those Provinces, with copies of the correspondence with the Colonial Office respecting the same; and that they be instructed to carry out Her Majesty's pleasure by adopting the transmitted Seals as the Seals of their respective Provinces.

Thirdly,—That the Great Seals of the Provinces of Ontario and Quebec be also transmitted to the Lieutenant-Governors of those Provinces, with copies of the correspondence, so that those Provincial Governments may have the opportunity of adopting such Seals, should they think proper to do so.

Fourthly,—That copies of Her Majesty's Warrant, granting Armorial Bearings to the four Provinces, be also transmitted to the respective Lieutenant-Governors.

All which is respectfully submitted.

(Signed)

JOHN A. MACDONALD.

OTTAWA, 20th November, 1869.

Received this day, from the Under-Secretary of State for the Provinces, the Great Seal of the Province of Nova Scotia, to be delivered to the Lieutenant-Governor of that Province.

(Signed) EDWARD KENNY.

OFFICE OF THE SECRETARY OF STATE FOR THE PROVINCES,
24th November, 1869.

SIR,—I have the honour to transmit to you herewith, copies of certain correspondence had with Her Majesty's Imperial Government respecting the appointing and altering of the Great Seal for the several Provinces of the Dominion.

2. I have at the same time to send you a copy of Her Majesty's Warrant granting Armorial Bearings to the several Provinces aforesaid.

3. The Great Seal appointed for the Province of Nova Scotia will be forwarded to you on the first fitting opportunity that presents itself.

4. Upon the delivery into your hands of the Great Seal, you will have the goodness to take measures to carry out Her Majesty's pleasure, as indicated in the accompanying correspondence, by adopting the said Seal as the Great Seal of the Province of Nova Scotia. You will also be pleased to transmit to me the old Seal of the Province of Nova Scotia, with a view to its being returned by His Excellency to Her Majesty for the purpose of being defaced.

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

(Signed) J. HOWE.

Major-General Sir HASTINGS DOYLE, G.C.M.G.,
Lieutenant-Governor,
Halifax, N. S.

(No. 38.)

GOVERNMENT HOUSE,
HALIFAX, NOVA SCOTIA,
7th December, 1869.

SIR,—I have the honour to acknowledge the receipt of your despatch No. 1,577, of the 24th ultimo, containing copies of correspondence concerning the Seals for the Provinces of British North America. I have also received, at the hands of the Honourable the President of the Privy Council, the new Seal of the Province of Nova Scotia.

I shall take the first available opportunity of transmitting the old Seal to His Excellency the Governor-General, in order that it may be returned to the Secretary of State for the Colonies.

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

(Signed) HASTINGS DOYLE.

The Honourable
The Secretary of State for the Provinces.

(No. 8.)

GOVERNMENT HOUSE,

HALIFAX, 7th February, 1870.

SIR,—Referring to your despatch No. 1,577, of the 24th November, transmitting to me the Seal which Her Majesty had been pleased to direct should be used as the Great Seal of the Province of Nova Scotia, and in which also copies were enclosed of a correspondence between the Imperial and Dominion Governments concerning the power of altering the Seals of the several Provinces of the Dominion, I have the honour to enclose a copy of a Minute of my Executive Council, deprecating any alteration being made in the Seal heretofore in use in this Province.

I have to request that this document may be brought to the notice of His Excellency the Governor General, in order that the same may, if His Excellency sees fit, be transmitted to Her Majesty's Secretary of State for the Colonies.

I have the honour to be, Sir,

Your obedient servant,

(Signed)

HASTINGS DOYLE.

The Honourable

The Secretary of State for the Province,

&c., &c., &c.

COPY of a Minute of Council, passed the 2nd day of February, 1870.

The Lieutenant-Governor submits a communication from the Secretary of State for the Provinces, transmitting for the consideration of the Council a despatch from Earl Granville, the principal Secretary of State for the Colonies, on the subject of altering the Great Seal of the Province of Nova Scotia.

It appears from the despatch of Earl Granville that the anomalous position in which Nova Scotia is placed in regard to the Seal of the Province, by the Imperial Act confederating the four Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, has not escaped the attention of Her Majesty's Government. The British North America Act recognizes the right of the Governor in Council, both in Ontario and Quebec, to alter the Seals of those Provinces, and Earl Granville distinctly states that it is proposed, by Imperial statute or otherwise, to extend the same power to the Provinces of Nova Scotia and New Brunswick.

The Council, while freely recognizing the right of Her Majesty the Queen to change and alter the Great Seal of the Province at pleasure, respectfully submit that as the people are warmly attached to the Seal which for a long period of time was used in sealing all Provincial documents under their old and highly-valued constitution, the Government be permitted to retain the old Seal, instead of adopting the new one, a course which will obviate the necessity of either Imperial or Local legislation on the subject.

Certified.

(Signed)

W. B. VAIL,

Clerk of Council.

The Honourable

The Secretary of State for the Provinces.

OFFICE OF THE SECRETARY OF STATE FOR THE PROVINCES.

14th February, 1870.

SIR,—I have the honour to acknowledge the receipt of your letter of the 7th inst., covering a certified copy of a minute of your Executive Council, deprecating any alteration being made in the Seal heretofore in use in the Province of Nova Scotia.

Your letter and its enclosure will, as you request, be brought under the notice of His Excellency the Governor General with a view to their being transmitted by him, should he see fit, to the Secretary of State for the colonies.

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

(Signed) J. HOWE.

Lieut.-General,
Sir HASTINGS DOYLE,
R.C.M.G., Halifax, N.S.

SUPPLEMENTARY RETURN

To AN ADDRESS of the HOUSE OF COMMONS, dated 12th March, 1877;—For copies of all correspondence between the Imperial Government and the Dominion Government, and between the Dominion Government and the Provincial Government of Nova Scotia, relating to the Great Seal of the Province that has been affixed to all documents requiring the same since Confederation.

By Command,

(Signed)

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 13th April, 1877.

Telegram from Hon P. C. Hill to Hon. W. B. Vail, 17th March, 1877.

"Referring to Lord Granville's despatch of 25th August, 1869, he suggests that assent of Crown being first obtained, Local Acts afterwards assented to by Crown would be a legal mode of empowering alterations in Great Seals. If Dominion Government will telegraph Colonial Minister for telegram recognizing use of old Seal since 1869, and conveying assent of Crown to a Local Act we could pass it this session and settle the whole difficulty. Please get this done, if by any possibility it can; of utmost importance to us. Answer telegraph."

(Copy of telegram.)

The Earl of Dufferin to the Earl of Carnarvon.

9th March, 1877.

The Nova Scotia Government, pursuant to Lord Granville's despatch of August 25th, 1869, request Crown's recognition of use of old Seal and assent to Local Bill legalizing use of Seal and vesting power in the Lieutenant-Governor in future.

Although assent perhaps unnecessary, hope you will agree by cable; case urgent.

(Copy of Cable Message.)

13th March, 1877.

The Crown assents, pursuant to Lord Granville's despatch, to introduction of Bill empowering the Lieutenant Governor to alter Seal, but the further request that the Crown should recognize and localize Bill legalizing the past use of the old Seal is new, and will I take advice on the subject. This I will do immediately, and as soon as possible reply further. Of course anything necessary to be done, which can be done here, will be done.

(Signed) CARNARVON.

To Governor General.

Telegram from the Secretary of State to Lieutenant-Governor of Nova Scotia.

14th March, 1877.

"Confidential. Upon telegram of 9th March, from Mr. Hill, your Minister, to Mr. Vail, Colonial Secretary, was asked for assent of Crown pursuant to Lord Granville's despatch, August, '69, to local Bill vesting power, with reference to Seal, in Lieutenant-Governor in future, and also for Crown's assent to local Bill legalizing use of Great Seal; and also for Crown's recognition of use of old Seal; Colonial Secretary cables Crown's assent pursuant to Lord Granville's despatch to introduction of Bill, empowering Lieutenant-Governor to alter Seal. Further requests are under consideration."

GOVERNMENT HOUSE,

HALIFAX, N.S., 28th March, 1877.

SIR,—I have the honour to bring to your notice, for the information of His Excellency the Governor General, certain circumstances in connection with the Great Seal of this Province, which at the present time are attracting much attention in the Legislature and in the press, and in reference to which I feel it my duty to furnish His Excellency with some detailed information.

By a Statute of this Province, passed in 1874, power was given to the Lieutenant-Governor in Council to regulate the precedence of the Bar by instruments passed under the Great Seal.

By virtue of the provisions of this Statute, a Patent had issued giving precedence to certain members of the Bar. The validity of this Patent was lately called in question in the Supreme Court, at Halifax, in a proceeding instituted by a member of the Bar who had been appointed Queen's Council before the date of the Act, and whose order of precedence was altered, unfavourably to him, by the Patent.

Among the other grounds taken in the argument, it was contended that the Document, though bearing what purported to be the Great Seal, did not really bear the Great Seal.

It appeared by affidavit that there were two Seals in existence, each purporting to be the Great Seal. The question to be decided was, which of these was the true Seal.

On the requisition of the Assembly, after the proceedings in Court had commenced, all the correspondence to be found at Government House on the subject of the Seals was laid on the table of the House. I send herewith a printed copy of these papers, marked A; they were subsequently brought to the notice of the Court and used in the argument.

On Monday last, the 26th instant, the Court gave judgment. The decision did not really turn on the validity of the Seal; the Court, with the exception of one of the Judges, holding that the Statute authorizing the Patent in question was not retrospective in its operation, and therefore did not affect the precedence acquired, before the passing of the Act, by the gentleman who had instituted the proceedings.

The Judges did not, however, confine themselves to this point. They took up the general question of the validity of the Seal.

The Chief Justice, Judges Desbarres, McDonald, Wilkins and James constituted the Court on this occasion; Judge Smith, who had been Attorney-General for a portion of the time after 1869, took no part.

I send you printed copies marked B of the judgment delivered by the Chief Justice, Judge Wilkins, and

By this decision, the Great Seal in use is by three out of five of the Judges declared to be illegal; the fourth giving a not very distinct judgment; the fifth only pronouncing broadly in its favour.

The judgment is, I understand, appealed to the Judicial Committee of the Privy Council. Final judgment, therefore, may not be reached for some time to come, and even then judgment may turn upon the point of the retrospective operation of the Statute. In that case, the question of the Seal would be left untouched.

It is obvious, therefore, that for a considerable period, the minds of the people of this Province cannot fail to be agitated by some doubts and fears as to the validity of recent Legislative and Executive Acts.

My Government have naturally looked round to find a way out of a situation surrounded by grave difficulties. The first solution which would suggest itself in such a case would be to adopt the new Seal, convene an Assembly under it, and with the assent of the Crown, pass an Act to confirm the proceedings taken under the old Seal.

But this course seems to my Government open to two objections. First, the judgment of the Court is appealed from, and the case is therefore still *subjudice*. They think it possible that the opinion of the majority of the Court may not be upheld on appeal. In this case, the old Seal being established, the new Assembly and its Acts, and all the documents to which the new Seal is attached, would, they think, be open to the same questions which apply to the old Seal now.

But, secondly, the Appeal Court may and probably would decide nothing more than what is necessary to determine the application before it, and if it should be of opinion that the operation of the Act is not retrospective, may go no further.

This would leave the main point in controversy subject to all the doubts which now obtain.

The only other course that to my Government seemed open was to invite the aid of the Imperial Parliament.

The Dominion Legislature has clearly no power to rectify the mistake. The Imperial Parliament has theoretically supreme jurisdiction, and the Union Act itself, being based on that assumption, it seems to my Ministers that the earliest solution of their difficulties was to be sought in the direction of an Act of Parliament.

Our helplessness to correct the mischief in question without considerable delay, during which further mischief would arise, is, it seems to my Government, ground sufficient to justify them in inviting, and the Imperial Parliament in granting, an interposition, which, in ordinary cases, would be quite undesirable.

The gentlemen returned at the elections, whether or not they can be considered technically members of Assembly, are, they think, undoubtedly representatives of the people in every other sense.

They were returned without any knowledge as to what Seal was attached to the election writs, and would have been returned all the same whether the Seal were right or wrong. As such representatives, therefore, they can express the well-understood wishes of the people, and my Government propose to ask the Assembly to pass an address to Her Majesty, of which I enclose you a copy marked C, and an address to His Excellency the Governor General asking him to transmit the same to the Queen to be laid at the foot of the Throne.

I shall be glad to be informed whether the course proposed by my Ministers meets the approval of the Government at Ottawa; and in any case, I should like to receive any suggestion the Government may choose to offer upon the subject of the Seal, or upon the course I should officially pursue in the complications in which this question is involved.

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

(Signed) ADAMS J. ARCHIBALD,
Lieutenant-Governor.

P.S.—The address enclosed having been prepared before judgment was given in the Supreme Court, will, of course, require to be slightly modified to meet the existing situation.

A. J. A.

The Hon. the Secretary of State, Ottawa.

GREAT SEAL.

MINUTE OF COUNCIL PASSED 2ND FEBRUARY, 1870.

(Copy.) A.

“The Lieutenant-Governor submits a communication from the Secretary of State for the Provinces, transmitting, for the consideration of the Council, a Despatch from Earl Granville, the Principal Secretary of State for the Colonies, on the subject of altering the Great Seal of the Province of Nova Scotia.

“It appears from the despatch of Earl Granville that the anomalous position in which Nova Scotia is placed in regard to the Seal of the Province by the Imperial Act confederating the four Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick, has not escaped the attention of Her Majesty’s Government.

“The British North America Act recognizes the right of the Governor in Council, both in Ontario and Quebec, to alter the Seal of those Provinces; and Earl Granville distinctly states that it is proposed, by Imperial Statute or otherwise, to extend the same power to the Provinces of Nova Scotia and New Brunswick.

“The Council, while freely recognizing the right of Her Majesty the Queen to change and alter the Great Seal of the Province at pleasure, respectfully submit that,

as the people are warmly attached to the Seal which for a long period of time was used in sealing all Provincial documents under their old and highly valued constitution, the Government be permitted to retain the old Seal instead of adopting the new one, a course which will obviate the necessity of either Imperial or Local Legislation on the subject."

Confirmed,

(Signed)

HASTINGS DOYLE,
Lieutenant-Governor.

(Copy.)

The Secretary of State for the Provinces to the Lieutenant-Governor.

OTTAWA, 24th November, 1869.

SIR,—I have the honour to transmit to you herewith copies of certain correspondence with Her Majesty's Imperial Government respecting the appointing and altering of the Great Seals of the several Provinces of the Dominion.

2. I have, at the same time, to send you a copy of Her Majesty's Warrant granting Armorial Bearings to the several Provinces aforesaid.

3. The Great Seal appointed for the Province of Nova Scotia will be forwarded to you on the first fitting opportunity that presents itself.

4. Upon the delivery into your hands of the Great Seal, you will have the goodness to take measures to carry out Her Majesty's pleasure, as indicated in the accompanying correspondence, by adopting the said Seal as the Great Seal of the Province of Nova Scotia. You will also be pleased to transmit to me the old Seal of the Province of Nova Scotia with a view to its being returned to Her Majesty for the purpose of being defaced.

I have, &c., &c.,

(Signed)

JOSEPH HOWE,
Secretary of State, &c., &c.

Major-General

Sir HASTINGS DOYLE, K.C.M.G., &c., &c.

The Secretary of State for the Colonies to the Governor General.

DOWNING STREET, 14th October, 1868.

MY LORD,—I have the honour to enclose a certified copy of Her Majesty's Warrant of Assignment, of Armorial Bearings, for the Dominion and Provinces of Canada, which has been duly enrolled in Her Majesty's College of Arms, and I have to request that your Lordship will take such steps as may be necessary for carrying Her Majesty's gracious intention into effect.

I have, &c.,

(Signed)

BUCKINGHAM & CHANDOS.

VICTORIA R.

VICTORIA by the Grace of God, &c., &c.

To Our Right, Trusty and Well-Beloved Councillor Edward George Fitzalan Howard (commonly called Lord Edward George Fitzalan Howard,) Deputy, &c.,
GREETING:

* * * AND WHEREAS, We did by our Royal Proclamation, bearing date the 22nd day of May last, declare, ordain and command, that on and after the first day of July, 1867, the said Provinces should form one Dominion under the name of Canada accordingly, and forasmuch as it is our Royal will and pleasure that for the greater honor and distinction of the said Provinces, certain Armorial Ensigs should be assigned to them;

KNOW YE THEREFORE, That we of our princely grace and special favor have granted and assigned, and by these presents do grant and assign, the Armorial Ensigs following, that is to say:

For the Province of Ontario—Vert, &c., &c.

For the Province of Quebec—Or, &c., &c.

For the Province of Nova Scotia—Or on a Fess Wavy Azure between three Thistles proper, a Salmon Naiant Argent.

For the Province of New Brunswick—Or, &c., &c.

As the same are severally depicted on the margin hereof, to be borne for the said respective Provinces, on Seals, Shields, Banners, Flags, or otherwise, according to the laws of Arms. And we are further pleased to declare that the said united Provinces of Canada being one Dominion under the name of Canada, shall, upon all occasions that may be required, use a common seal, to be called the "Great Seal of Canada," which said seal shall be composed of the arms of the said four Provinces quartered, all which armorial bearings are set forth in this our Royal Warrant. Our will and pleasure, therefore, is that you, Edward George Fitzalan Howard, Deputy, &c., to whom the cognizance of matters of this nature doth properly belong, do require and command that this our concession and declaration be recorded in our College of Arms, in order that our officers of Arms and all other public functionaries whom it may concern may take full notice and knowledge thereof in their several and respective departments. And for so doing this shall be your warrant.

Given at our Court, at St. James, this 26th day of May, in the 31st year of our reign.

By Her Majesty's command.

(Signed) .BUCKINGHAM & CHANDOS.

There was also another despatch dated—

DOWNING STREET,

8th May, 1869.

SIR,—With reference to previous correspondence, especially to my despatch No. 17, of the 16th January, I have the honor to transmit to you five seals for the Dominion of Canada and the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, respectively.

I also transmit to you the Queen's warrant, under the Royal sign-manuel and signet, authorizing and directing that the said seals shall respectively be used for sealing of all things whatsoever which shall pass the Great Seal of the Dominion of Canada and the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, and requiring you to return the old seals for the General Government of Canada and the

Provincial Governments of Ontario, Quebec, Nova Scotia and New Brunswick, in order to their being defaced by Her Majesty in Her Privy Council.

I have the honor, &c.,

(Signed)

GRANVILLE.

Governor-General

Rt. Hon. Sir JOHN YOUNG, &c., &c.

This was accompanied by a warrant dated 1st May, 1869.

VICTORIA R.

(L. s.)

(Copy.)

To our Right, Trusty and Well-Beloved Councillor Sir John Young, &c., &c., GREETING:

With this you will receive five Seals prepared by our order for the use of our Dominion of Canada and Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, respectively. Our will and pleasure is, and we do hereby authorize and direct, that the said seals shall respectively be used for the sealing of all things whatsoever which shall pass the Great Seals of our said Dominion of Canada and Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, and for our service in our said Dominion and Provinces. We do further require and command you that you do return the old seals for the General Government of Canada and the Provincial Governments of Ontario, Quebec, Nova Scotia and New Brunswick, to us through one of our principal Secretaries of State, in order to their being defaced in like manner with other seals by us in our Privy Council. And so we bid you farewell.

Given at our Court at Osborne House, Isle of Wight, this 1st day of May, 1869, in the 32nd year of our reign.

By Her Majesty's command.

(Signed)

GRANVILLE.

The Governor General to the Secretary of State for the Colonies.

OTTAWA, 2nd July, 1869.

(Copy.)

MY LORD,—I have the honour to enclose a memorandum furnished by the Hon. the Minister of Justice, the Prime Minister, on the subject of a Great Seal for the Dominion of Canada, and of Great Seals for the four Provinces of which the Dominion is composed.

Her Majesty's Warrant, issued from the College of Arms on the 21st September, 1868, grants Armorial Bearings to the Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick, but makes mention of a Great Seal *only for the Dominion of Canada.*

Under these circumstances, stated in the Minister of Justice's memorandum, I beg to be furnished with Your Lordship's instructions for my guidance in respect to the four Provincial Seals.

I have, &c.,

(Signed)

JOHN YOUNG.

The Right Honorable

The EARL GRANVILLE, K.G., &c., &c.

From the Minister of Justice to the Governor General.

DEPARTMENT OF JUSTICE,
OTTAWA, 25th June, 1869.

(Copy.)

The undersigned has the honour to call Your Excellency's attention to the several despatches from the Colonial Office on the subject of a Great Seal for the Dominion of Canada, and of Great Seals for the four Provinces of which it is composed.

With a despatch from the Duke of Buckingham, dated 1st June, 1867, three Seals for the Dominion of Canada and the Provinces of Ontario and Quebec respectively were transmitted to the Governor General, at the same time there was sent the Queen's Warrant ordering that the Seals should be used for the sealing of all things whatever which should pass the Great Seal of the Dominion or of either of the said Provinces, and the Governor General was informed that it was intended to substitute for these Seals thereafter, others of a different and more elaborate design.

In a subsequent despatch of 14th October, 1868, His Grace transmitted a certified copy of Her Majesty's Warrant of Assignment of Armorial Bearings for the Dominion and the four Provinces of Canada, and the Governor General was requested to take such steps as might be necessary for carrying Her Majesty's wishes into effect.

This warrant conferred Armorial Bearings on the Dominion and on each of the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick; and provided further that Canada should have a Great Seal, which Seal should be composed of the Arms of the said four Provinces quarterly.

As this despatch and warrant were not accompanied by a Great Seal according to the warrant, Lord Monck informed the Colonial Secretary that he would not publish the warrant officially; as, on the issue of the proclamation, the Seal previously transmitted to His Lordship would cease to be the Great Seal of Canada.

His Grace replied, informing His Lordship that the new Seal was in progress and would be transmitted as soon as completed.

It will be observed that the warrant, while it provides for a Great Seal for the Dominion, is silent as to the Seals for the Provinces, and merely gives the Armorial Bearings.

With the last despatch received from the Colonial Office on the subject from Earl Granville, bearing date 8th May last, five Seals for the Dominion of Canada and for the four Provinces respectively were transmitted, and they were accompanied by a warrant from Her Majesty to Your Excellency, ordering these Seals to be used in the sealing of all things which should pass the Great Seal of the Dominion and of the Provinces respectively; and Your Excellency was commanded thereby to return the old Seals in order to their being defaced.

There can be no doubt that Her Majesty has the sole power to order and to change at will the Great Seal of *the Dominion*. A question, however, arises whether under the British North America Act, 1867, and under the altered position of the Provinces caused by that Act, the power to fix the Great Seals of those Provinces does not rest elsewhere. Instead of being separate Colonies they are now portions of the Dominion. Their Lieutenant Governors are no longer appointed by Her Majesty, but by the Governor General in Council, and in the absence of any express provision in the Act, it might be argued that their Great Seals should be appointed and altered by the Governor General in the same manner as Her Majesty orders the Great Seal for the Dominion.

It is, however, expressly provided by the 136th clause of the Act that, until altered by the Lieutenant Governor in Council, the Great Seals of Ontario and Quebec respectively shall be the same, or of the same design, as those in the Provinces of Upper Canada and Lower Canada respectively, before their Union as the Provinces of Canada.

There is no mention in the Act of Great Seals for Nova Scotia and New Brunswick, but it would seem that if the Lieutenant-Governors of Ontario and Quebec have the sole right of altering the Great Seal of their respective Provinces at

pleasure, that the same authority ought to be held to exist in the Governments of Nova Scotia and New Brunswick.

The undersigned, under the circumstances, begs to recommend that your Excellency give effect at once to that portion of Her Majesty's Warrant which establishes the new Great Seal for the Dominion, but before taking further steps with respect to the Seals appointed for the Provinces, that additional instruction should be asked for.

All of which is respectfully submitted.

The Secretary of State to the Governor General.

DOWNING STREET, 25th August, 1869.

(Copy.)

SIR,—I have the honour to acknowledge the receipt of your despatch of the 2nd July, enclosing a memorandum of the Honourable the Minister of Justice on the subject of the Great Seal of the Dominion, and the Seals of the four Provinces of which the Dominion is composed.

No question has been raised with respect to the Great Seal of the Dominion, and in truth there can be no doubt that Her Majesty has the sole power to alter and change at will that Great Seal.

Nor do I entertain any doubt that in Her Majesty alone is vested a like power with respect to the Great Seals of the Provinces of New Brunswick and Nova Scotia. The Imperial Act is silent as to these Seals, and the power existing in Her Majesty at the time of the passing of the Act cannot, I apprehend, be considered to have been taken away by any implication arising from the 136th Section, which is in terms expressly confirmed to the Provinces of Ontario and Quebec.

With respect to the Great Seals for these latter Provinces, the provisions of the 136th section appear to have escaped observation until quite recently; but I am clearly of opinion that the proper mode of introducing the new Seals into those Provinces will be by proclamation or order of the respective Lieutenant-Governors, under the powers vested in them by that section. I presume that there will be no difficulty in taking this course.

These observations appear to me to dispose of the questions arising from the recent Warrant of the 7th May.

For the future, however, it will probably be convenient that the four Provinces should be on the same footing with respect to their Great Seals; and that if the Lieutenant-Governors of the Provinces of Ontario and Quebec have the sole right of altering the Seals of those Provinces at pleasure, the same right should be vested in the Lieutenant-Governors of New Brunswick and Nova Scotia.

A doubt also may be raised upon the construction of the 136th section, whether the power of altering the Great Seals of Ontario and Quebec will cease after it has once been exercised, or whether it may afterwards be exercised from time to time.

On these grounds, and because I cannot doubt that it was intended to vest the power of altering the Seals in the Lieutenant-Governors of those Provinces, I see no reason, as at present advised, why the power, from time to time, to alter the Great Seals of all the Provinces should not be vested in the respective Lieutenant-Governors.

I should be glad, however, to be favoured with the views of yourself and your responsible Ministers upon this point.

If they desire this point to be vested in the Lieutenant-Governors, the question will arise whether this can be done by Local Legislation, or will require an Act of the Imperial Parliament.

Upon this question I am advised that the assent of the Crown being first obtained, Local Acts, afterwards assented to by the Crown, would be a legal mode of empow-

ering this alteration to be made in those Provinces where it is not at present legal, but that it might be a shorter and more convenient mode of affecting the same object to pass an Imperial Act.

I have, &c.,

(Signed) GRANVILLE.

Governor-General,
The Right Honourable
Sir JOHN YOUNG, Bt., G.C.B., G.C.M.G.

The Secretary of State for the Provinces to Sir Hastings Doyle.

OTTAWA, 14th February, 1870.

(Copy.)

SIR,—I have the honour to acknowledge the receipt of your letter of the 7th instant, covering a certified copy of a Minute of your Executive Council deprecating any alteration being made in the Seal heretofore in use in the Province of Nova Scotia.

Your letter and its enclosure will, as you request, be brought under the notice of His Excellency the Governor General, with a view to their being transmitted by him, should he see fit, to the Secretary of State for the Colonies.

I have, &c.,

(Signed) JOSEPH HOWE.

Lieutenant-General,
Sir HASTINGS DOYLE, K.C.M.G., Lieutenant-Governor,
Halifax.

(No. 38.)

GOVERNMENT HOUSE,
HALIFAX, N.S., 10th December, 1869.

SIR,—I have the honour to acknowledge the receipt of your despatch, No. 1577⁷ of the 24th ultimo, containing copies of correspondence concerning the Seals of the Provinces of B. N. A. I have also received at the hands of the President of the Privy Council the new Seal of the Province of Nova Scotia. I shall take the first available opportunity of transmitting the old Seal to H.E. the Governor General, in order that it may be returned to the Secretary of State for the Colonies.

I have, &c.,

(Signed) H. DOYLE.

The Honourable
The Secretary of State, Ottawa.

(No. 8.)

GOVERNMENT HOUSE,
HALIFAX, 7th February, 1870.

SIR,—Referring to your despatch, No. 1,577, of the 24th November, transmitting to me the Seal which Her Majesty had been pleased to direct should be used as the Great Seal of the Province of Nova Scotia, and in which also copies were inclosed of

a correspondence between the Imperial and the Dominion Governments concerning the power of altering the Seals of the several Provinces of the Dominion. I have the honour to enclose a copy of a Minute of my Executive Council, deprecating any alteration being made in the Seal heretofore in use in this Province.

I have to request that this document may be brought to the notice of H.E. the Governor General, in order that the same may, if H.E. sees fit, be transmitted to the Secretary of State for the Colonies.

I have, &c.,

(Signed) H. DOYLE.

The Honourable
The Secretary of State, Ottawa.

CIRCULAR.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 19th March, 1874.

SIR,—I have the honour to transmit to you a copy of a circular despatch from the Right Honourable the Secretary of State for the Colonies, desiring to be furnished with copies of the Armorial Bearings, or Seals of the different Colonies, and to request that you will have the goodness to cause to be forwarded to this Department for transmission to His Lordship two copies or good impressions of the Arms and Seal of the Province of Nova Scotia.

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

(Signed) EDWARD J. LANGEVIN,
Under-Secretary of State.

To the Honourable
The Lieutenant-Governor of Nova Scotia,
Halifax, N. S.

CIRCULAR.

DOWNING STREET, 6th February, 1874.

SIR.—An application has been made to this Department by a Mr. Bainbridge, for copies of the Armorial Bearings or Seals of the different Colonies for publication in a work which he is preparing, and which is to contain the Heraldry of England and that of the Colonial Empire.

In order to enable me to comply with Mr. Bainbridge's request and other applications which are frequently made by persons desirous of seeing the Arms or Seals of the Colonies for various purposes, I shall be glad if you will be good enough to send home two copies or good impressions of the Arms or Seals of the Colony under your Government.

I have, &c.,

(Signed) KIMBERLY.

The officer administering the Government of _____

(No. 18.)

GOVERNMENT HOUSE,
HALIFAX, N.S., 30th March, 1874.

SIR,—I have the honour to acknowledge the receipt of your despatch 339-294, of the 19th instant, transmitting a copy of a circular despatch from the Rt. Hon. the Secretary of State for the Colonies, desiring to be furnished with copies of the Armorial Bearings or Seals of the different Colonies.

In accordance with the request contained in your despatch, I now enclose two copies of the Great Seal of this Province.

I have, &c.,

(Signed) A. G. ARCHIBALD,
Lieut.-Governor.

The Honourable

The Secretary of State, Ottawa.

GOVERNMENT HOUSE,
HALIFAX, N. S., 5th March, 1877.

SIR,—Herewith you will receive copy of a despatch from Sir Hastings Doyle to the Secretary of State, bearing date the 10th December, 1869, and also a copy of a despatch from the same to the same, bearing date the 7th February, 1870; also copy of a despatch from the Under-Secretary of State to myself, bearing date the 19th March, 1874, and of my reply thereto, all having reference to the subject of the Great Seal.

You are desired to lay these papers on the table of the House, in addition to those previously in your possession on the same subject.

On your application a few days ago, I instructed my Private Secretary to make a careful examination of all the papers and documents on this subject to be found at Government House.

You have already received copies of all such papers and documents as he discovered on that occasion.

A reference made in one of these documents to a despatch not appearing among the papers, induced me to undertake a personal examination of the papers, and I am now in a position to say that the documents herewith transmitted, together with those previously sent to you, constitute (so far as I am able to discover after diligent search) the whole correspondence to be found at Government House on the subject of the Great Seal, from the date of the Queen's Warrant on the 1st May, 1869, to the present time.

I have the honour to be, Sir,

Your obedient servant,

(Signed) ADAMS G ARCHIBALD,
Lieutenant-Governor.

The Honourable

The Provincial Secretary,

&c., &c.

 THE GREAT SEAL.

 SIR WILLIAM YOUNG'S JUDGMENT.

We print to-day the judgment of Sir William Young (concurring in by Judges Des-Barres and McDonald) referred to in our leading article, and will endeavour to publish in future issues the judgments of Judges Wilkins and James:

IN THE SUPREME COURT, 1877.

In the matter of the precedence of J. N. Ritchie as Queen's Counsel.

Several members of the Bar of this Province having been appointed by the Governor General Queen's Counsel, after the 1st July, 1867, when the Dominion Act came into operation, questions arose here and in Ontario as to the appointment and precedence of Queen's Counsel, which resulted in two Acts passed in the latter Province in 1873, Chaps. 3 and 4, and two in our own in 1874, Chaps. 20 and 21. These Acts closely resemble each other, but differ in some particulars. Our chapter 20 affirming the right of the Lieutenant-Governor to appoint Queen's Counsel is a declaratory Act, which the corresponding Ontario Act is not. The second clause of the Ontario Act, chap. 21, enabling the Lieutenant-Governor to grant to any member of the Bar a Patent of precedence in the Courts of that Province is not in ours, though both Acts authorize the issue of such Patents, and all the Acts require that the Letters Patent for the appointment of Queen's Counsel and for the granting of precedence shall be under the Great Seals of their respective Provinces.

The correspondence which led to these Acts is to be found in the Dominion Sessional papers for 1873, No. 50, and it is strange that no reference was made to it in the recent argument of this case. Lord Kimberley's despatch of 1st February, 1872, is a public document, having a significant bearing on the point now before us. After stating that a Lieutenant-Governor appointed since the Union came into effect, had no power to appoint Queen's Counsel, he says, "I am further advised that the Legislature of a Province can confer by Statute on its Lieutenant-Governor the power of such appointment, and with respect to precedence and pre-audience, in the Courts of the Province, the Legislature of the Province has power to decide as between Queen's Counsel appointed by the Governor General and the Lieutenant-Governor, as above explained." It is to be noted that both the Minister of Justice and the Privy Council of Canada recognize the right of Her Majesty directly, as well as through her representative, the Governor General, of selecting from the Bars of the several Provinces her own counsel, and as the fountain of honour, of giving them such precedence and pre-audience in her Courts as she thinks proper. This power, of course, still exists, and it is pointed out by the Privy Council that, when the Supreme Court or other Dominion Courts are established, commissions issued by the Lieutenant-Governor would not, as of right, give precedence or position in those Courts, though it might be advisable that such commissions should be recognized.

Mr. Ritchie's Patent, under the Great Seal of Canada, bears date the 27th December, 1872, and by the uniform practice of our Court he had precedence over all the members of the Bar not holding Patents prior to his own. But by Letters Patent, dated the 26th May, 1876, purporting to be under the Great Seal of the Province, and signed by the Lieutenant-Governor and Provincial Secretary, seventeen members of the Bar were appointed Queen's Counsel for Nova Scotia, and a new order of precedence was established, as it would seem from the recital among the several persons above, that is thereinbefore, appointed, but as it appears from the enumeration, among all the

Queen's Counsel previously appointed since the 1st July, 1867, being thirty-three in all, including Mr. Ritchie, and giving precedence and pre-audience above him to several persons who did not enjoy it before. Upon affidavits disclosing the above and other facts, and producing the original commission and Letters Patent, the rule *nisi* of 3rd of January was granted and the recent arguments were held.

Among the grounds taken in the rule it is urged that the 20th and 21st chapters of the Provincial Acts of 1874 are *ultra vires*, and the appointments under them invalid and of no effect. But the Crown, through its Secretary of State, having authorized such enactments, and the Acts having gone into operation, this contention is quite untenable.

Another objection, however, is of more avail as regards chapter 21, that it has not a retrospective effect. The second section is as follows: "Members of the Bar from time to time appointed after the 1st day of July, 1867, to be Her Majesty's Counsel for the Province, and members of the Bar to whom from time to time Patents of precedence are granted, shall severally have such precedence in such courts as may be assigned to them by Letters Patent, which may be issued by the Lieutenant-Governor under the Great Seal of the Province."

At the argument it was vehemently urged upon us that this clause gave the Executive Government an absolute uncontrolled authority over the members of the Bar, so that the youngest and most inexperienced among them might have precedence over the oldest and most eminent who had not become Queen's Counsel previous to the Union. Sympathizing, as I do, with the reputation and dignity of the Bar, I am unwilling to give to this Act an interpretation so injurious to their feelings and so destructive of their rights. Is the language so strong and so clear as, for the sake of this obvious injustice, to oblige us to give it retrospective operation? Here is a distinction, highly valued, won, in some cases at least, if not in all, by honourable service, and approved by all the world, swept away without fault and without compensation, by giving to an Act of our own Legislature an effect which I think of them too highly to believe that they ever entertained or understood. But what do the true principles of construction teach us as applied to a Statute? Shall the construction of this Act be retro-active or prospective? Shall it apply to the past or only to the future? The maxim *Nova constitutio futuris formam debet imponere non practeritis* adopted by this Court in 1 Oldright, 678, is best illustrated in Sedgwick on Statutory Law, 161—4. A Statute which takes away or impairs any vested right acquired under existing laws is to be deemed retrospective. Statutes should have a prospective effect only, unless the language is so clear and imperative as not to admit of doubt. "The principle," said the English Court in *Moon vs. Dudden*, 2 Exch. 22, "is one of such obvious convenience and justice that it must always be adhered to in the construction of Statutes, unless in cases where there is something on the face of the enactment putting it beyond doubt that the Legislature meant it to operate retrospectively." But I am of opinion that such an intention on the part of our Legislature is by no means clear, and therefore that the Letters Patent, although no question had been raised as to their validity, would not affect Mr. Ritchie's precedence.

But we all know that a very important question did most unexpectedly arise on the first day this case was argued, as to the Seal impressed upon these letters, which many obvious considerations oblige us now to consider. In granting the rule *nisi*, Mr. Ritchie's second affidavit of the 27th December, though mentioned in it, had not been read or considered as of any consequence, and the fact of an old and a new Seal was wholly unknown to the Bench till the argument was opened on the 24th February. The moment it was stated and the Letters Patent exhibited with the old Seal, while the *Canada Gazette* showed that another Seal had been prepared under the Queen's Warrant of 7th May, 1869, it was obvious that here was a point far transcending any question of precedence, and the affidavits of the Hon. Mr. Hill and Mr. Crosskill requiring apparently some explanation, we thought it due to them and to the public to postpone the argument for a few days. The Legislature being in session, questions were asked there, and a body of documents was discovered and

printed, which were verified by Mr. Thompson's affidavit of 7th March, and others being expected, we passed the rule of that date, and on the 9th two other affidavits, of Mr. Ritchie and Mr. Weatherbe, came in, and on that and the succeeding day the argument was held. Now, this is a delicate and a difficult question to deal with, and we shall deliberately review it, guarding ourselves against any rash or hasty conclusions. The Royal Warrant of 26th May, 1868, assigning Armorial Bearings to the four Provinces then constituting the Dominion, and to the Dominion a common Seal, to be called the "Great Seal of Canada," and to be composed of the arms of the said four Provinces quartered, was certified by the Registrar of the College of Arms at London on the 21st September, 1868, and a certified copy enclosed by the Colonial Secretary to the Governor-General on the 14th October. On the 8th May, 1869, Lord Granville, referring to a previous despatch not produced, and especially to a despatch of his of the 16th January, transmitted to the Governor-General five Seals for the Dominion of Canada and the four Provinces, with the Queen's Warrant of 7th of May, 1869, directing and requiring that the said Seals shall respectively be used for the sealing of all things whatsoever which shall pass the Great Seals of the Dominion and said four Provinces, and requiring the Governor-General to return the old Seals for the General Government of Canada and the Provincial Governments of the four Provinces, in order to their being defaced by Her Majesty in Her Privy Council. These documents, with the proclamation of the Great Seal of Canada, were published in the *Canada Gazette* of 20th November, 1869, which makes them evidence for all the purposes of this argument, 1 Greenleaf on Evidence, 12 edit. sec. 492; Taylor on Evidence, secs. 12, 1124. The remaining documents are derived from the printed papers communicated to the Assembly on the faith of the Local Government, and their admissibility as evidence may be open to objection, though the peculiar circumstances of this case rendered it indispensable to consider them. On the 2nd July, 1869, the Governor-General enclosed to Lord Granville a Minute of the Minister of Justice, of the 25th June, 1869. It refers to a despatch from the Duke of Buckingham, dated 1st June, 1869, addressed to the Governor-General, with three Seals, for the Dominion of Canada, and the Provinces of Ontario and Quebec, respectively, accompanied by the Queen's Warrant, ordering them to be used until others of a different and more elaborate design shall be substituted for them. The 136th section of the Dominion Act, as to the Seals of Ontario and Quebec, had at this time escaped observation, and there is no reference apparently to the Seals of Nova Scotia and New Brunswick. The Minister of Justice, Sir John A. Macdonald, then proceeds to say: "There can be no doubt that Her Majesty has the sole power to order and to change at will the Great Seal of the Dominion. A question, however, arises whether, under the British North America Act of 1867, and under the altered position of the Provinces caused by that Act, the power to fix the Great Seals of those Provinces does not rest elsewhere," in other words, with the Governor-General. He then refers to the 136th section of the Act. In the reply of Lord Granville, on the 25th August, 1869, after asserting the sole power of Her Majesty to order and to change, at will, the Great Seal of the Dominion, His Lordship adds: "Nor do I entertain any doubt that in Her Majesty alone is vested a like power with respect to the Great Seals of New Brunswick and Nova Scotia." He then suggests what will probably be the most convenient course for the future, adding that he sees no reason, as at present advised, why the power from time to time to alter the Great Seals of all the Provinces should not be vested in the respective Lieutenant-Governors. So ends the correspondence before us as between the Dominion and the Home Government.

And now as to our own Province. Up to this time our Government continued of necessity to use the old Seal transmitted to them at the accession of Her Majesty in 1837. We have no evidence that they had heard of the above correspondence, and no other Seal had been sent to them. The idea broached at the argument that the new Seal became the Great Seal of the Province at the date of the Queen's Warrant of the 7th May, 1869, is untenable. Were it not so, all the functions of Government dependent on the use of the Great Seal—an election writ, for example

—would have been stayed. A duty would have been imposed that there was no means of fulfilling. Now, it is a maxim of the law. *Nemo tenetur ad impossibilia*, or, as the Roman law expresses it, *Impossibilia nulla obligatio est*. Up to this period there is no difficulty.

But, on the 24th November, 1869, Mr. Howe, then Secretary of State at Ottawa, transmits to Sir Hastings Doyle copies of the correspondence and of the Royal Warrant of 26th May, 1868, states that the Great Seal of Nova Scotia will be forwarded on the first fitting opportunity, and winds up with this paragraph: "Upon the delivery into your hands of the Great Seal, you will have the goodness to take measures to carry out Her Majesty's pleasure, as indicated in the accompanying correspondence, by adopting the said Seal as the Great Seal of the Province of Nova Scotia. You will also be pleased to transmit to me the old Seal, with a view to its being returned to Her Majesty for the purpose of being defaced." On the 10th December, 1869, Sir Hastings acknowledges this letter, adding: "I have also received at the hands of the President of the Privy Council, the new Seal of the Province of Nova Scotia. I shall take the first available opportunity of transmitting the old Seal to His Excellency the Governor General, in order that it may be returned to the Secretary of State for the Colonies."

This, however, was not done. The Executive Council of that day passed a Minute, on the 2nd February, 1870, referring to Lord Granville's despatch and the Dominion Act, and concluding thus: "The Council, while freely recognizing the right of Her Majesty the Queen to change and alter the Great Seal of the Province at pleasure, respectfully submit that, as the people are warmly attached to the Seal which for a long period of time was used in sealing all Provincial documents under their old and highly-valued constitution, the Government be permitted to retain the old Seal instead of adopting the new one—a course which will obviate the necessity of either Imperial or Local Legislation on the subject."

This Minute was sent by the Lieutenant-Governor on the 7th February to Mr. Howe, who acknowledged its receipt on the 14th, adding that the letter, with its enclosure, would be brought to the notice of the Governor General, with a view to their being transmitted by him, should he see fit, to the Secretary of State for the Colonies. Whether the letter and its enclosure were transmitted or not does not appear. The above are all the documents to be found in this Province throwing any light upon the subject. The letters of 1874 are of no consequence whatever.

Have the essentials, then, been complied with, or are any formalities wanting to give validity to the new Seal? It was intimated at the argument that the want of a proclamation by the Local Government was fatal. Now, it is true that such a proclamation published in our own *Gazette*, acknowledging and adopting the Seal, would have been a prudent step. This was done by the Dominion Government, and we find, in 1 Hale's Pleas of the Crown, 177, the record of a like proclamation directed to the Sheriffs, with an impression of the new Seal in wax, so far back as the reign of Edward III. But I can find no precedent or authority requiring a proclamation to be made. Why should it be required when the Queen's Warrant accompanying the Seal is delivered to her representative, and by him to the officers he appoints, for their direction and guidance?

Towards the close of his address, and rather by way of suggestion than of serious argument, Mr. Haliburton urged that the fact of a Seal being impressed upon the Letters Patent, authenticated as they are by the signatures of the Lieutenant-Governor and the Provincial Secretary, was of itself enough to exclude all inquiry. In other words—that it raised a conclusive presumption which no evidence could shake. Now, I will readily admit that it raises a strong *prima facie* or disputable presumption, which it requires clear and unmistakable evidence to destroy; but I can discover no principle on which, with such evidence to meet it, it is to be received as conclusive. It is true that in many cases, as in the 27th and 30th clauses of our own Evidence Act, cap. 86, Seals purporting to be the Seals of British, foreign and colonial courts are received to authenticate documents. This is by Statute from the necessity of the

case, because otherwise a commission would be required at enormous cost to prove every paper, and a commission would not always avail.

In Greenleaf on Evidence, the second chapter treats of many things that are judicially taken notice of without proof. Among these is the Seal of a Notary Public, he being an officer recognized by the whole commercial world. Were it not so, how could the protest of a bill of exchange in a foreign country, or even in our own, be proved? Foreign Admiralty and Maritime Courts, too, being the Courts of the civilized world and of co-ordinate jurisdiction, are judicially recognized everywhere, and their Seals need not be proved. So also, the Seal of the Probate Court in a Court of law, of which we have examples every day. And by parity of reason, says Greenleaf, I., sec. 503, it would seem that no extraneous proof should be required of the Seal of any department of State or public office established by law, and required or known to have a seal. This presumption arises also out of the maxim of *omnia rite acta*. But it is more than a presumption, and does it extend to the Great Seal of England or of any of her colonies, where it is the emblem of sovereignty—"the only instrument, as Lord Campbell declares, by which, on solemn occasions, the will of the Sovereign can be expressed," and in the eyes of English lawyers, according to Hallam, having a sort of mysterious efficacy?

We had much learned lore submitted to us on the ancient and modern uses and vicissitudes of the Great Seal, into which I have not thought it necessary to enter, but I may borrow from them two illustrations of the point we are now considering. Macaulay, in his history of England (2,428), says that James II, when he fled from the Kingdom he had outraged, took the Great Seal into his hand and as he passed Lambeth, flung it into the midst of the stream, whence, after many months, it was accidentally caught by a fishing net and dragged up. By this manœuvre His Majesty thought that he had effectually defeated the enterprise of the Prince of Orange. In the reign of George III, as Lord Campbell tells us, in his life of Lord Thurlow, his house was broken into by thieves who absconded with some booty, including the Great Seal inclosed in the two bags so often described in the Close Roll, one of leather, the other of silk. A Council was immediately called and by the following day a new Great Seal was made, and next year, in 1785, a third Great Seal was ordered, the stolen one having never been recovered. Now, suppose this stolen Seal, or the Seal cast into the Thames, had fallen into evil hands and been impressed upon a Royal grant of land or forest, would it have carried any weight, would the presumption in its favour have been conclusive? When it is said in Viner, Abr., 17, 71, and in other of the old books, that the Great Seal shall be always credited, and when the certificate under it is not strictly true, there is no remedy but an Act of Parliament or by authority of the Chancellor, it refers to cases where the real Seal is present and is properly used.

Here we have two Seals, the old one impressed upon the Letters Patent, as is admitted in the affidavits of the Provincial Secretary and of his Deputy, who swears, no doubt honestly believing it, "that it is the Great Seal of the Province of Nova Scotia," and we have also the new Seal with the Royal Crown and Armorial Bearings in the Queen's Warrant, forming one of the quarters of the Great Seal of Canada.

But while I speak of it in these terms I must not be understood as viewing with peculiar or superstitious reverence its mere device and form. I have seen contrasts between the two as works of art, and some efforts of a subtle though disguised ridicule, or of a coarser class to disparage the one or the other. But the true way to regard both, each in its turn, is as a symbol of the supremacy of the great Empire to which we owe so much, and of the royal power which claims our affection as well as our obedience. The earliest commissions and instructions to the Governor General, while this Province was in direct communication with the Crown, charged our Governors, while it empowered them "to keep and use the public Seal of the Province for sealing all things whatsoever that shall pass the Great Seal." So it appears in the Journals of our Assembly for 1848 and 1865. The same injunction was repeated, and the same power conferred, in the renewed commission to Lord Monck in 1867 and the Earl of Dufferin in 1872.

So that this Court and the Government and Legislature can in no way escape from the constitutional and substantial issue—which of the two seals after the 10th December, 1869, was the Great Seal of Nova Scotia. It is of no consequence, as far as the point of precedence is concerned, in the view I take of it, whether upon legal principles the seal upon the Letters Patent is to be presumed to be the true seal or no. Upon the evidence in the *Gazette*, were there nothing else, the main question reverts—which of the two Seals is the Seal of this Province? And I am of opinion that the new seal, after its delivery to the Lieutenant-Governor in 1869, became and is now the Great Seal of Nova Scotia, and the only one. I may add that, if this opinion should turn out to be sound, I do not apprehend the evil consequences that have been pictured abroad. A remedy can be found in legislation, from what quarter and in what form it is not for this Court to suggest.

JUDGE WILKINS' JUDGMENT.]

To the Editor of the Morning Chronicle:

SIR,—I send you at your request, my written opinion in the precedence case for publication. The latter part of it, delivered in a spirit of mere pleasantry, and designed to put in good humour some who appeared to be at strife, I had contemplated not publishing; but publication has become indispensable in order that the application and the force of an unmistakable allusion to it in one of your columns of this day's issue may be understood and appreciated. Considering the source whence the allusion has emanated, I cannot trust myself to make one observation on it. What I have referred to as unnecessary for publication under other circumstances will speak for itself. It was, perhaps, delivered unseasonably and in bad taste; but in general estimation it will probably not be regarded as subject to very severe criticism on other grounds.

Yours truly,

(Signed) L. M. WILKINS.

27th March, 1877.

In the matter of the Precedence of Mr. Ritchie.

In my view of the case, it is not necessary for me to consider more than the following ground stated in the *rule nisi* obtained by Mr. Ritchie. It is in terms as follows: "Because the Act of the Local Legislature, namely, chap. 21 of the Acts of 1874, under which certain barristers were appointed Queen's Counsel by the Lieut.-Governor of Nova Scotia, by document or Letters Patent of the 27th of May, 1876, is *ultra vires*." It appears to me that this contention is, on the clearest principles, without foundation. The statute thus questioned has in effect received the royal assent, and Her Majesty must therefore be considered thereby to have empowered her Lieut.-Governor to exercise in her name all the powers purported to be conferred on him by the statute. I am unable to conceive in what respects it can be held to involve legislation *ultra vires*. The subject of our inquiry respects the exercise of a right to appoint Queen's Counsel for the Province. I must regard the statute as perfectly valid; and it appears to me that, when it is construed in the only way in which it can be interpreted, the question of precedence before us is disposed of as a legal consequence. The recital of the statute may be, by adding a few words that I distinguish by brackets, paraphrased thus:—
 "Whereas the regulation of the Bar in Nova Scotia is vested (*sub modo*) in the Pro-

vincial Legislature, and it is expedient for the orderly conduct of business before the Provincial Courts, that provision be made for the order of precedence of the members of such Bar in such Courts, (but saving all rights of precedence heretofore, at any time granted by Her Majesty, or since the 1st day of July, A.D., 1867, granted by His Excellency the Governor General of Canada, to any member or members of the said Bar.”)

The question which we have to decide arises under the second clause of the statute. That clause must be so construed as not to restrict or interfere with any right of precedence at the Bar conferred on any member of it, before the passing of the Act, by the Queen—the acknowledged fountain of honour—or by any one duly authorized to confer it by Her Majesty. No such right can be judicially held to be prejudiced by the clause in question, or by the exercise of an authority under it, without violating those fundamental principles recognized as governing the construction of statutes, viz:—first, that the Sovereign is not bound by a statute by a mere implication of a legislative intention to that effect; secondly, that vested rights are not taken away by legislation without the plainest evidence of an intention to divest them. It cannot be questioned that Her Majesty has, by assenting to this statute, expressly so far parted with Her prerogative right in the subject-matter of the legislation, as to authorize, prospectively, after the passing of the Act, Her Lieutenant-Governor of this Province to exercise it to the extent in which it is necessarily conferred on that high officer by the statute. We are bound so to construe this second clause as, while giving full effect to the clear intention, not to adopt a construction that will derogate from any right which, before the Act came into operation, had been granted by Her Majesty or by an authority duly delegated by Her. The clause, then, must be so construed, as that it shall not be held to have authorized the Lieutenant-Governor to degrade any member of the Bar from that relative position at the Bar which had been specially assigned to him, directly or indirectly, by Her Majesty, in the interval that elapsed between the first day of July, 1867—the date of the Union—and the seventh day of May, A.D., 1874, when the statute in question came into operation. The clause under review may be so construed, and effect will still be given to every word in it.

Sub-section three has expressly saved certain rights in the matter of the legislation—rights conferred up to the day of the Union. No reason can be assigned, why rights of the same nature and derived from the same source and granted up to the time of the operation of the statute, were not intended to be saved also. Now, Mr. Ritchie had been appointed one of Her Majesty's Counsel learned in the law for this Province on the 26th of December, A.D., 1872, by Letters Patent under the Great Seal of the Dominion, by the Governor General in the name of Her Majesty. On His Excellency Her Majesty had before then conferred the right to make such appointments, and by virtue of her undoubted prerogative. Her Majesty's right to do so could no more be questioned than could have been the right granted by Her Majesty to her royal son, the heir apparent, in Her Majesty's name to bestow honours and titular dignities on selected subjects of the “Empress Queen of India,” which right His Royal Highness exercised on the occasion of his visit to the East.

Mr. Ritchie's right of precedence at the Bar under the Governor General's Patent, as claimed by him existed, and, in my opinion, remained intact, at and since the passing of the statute, and was not, in any manner, prejudicially affected by the Patent granted by the Lieutenant-Governor. His relative position at the Bar must be governed by the patent that he holds, so long as it remains in force, notwithstanding any Patent or Patents that have been or may be granted by the Lieutenant-Governor of Nova Scotia under the authority of the statute in question.

There is another ground stated in the rule which, in my view of this case already expressed, I am not required to consider. Nevertheless, although it is to me, therefore, a mere abstract question, I feel that for a reason which I shall briefly notice, I ought to do something more than merely glance at it. It respects the validity of the Seal. The same question which has been raised here regarding the legality of the Letters Patent of the Lieutenant-Governor may be raised before one of us on his next

circuit, in the form of an objection to the validity of a Crown grant of land, and resting on that evidence which is before us in the present case. Such grants have probably been issued since the 10th of December, 1869, and under the very Seal which has been affixed to the Patent before us. At the argument of this case, adjourned as it was from time to time, it was only in the last hour of the argument that the point was taken, and by Mr. Haliburton, that the Patent, having been confessedly counter-signed by the Lieutenant-Governor and the Provincial Secretary, and sealed with a Seal that on its face purported to be the Seal of the Province of Nova Scotia, carried with it conclusive evidence to this Court of its being what it professed to be, and what, by the officers of the Government charged constitutionally with discretion as to affixing the Great Seal to such a document, it was thus dealt with as being.

Had that point been taken *in limine*, and had it then been insisted that the Court was bound, not merely to take judicial notice of the actual Seal as the Seal of the Province, but to exclude all evidence to the contrary, and had it been further insisted that (fraud, mistake or crime connected with the use of the Seal being excluded from the case, while, on the contrary, the only officers of the Government who could use the genuine legal Seal of the Province for any purpose, had deliberately used the Seal for the particular purpose), I should have hesitated long before I gave my consent to the introduction of the evidence before us, by the force of which it is now contended that the Seal used is proved not to have been, when it was used, the one only Seal that could have been legally used. I am far, however, from regretting that that evidence was admitted. At the same time, while I say this, I distinctly reserve to myself a discretion which, as at present advised, I, as a Judge of this Court, shall exercise as to accepting or rejecting the same or the like evidence in any future analogous case that may arise before me.

The field is large of those acts and things of which an English Superior Court takes judicial notice. It includes high things and things comparatively insignificant. Among the former is the Seal of the Sovereign Power in a State. Of that the public tribunals of every other civilized State take judicial notice and recognize it on inspection, without proof.

There is in the English law, as there was in the Roman law, a well known class of cases of presumptive evidence, which are absolute presumptions of law, which are not permitted to be overcome by any proof that the fact is otherwise. Does this case of a public Seal of a British colony, offered as evidence of a document to which it is affixed, in a British Court of that Colony, range itself within that class of cases?

It must be borne in mind that we are not dealing with the case of a public Seal, criminally counterfeited and criminally abused; or with a genuine Seal used and abused by those who had no right to use it. This case is very different when lawfully constituted Provincial officers have deliberately used, and for a lawful purpose, in Her Majesty's name, this very Seal in question. If this Seal could, under the circumstances, be successfully impugned in this Court, on the ground that another Seal should have been used instead of it—so could it be if the document were offered in evidence, and were assailed by an objection of invalidity, supported by the same evidence, in a Superior Court in Australia. Nay, we must go further, and consider the case of a decree of a High Court of Admiralty pronounced in the State of Massachusetts, offered in evidence in this Court on the authority of the Seal attached to it, purporting to be the Seal of the foreign Court, but objected to on the ground that the Seal, once valid, was no longer so, because another had been substituted by competent legal authority. How would that objection have to be dealt with? But a case is suggested to my mind that may arise in this Court to-morrow, of which the very obvious solution will go a great way to solve the question of validity raised in the present case. A Crown grant of land, as our law and practice now are, involves evidence of an actual contract between the Crown and a subject grantee. When the latter obtains the patent he has paid his money for the land granted. In carrying out that contract to its consummation he has nothing to do with the selection of the Seal to give efficacy to the grant, and constitute evidence of it. He knows not, and he is not supposed to know, whether the proper Seal has been appended to the

patent or not. He sees a Seal with the Royal Arms apparent on its impression, and reads words purporting that the Seal of which he sees the impression is the Seal of the Province. He recognizes the signature of the Lieutenant-Governor and that of the Provincial Secretary as countersigned to the document. He knows, assuming his Patent to have passed since the Union, that no political change took place on that event in the condition of the colony which necessitated a new Seal. He knows that his present Sovereign has had her sacred and valued life prolonged beyond that event, and happily still continues to reign.

In the state of things which I have supposed, would it not be perfectly monstrous to declare judicially, that Patent were relied on in an action of ejection, that it was void, because (fraud, forgery, crime in relation to the Seal in question, knowingly and deliberately used by the officers of the Government, being out of the case) there was, unknown to the grantee, in existence and accessible to those officers, another Seal that had been legally substituted for the Seal actually used? I might find myself compelled so to rule, but if I so decided, it would be by force of express and irresistible authority. I should reflect in such a case that it was not Her Majesty who was repudiating the Seal attached to a document, issued in her name, and countersigned by her officers—the grant in effect being Her Majesty's grant—but that the validity of the Seal was denied by those who would have an interest in annulling the grant.

Between a Patent granting land and a Patent conferring rank, there can, of course, be, as respects the effect of the Seal, no difference in principle. There is a case of Priestman against Duncan, 3 T. R., 125, which, in my judgment, as respects principles involved in it, bears strongly on the question under review. If a party who paid a large sum of money due to the estate of a deceased person, to a false executor, under probate of a forged will (he being unconscious of the forgery) was held, as he was in that case, to be protected by the probate under Seal of the competent Court from a claim made upon him, afterwards, by the real executor of a true will, for payment of the same debt, because the seal, of the genuineness of which he knew nothing, was his authority to pay to him who, as the event proved, had no right to receive, would that person, on any rational principle, have been less entitled to protection, if the case had been one where the officers who used the particular Seal in the case first referred to had, by mistake or even by design, attached a wrong Seal to the letters testamentary?

In the case before us, the historical cases brought to our notice at the argument, of stolen Great Seals, or of Great Seals flung into the Thames by an abdicating and flying king have, I apprehend, no particular bearing. Indeed, the use of the Great Seal in England is so guarded that, practically speaking, there scarcely exists a possibility of its being improperly used.

On the whole, the impression on my mind is very strong (though, as already observed, I am not called on to give an opinion on the point) that this Court, if required to decide, would be bound to consider the document in question, under the circumstances of the case, to be proved by conclusive force of the very Seal that it bears, the evidence extrinsically introduced notwithstanding.

I feel it proper to add, although I am not required to say anything on the subject, that, as at present advised, on the 10th of December, 1869—when General Doyle announced that a new Seal was in his possession—all legal solemnities would appear to have been observed, that were necessary to substitute for the old Seal a new Seal of the Province by royal authority. This, of course, is expressed in the light of the evidence before me, assuming that I am in possession of all the evidence. I must further observe that, in volunteering this extra-judicial opinion, I disclaim an intention to reflect in any degree on the present, or on preceding Government, in respect to the manner in which the Provincial Seal has been used; and that I do not venture even to intimate to the present Government a course to be pursued by it in relation to the use of the Great Seal of Nova Scotia, or an opinion as to the obligations, past or present, on it, to use either seal. My duty is judicial; its duty is political. Besides that, the Government is more competent than I am to deal with such a question, and I have too great a respect for it to obtrude an opinion upon it. More than that, as I

shall show presently, there is no evidence before us, in any possible view of it, that shows conclusively that any mistake has been made in the application to the Patent in question of the Seal that it bears.

Here my judicial opinion, formed according to the best of my humble judgment, ends, and my judicial functions relatively to the case, in strictness, terminate. But, as obiter and supplemental to that opinion, I cannot forbear from offering a few additional observations which are suggested by some peculiarities which distinguish this case from any and every case that has come before me for judicial consideration. For these observations I alone am responsible. It was said of the celebrated Dean of St. Patrick's that he could write a fine poem on a broomstick. A recollection of that suggested to my mind the thought that it was quite possible to invest a subject not important in itself with an air of transcendent importance. I have not viewed this case, so far at least as this Court is concerned with it, as very momentous. Even looking at the question of the Seal involved in it which respects the Government, it is a question whether they have or have not on this particular occasion used the right Seal. A possible error in that respect is only of public importance so far as it has or may affect rights and interests of the Queen's subjects. I do not think they can be prejudiced by that error if it has been made. Therefore, I do not view the question as one of magnitude. In these days of rapid thought and facile intercommunication, things occurring on this side the Atlantic find their way quickly to the other side of the sea; but I do not apprehend that intelligence received in London of this great question of the day here is likely to affect the price of Consols or to retard the much-desired settlement of the Eastern question.

If a question had been raised as to whether sufficient evidence were before the Court to establish *conclusively* the proposition that the Seal actually affixed to the Patent in question might not be, in effect, the new and substituted Seal referred to in the despatches, *i. e.*, whether the new and unseen Seal in question might not if exhibited prove to be in its character and its die so like the old Seal that an impression made by the one would be identical with an impression made by the other, it might, I say, be found under the evidence before us impossible to decide the question. According to the evidence, *no eye of a deponent has seen the new Seal*. It is referred to in the principal affidavit as the Great Seal of Nova Scotia as described in such correspondence and proclamations. But in those it is *not described at all*. The Armorial bearings are described. It is stated that they are, *i. e.*, then were designed to be borne on the Provincial Seal. That they have been introduced into it is mere matter of inference, but nothing more. This question, therefore, is attended with great difficulties. I am unacquainted with the language of heraldry. I have not the benefit of the knowledge of it possessed by Lord Howard. I reflect, however, with pleasure on the fact that in his noble veins runs "the blood of all the Howards." He is, therefore, a nobleman who, I feel assured would, in carrying out officially a Royal command, respect our archaic predilections, if made acquainted with them, and would not have permitted in any Seal prepared for us under his auspices those picturesque associations with our early history which are graven upon our old Seal to disappear upon the die of that which is to replace it. *I should therefore regard as prima facie spurious any new Pretender that did not show those credentials*. To guard against a possible deception like that, I should, as my duty would require, examine with the naked eye and with a lens, the impression apparent upon these Letters Patent; and should have, then, to ask myself this question: Is it quite *certain* that this impression was not made with the new Seal, or with one the impression of which would be the same? He would be a man devoid of taste who would not admire the device of that Seal of which the impression is before us; he would be a bold man who, after a careful inspection of the impression, in the light of the extrinsic evidence, would venture with judicial confidence to assert, in a case that demanded *conclusive* evidence, that it was not made by the old Seal that exactly corresponded with the new Seal.

I have intimated that the older device challenges our admiration. Let me establish that proposition. Direct the eye upon it. We behold the Royal Arms; we discern in the legend the sacred name and the titles of Her Majesty the Queen; we

read "Sigillum Provinciæ Nova Scotia," The old familiar words, "Terræ Marisque Opes," read with their adjuncts, remind us that, while our hearts overflow with loyalty, our natal soil and its surrounding waters overflow, or did once overflow, with wealth, terrestrial and marine. In the back-ground of the picture we have the primeval forest, when as yet not one tree of it had succumbed to the axe of the pale-face. In the fore-ground we have unmistakably, as he was seen in the flesh, our venerated first Governor, Cornwallis—the only reliable portrait, as our own provincial antiquarian informs me, of that illustrious pioneer of our present high civilization. We here behold him standing proudly on the virgin beach of his recently acquired vice-regal domain, hard by that which is now the *great city of a great people*, trembling with *great anxiety and great perplexity* about their *Great Seal*. Here he is—the veritable old Governor—with his three-cornered beaver on his head and in the graceful costume of his day. Near him stands one of the aborigines, distinguished as to costume, like "lucus a non lucendo," by a total absence of it. With him the ancient Procurator, there being no common language at their command, is interchanging by dumb-show sentiments that, as material for future history, it would be beyond all price to possess, but which, alas! like the lost Pleiad, are lost to this world forever. Environing these in most felicitous taste, indicating the conception of some great genius, we have a wreath formed by four dolphins gracefully linked together and disporting, not on the sea, but in the air.

Now, here would rise the question: "Can we trace on the face of the impression features that point to an identity between the Seal used and what we may infer from the evidence to be that other Seal which, as is asserted, ought to have been used? This, assuming that we have any evidence of a new Seal, in any other sense than of a new Seal of which we know nothing, would on the whole have to be answered in the affirmative. Assuming even that there exists a new Seal, not identical with the old, the question would be, do we find in this impression "or, on a fesse wavy-azure between three thistles proper, a salmon naiant argent?"

In this language, to interpret which we derive no aid from the black letter, with which we are, or are supposed to be, familiar, there is, of course, much to puzzle the uninitiated. "Or," "Argent" and "Proper" may be at once dismissed from consideration, inasmuch as the Seal was incapable of transmitting *colours* which alone could represent those. Inspecting the impression, my eye at once fixed with almost *asinine* eagerness on one thistle, which is unmistakably there, and being enough of an agriculturalist to know that one of that prolific family is seldom found alone, I searched further, confidently expecting to find the remaining two of the sought-for triad; but in vain, probably from the obscure and undefined character of the impression in a portion of it. That subject of enquiry, therefore, I was obliged to leave undecided. In the picture before us, we have what may be the one or the other of two things—either the canoe of the Mic Mac or a lordly salmon swimming in a silver field. Interposed in the picture, however, between Governor Cornwallis, with the Mic Mac Sachem and the distant forest, seen on the hill of what is now Dartmouth, we have unquestionably the sought-for wavy azure, in a glimpse presented of the "wavy azure," such as heraldry never conceived of our greatest pride, the harbour of Chebucto, that magnificent bay on the bosom of which rode more than a century ago, Admiral Saunder's fleet, bearing onward to Louisburg conquering British arms destined to terminate as they did terminate the sway of the French in what is now British North America. Here one might ask, can it be that a metallic souvenir possessed by Nova Scotia, of all this, so full of interest, on the old Seal has not been reproduced on that new Seal which we have not yet seen? Where is the "*monumentum cere perennius*" to be found if not on the unseen Seal, that shall restore it, and transmit to posterity what the old Seal so eloquently and picturesquely represents? When I see the fact verified on the new Seal placed before my eyes, but not till then, shall I cease to believe in the impossibility of a result so deeply to be deprecated.

My careful examination of the impression, and the discovered aesthetics of its original, which I have very inadequately described, have removed from my mind its first impression of surprise at the hesitation of General Doyle's Council to accept the

new Seal. That surprise has been succeeded by unqualified admiration of the patriotic Cabinet, who appear to have clung with enthusiasm, constitutionally or not, I am not called on to determine—to the old Seal—the time-honoured symbol of country, associated with the hallowed memory of that glory which had just departed from the *haud inamabile regnum* that once owned the vice-regal sway of Cornwallis.

I cannot conclude without offering a word of consolation and cheer to drooping spirits, and I am told there are such within our borders. Of this one thing the provincial lieges may be assured. They may banish all doubts, if they have felt them, as to the legal validity of rights now claimed by them under the Great Seal of Nova Scotia. Above all, let not dismay disturb the repose of connubial hearths. Every couple of heaven-made matches, who have knelt at Hymen's altar since the auspicious nuptials of the Provinces were consummated, may safely indulge in mutual congratulations, and celebrate their silver and their golden weddings, and may, notwithstanding doubts and terrors inspired by the Great Seal question, in common with the sister Provinces of the Dominion, that were once many, but are now "one flesh," exclaim, in the words of the Roman bard—aye, even if the very Seal in question had sealed their unions:—

"Felices tertet amplius,
Quos irupta tenet copula."

JUSTICE JAMES' JUDGMENT.

In Re the Precedence of J. W. Ritchie, Esq. Q.C.

The task which I have now to perform is, I need hardly say, one which I would gladly have avoided. It is to give my opinion in an important case—a case, as it now stands, virtually decided by this honourable Court, of astounding importance. In opposition to that of four Judges—all of them my seniors, and three of venerable age and experience extending over decades of years—and I may well presume, when I consider their ability, learning and experience, that I am wrong in the opinion I am now to deliver. Nevertheless, I have a clear and well-defined opinion on this question, which has been forming and ripening during all the discussions which have taken place. It was but on Saturday afternoon that I became aware, to my great disappointment, that there would be a difference of opinion on the Bench, or that I should occupy the position of being alone in my opinion. Perhaps it would have been better had I accepted the offer so kindly made to me by my learned brethren, of a postponement of the decision in order to enable me to prepare an opinion which would do justice to my own convictions. I have had but a few hours to write my judgment, and therefore have not been able to attain that end, but I may, perhaps, have succeeded in showing that there is at least some reason for the results at which I have arrived.

And first, as to the question of Mr. Ritchie's precedence, independently of its relation to the Seal. The validity of the precedence granted against Mr. Lenoir and others, against which he contends, depends on the validity, effects and construction of two Acts of the Local Parliament which have been already fully referred to. Their validity, or rather their effect in transferring the exercise of the Royal Prerogative, was questioned at the argument, but it has been sustained by the opinions of the learned Judges who have preceded me, in which I am happy to concur, they having already decided that these Acts are not *ultra vires* but that they confer upon, or at least confirm in, the Lieutenant-Governor the right to exercise the Prerogative of the Crown in the appointment of Queen's Counsel, and in regulating the precedence of the Bar of this Province. I do not consider the first of these Acts at all derogating from or transferring the Queen's Prerogative. As the sole fountain of honour throughout her vast dominions, whether on the plains of Hindostan or in the

Province of Nova Scotia, this Prerogative is still vested in her. But by assenting through her representative, the Governor General of this Dominion, to this Act, she has rendered legal the exercise of that Prerogative by her representative in this Province, without her more immediate intervention, either personally or by her officers—this Act, I hold, not to take away her Prerogative, but merely to place the exercise of it in the hands of the Lieutenant-Governor. It is still her Royal Prerogative, by whomsoever it may be legally exercised.

But I think it is obvious from both these Acts that, in transferring the exercise of her prerogative, she intended to do so, and has done so, in a plenary manner. The language of the Acts is as strong, clear and definite as is possible. They profess to give to the Lieutenant-Governor not only the unlimited power of appointing Queen's Counsel, but the unlimited power of regulating the Bar, by giving precedence to such of its members as he shall see fit. I need not enquire whether Her Majesty, by assenting to the first of these Acts, gave up all power of interference with the appointment of Queen's Counsel. Clearly there is nothing on the face of it to restrain the Imperial or Dominion Governments from exercising that power, and there is nothing in the exercise of that power by either of these bodies necessarily conflicting with the power of appointment conferred on the Lieutenant-Governor. But when we come to the question of precedence conferred by the second Act, it is obvious that it is a power which could not be exercised by more than one of these bodies, without the grossest confusion.

It would be ridiculous to suppose that either Her Majesty or the Legislature intended that a scale of precedence should be adopted by the Lieutenant-Governor to-day, to be overruled by another framed in Ottawa to-morrow, and that reversed the next day by a fresh gubernatorial Act in Nova Scotia. Such a state of affairs would be a patent absurdity, which could not be thought of by anybody, and therefore I am clearly of opinion that this Act confers on the Lieutenant-Governor the exclusive right of regulating the precedence of Counsel in this Province.

But to what extent? Can the Lieutenant-Governor only regulate the precedence *inter se* of the Queen's Counsel appointed under that Act? or has he all the power which before the Act was, and still is, vested in the Crown?

I will further observe that the second of these Acts which I have now under consideration is quite general in its language. Its title is "An Act to regulate the precedence of the Bar in Nova Scotia," and its preamble is as follows:—"Whereas the regulation of the Bar in Nova Scotia is vested in the Provincial Legislature, and it is expedient, for the orderly conduct of business before the Provincial Courts, that provision should be made for the order of precedence of the members of the Bar in such Courts."

There is not a word in the title or preamble indicating any intention to limit the operation of the Act; nor is there a word in any part of the Act to limit it or restrain it except the express limitations in the 1st, 2nd and 3rd subsections, giving precedence to the Attorney-General of the Dominion, the Attorney-General of Nova Scotia and the Queen's Council appointed before July 1, 1867. All other Queen's Counsel and other members of the Bar, by words as express as the English language can supply, are entitled to such precedence as the Lieutenant-Governor shall, from time to time, see fit to grant to them, and no more.

But it is objected that this Act, express as is its language, can only refer to such gentlemen as had not received the honorary distinction of the silk, until after the passing of the Act; and that to give a larger construction would be to give it an *ex post facto* operation, so as to interfere with vested rights. If it were so, undoubtedly this would be a valid, if not conclusive, argument against giving the Act the more extended operation which is imported by its clear, express language. But is it the fact that the position of a Queen's Counsel is such a vested right and interest that it cannot be taken away without moral wrong or injustice? If it be, then the precedence of every senior member of the Bar is unjustly interfered with when one of its junior members is elevated by his appointment as Queen's Counsel over his seniors at the Bar. Do we not know—do I need to refer to the abundant authorities

cited on the argument, and numerous others, to show that it is the constant practice for the Crown in England not only to confer these honorary distinctions on junior members of the Bar, by appointing them over their seniors, but to select a particular Barrister or junior Queen's Counsel and give him rank over Queen's Counsel of long standing, with no better reason than the Sovereign's will and pleasure. Is this, then, which is the ordinary usage and practice of the Crown, an immorality? Is it such an act of wrong and injustice that we must presume, rather than permit it, that an Act of Parliament must be held not to mean what it expressly and positively declares?

If it be, then our Sovereign Lady the Queen is in the constant practice of committing the most atrocious acts of injustice, an idea so repugnant, that it appears to me to render my argument conclusive. And not only so, but if this be immoral, then the whole Act from beginning to end is based on a corrupt and dishonest principle, for its whole scope and essence is to enable the Lieutenant-Governor to do the very thing in all time to come that is now complained of as an act of injustice.

It is true that the Sergeants of the Common Pleas in 1840 made a gallant stand for their privileges, when by an order under the Royal Sign Manual their rights of exclusive audience were interfered with, and Barristers from the other courts permitted to plead in that Court with precedence according to their rank and seniority. The position which they assumed was that the court itself as well as the rights of all its officers were of common law origin, and were fixed by immemorial usage and prescription—that the Sergeants were a part of the Court itself, and had been so from time immemorial, and that the Crown by a Royal Mandate could no more abrogate the office of Sergeant or control its privileges than it could take away the Court itself or direct that the Sergeants should be the Judges. And it was contended by Sir William Follet and Mr. Austin on behalf of the Sergeants in arguments of the highest learning and most consummate ability, which I have read with very great pleasure not as in this case that their rights could not be taken away by Acts of Parliament, but that being fixed by the common law they could not be taken away by any lesser authority.

But the case of the Sergeants is an exception. In all the other Courts the power of the Crown to regulate the precedence of the Bar is unlimited. No doubt if this power were exercised in an arbitrary or capricious manner, it would be the subject of grave complaint and dissatisfaction. But such a thing as a Queen's Counsel in England contending that he had a vested right in his precedence, or that to place a junior over his head was *per se* an injustice to him, would be, I venture to say, an unheard-of proceeding. I therefore hold with very great deference to the learned and able Judges who have given their opinions, and who are in all probability in the right, that Mr. Ritchie had no vested interest in his precedence as Q.C., any more than any of his seniors may have had when he, in compliment to his great ability and high standing at the Bar, was very properly elevated over their heads to the Inner Bar,—and as I have already endeavoured to maintain the position that Her Majesty intended by that Act to transfer to the Lieutenant-Governor all her prerogative in relation to precedence at the Bar not therein specially excepted; it follows, if I am right in these premises, that this Act, having transferred no power which Her Majesty in person or by her advisers might not justly and legally have exercised, had the Act not passed, no wrong will be done to Mr. Ritchie in holding that the Act is not retrospective in any unjust or improper sense, and therefore ought to be construed according to its plain intent and meaning as expressed by its language.

But then it is contended that the power has not been effectively exercised, because the Great Seal has not been affixed to the Patent as required by the Act—the seal actually affixed to it not being the Great Seal, but one which was formerly in use, and which had then been abrogated. It is sworn on behalf of Mr. Ritchie that the Seal to this Patent is not the Great Seal, and in support of his position he produces the *Canada Gazette* of 20th November, 1869, containing:

1. A despatch from the Duke of Buckingham, Colonial Secretary, to Viscount Monck, the Governor General, dated 14th October, 1868, enclosing,

2. Her Majesty's Warrant under the Sign Manual assigning Armorial Bearings to the Dominion and the Provinces of Quebec, Ontario, Nova Scotia and New Brunswick.

3. A despatch from Earl Granville, Colonial Secretary, dated 8th May, 1869, enclosing Seals for the Dominion and these four Provinces—and also,

4. A second Warrant dated May 7th, 1869, under the Sign Manual, commanding that these Seals should be used and the old Seals returned to the Colonial Office to be defaced.

5. A Minute of the Governor General in Council as follows:—

GOVERNMENT HOUSE,
OTTAWA, Tuesday, 16th Nov., 1869.

Present—His Excellency the Governor General in Council. It is ordered that the Great Seal transmitted by the Right Honourable the Secretary of State for the Colonies with Her Majesty's Warrant, dated the 7th day of May, 1869, shall be used as the Great Seal of the Dominion of Canada for the sealing of all things whatsoever, which shall pass the Great Seal of the said Dominion, on, from and after the date of the present order.

(Signed) WM. H LEE.
Clerk Privy Council.

This Minute of Council was immediately published in the *Canada Gazette*. We have here a solemn act of adoption, and a time set for the operation of the new Seal, and full publicity given. There are several things to be noted in connection with this part of the transaction, which are very important and significant.

1. The Seals were sent out in May, and not adopted until November. The Minute of Council imports that the Seal formerly in use for the Dominion had continued to be in use for several months after the arrival of the new Seal with the warrant enjoining its use, and the return of the old Seal. Is it not obvious, if the contention of Counsel for the applicant be correct, that the old Seal of Nova Scotia became invalid, and the new Seal took effect on receipt of the new Seal and the Queen's Warrant at Halifax; then the Governor General of the Dominion for several months used an illegal Great Seal for giving authority to the public acts of the general Government. So this question, if that view be correct, assumes immense importance. It becomes no longer a provincial, but a national question. How many grants were issued, how many loans contracted in the English money market, how many Lieutenant-Governors, and how many Judges were appointed under that illegal Seal it would be curious, and if I am wrong, must become important to enquire. I am happy to say, however, that I am not aware that any of our Lieutenant-Governors or important judicial officers were appointed during that period. But a month or two after the new Seal was adopted, there were two appointments to the Bench. Had these appointments been made a few weeks sooner, the consequences would have been still more serious than they are.

The second circumstance I will note respecting the Minute of Council, is that the authorities of the Dominion evidently considered the old Seal the legal and right Seal, until the new Seal should be formally installed in office by a Government Act. It is a consolation to me in my present isolated position, to know that I have some countenance for my opinion from a quarter where we might expect to find an acquaintance with constitutional law and usage.

And, thirdly, it is to be noted that while the Minute of Council adopts the new Dominion Great Seal, and fixes a day for its coming into operation, it performs no such office for the provincial Seals which it does not even mention. It is obvious that the Governor General in Council purposely left this important duty to be performed by the Lieutenant-Governor.

I need not pursue the history of the matter as it appears by the public despatches submitted to us, further than to say that immediately after the above Minute of

Council and proclamation the new Seal was sent to, and received by General Doyle at Halifax, that the despatches and Queen's Warrant were submitted by him to this Council, that they did not adopt the new Seal, but sought the Royal sanction to continue to use the old one, which they did not obtain, the correspondence appearing to have been dropped, and that in fact it was never adopted or used. It also appeared by Mr. Ritchie's affidavit, which has not been contradicted, that it was in the Provincial Secretary's office at Halifax when he made his affidavit in December last.

In opposition to Mr. Ritchie's case, affidavits were made by the Provincial Secretary and his Deputy, that in their belief the Seal to the Patent was the Great Seal of the Province used and recognized as such, and that they knew of no other Great Seal having been accepted, adopted or used.

There is no doubt that the gentlemen making those affidavits on both sides have stated what they believed to be true. Which of them is correct in point of fact, is a question of law which the Court have to-day to decide.

I ought to observe, however, that the Queen's Warrant was sent by Mr. Howe, Secretary of State for the Provinces, to General Doyle in a despatch dated 24th November, 1869, containing an instruction to him (not to use the new Seal but) to take measures for its adoption as the Great Seal. The receipt of the despatch and of the new Seal is acknowledged by General Doyle in a despatch to Mr. Howe, dated 10th December, 1869, but it does not mention the date of receipt of either Mr. Howe's despatch or of the Seal. These may have arrived at any time within a fortnight previously.

I have read all the papers and correspondence relating to this matter which have been furnished to us, and also the correspondence published in the Session paper of the House of Commons for 1873, but it is not necessary for my argument to refer to them more than I have already done. I have also carefully examined all the authorities cited.

I find the ancient usage in relation to the adoption of the new Seal and the destruction of the old, thus succinctly stated in Sir Matthew Hale's Pleas of the Crown, p. 174:—

"Antiently when there was any change made of the Great Seal there was not only a memorandum thereof made in *dorso clausariae* (a public record of the Lord Chancellor's Court), and a public notification thereof in the Court of Chancery, but public proclamation was made thereof."

And on page 176, after stating that the Great Seal of the last King continues until another be made and delivered to the Lord Keeper by the King, the same eminent authority gives an account of the actual proceeding as follows:—

"The King, by his proclamation bearing date 3rd October, Anno 1, directed to all the Chief Sheriffs of England, signifying that he had made a new Great Seal and that it was to take place from the 4th day of that month of October, sends them the impression in wax of the new Seal, and commands them to publish it, and that after the 4th day of October they should give faith to it and receive no writs but under the new Seal after that day.

"The 4th of October, being Monday, the Bishop of Ely, Chancellor, produces the new Seal and declares the King's pleasure that it should be from thenceforth thus used. The Monday after the old Seal is broken *precipiente rege*, and the pieces delivered to the Spigurnel, (an officer of the Court). And on page 177:—Till a Great new Seal be made the old Seal, being delivered to the keeper, and used and employed as the Great Seal, is the Great Seal of England."

We have here the ancient practice—a practice so ancient as to have all the force of law—of inaugurating the Great Seal by a public specific act, entered in a public record, destroying the old one and making public proclamation of the new, fixing a date for it to assume legal efficacy. The usage is so old that there is no record of its commencement, and it has continued in force through all the ages to the present day, and we find it followed, and I have no doubt rightly followed, by the Governor General of the Dominion in Council. Nay, I have little doubt that if the record of the Executive Council of this Province were searched it would be found to have been the

invariable practice to make a record of the adoption of the new Seal and the return of the old one to the Colonial Office, and also to make a public proclamation of the transaction. It is owing to the strict observance of this custom that no such difficulty appears ever before to have arisen in England or any of her Colonies.

I have not space or opportunity to extract from the books as I would like to do, many curious and interesting items respecting the history of the Great Seal—most of which are to be found in Campbell's *Lives of the Chancellors*. Suffice it to say that the practice, as laid down by Hale, is the public and immemorial usage of the realm. It is as well established as the ceremony of a public coronation of the Sovereign. Nay, far more so, for Sovereigns have often reigned for years, and sometimes through their whole lives, without a public coronation, but there is no single instance to be found in the books all the way back through the centuries of a Great Seal being used or recognized without first being inaugurated by public ceremonies, by a formal public record and public proclamation.

Are these simple ceremonies, this record and this proclamation then idle forms, more honoured in the breach than in the observance? What are we now told, and told most truly? Nothing less than this, that every grant of Crown Land made since 1869, during which periods hundreds of thousands of acres of valuable timber lands have for pecuniary considerations, been granted by Her Majesty to her subjects, are null and void, that public officers may have been appointed and Legislatures convened on what after all turns out to be an illegal Seal? Could this have happened in England? Could a doubt have arisen there as to which of the two Seals was the Great Seal? And yet it is not only contended that many of the most important public acts of our own Government for eight years, but it must follow as a necessary corollary, that many of the most important acts of the Dominion Government for several months are invalid, because a wrong Seal has been used! But if we hold, as I feel myself constrained—perhaps erroneously, but if so, certainly not for want of appreciation of the importance of the subject, and certainly not from any want of industry or care on my part—to hold that the constitutional usages of the Imperial Government in relation to the Great Seal, are a part of the common law, and as such binding on Her Majesty's officers, and in full force for the protection of her subjects in their rights and privileges—then the new Seal could not become operative, nor the old Seal cease to be the Great Seal of the Province, until by a solemn public act of her representative—either the Governor General or the Lieutenant-Governor, who is Her Majesty's Chancellor for this Province—had taken place, a day appointed for the new Seal to come into operation, and the fact proclaimed as was done at Ottawa for the Dominion, in the *Royal Gazette* of the Province.

Of the transactions thus sanctioned by national usage, not the least important is the identification of the precise time at which the new Seal comes into operation. Any doubt as to which of the two Seals, the old or the new were the true Seal, though it lasted but for a single day, would, in a great nation like England, be a grave national misfortune, and therefore we find that in every instance the public record of the transaction which is endorsed upon the close rolls specifies the exact day. But in some instances it goes still further and specified not only the day, but the hour. Here is an example from 2 Campbell's *Lives of the Chancellors*, p. 34 (note):

“*Rotula clausorum*, 1 Edward VI., Mar., 14. Quomdie circa horam primam post meridiem prefatus Domnius Rex Sigillam suum primam apud palman suum, &c., &c.”

From which it appears that on the 14th day of March, in the first year of Our Lord, (1547) the New Seal was delivered by the Duke of Somerest, Lord Protector, in presence of the Infant King, then about six years of age, to the Lord Keeper, and a record made of the transaction. Yet this solemn ceremony so absolutely necessary, so uniformly observed, and so carefully chronicled in England and in this Dominion, is held to be altogether unnecessary here.

It is said that the Royal Warrant was sent out containing Her Majesty's command that the New Seal should be used, and the old one returned to be defaced.

But is this the first Royal Warrant of the kind? I have no doubt whatever that this Warrant, or rather one similar to it, precedes the inauguration of every public

Seal in England and the colonies. These things are done in England upon a regular system and order which continued with only necessary alterations from age to age; and it is probable enough that delays have often before taken place in the fulfilment of their requirements, (just as delays took place both at Ottawa and at Halifax) which have not been handed down to us for the simple reason that they were of no importance whatever until the appropriate inauguration of the New Seal took place in such a manner that all the world could know it, and until the old Seal was deposed from its high position by its absolute destruction or banishment, so that like Midhat Pasha, it could no longer be dangerous, the latter alone was the Great Seal.

It is a well-known French proverb, *Le Roi est mort! Vive le Roi!* and as it is with the King, so it is with the Great Symbol of his authority, his Royal Seal—the new Seal can no more have credence or authority until the old one is disposed of, than the new King can reign in the life of his predecessor. There cannot be two Kings nor two Seals—nor can there be an interregnum between the old and the new in either case. The Common Law by immemorial usage provides that at the death of one King—at the very moment of his death—his successor begins to reign; and the same Common Law by usage as immemorial, so far as can be ascertained by the public records or from history, provides that the Royal Seal shall exist until its successor is made, is delivered to the first officer of the Crown for safekeeping, is entered of public record and made public. The old one then ceases to operate by its immediate destruction. The two transactions are simultaneous.

But how can this Warrant which we have before us supply the place of these constitutional requirements? In the first place it fixes no time for the important transaction of changing the Seals. We are told that as soon as it arrived the new Seal came into operation. But are we to suppose that so important a transaction, that is, if this warrant be the criterion, would be left by Her Majesty's Secretary for the Colonies to so uncertain a time as the arrival of the Seal in this Province? Suppose the Lieut.-Governor had been absent, or ill, or that he had suddenly died, and nothing could be done until his successor was appointed. Surely Her Majesty's Imperial Ministers would never have left room for a great question as to what was the Great Seal of the Province by any loose and irregular proceeding. The most significant answer to the suggestion is that which actually occurred. We have no record of the day of its arrival here, nor any hint given us that such record exists. It may have been on any day between the 27th November and the 10th December, when its receipt was acknowledged. Which was the Great Seal of the Province during that interval? I asked this question of the learned Queen's Counsel who opened the case on the first discussion of it, and he did not and could not answer it, except by stating that the Seal came into operation on its arrival—which is a *petitio principii*. Yet this is a most important question, as during that fortnight a Legislature might have been convened without any means existing to decide whether it had been called under the authority of an improper Seal. My answer to the question avoids all difficulty.

But let us look at the Warrant itself—and the first thing that strikes us is, that not only does it not appoint a day for the new Seal to go into operation, but it does not even say that it is to be adopted or used immediately. Its commands have in fact never been literally disobeyed. In my opinion if the Lieutenant-Governor should take the appropriate means to inaugurate the new Seal to-morrow, Her Majesty's command will have been obeyed. Not, certainly, with any commendable alacrity, and not within a reasonable time, but as there is no limit in the Warrant itself of the day or year in which it was to be obeyed, I think it probable that Her Majesty intended to leave it to some extent to the convenience and discretion of the Local Government. If the law be as I consider it at least ought to be, Her Majesty's Ministers knowing that until properly inaugurated, the Seal was but a bit of harmless brass, and that there need be no haste about the matter, very properly left the date to be fixed and the Seal to be adopted, &c., in the usual constitutional manner, at such time as the Lieutenant-Governor should see fit—the result has been that it was not done at all.

This may have been very improper on the part of General Doyle and his advisers. Her Majesty's commands should certainly have been obeyed in a reasonable time and in a constitutional manner. The objections made to the new Seal by the Minute in Council were childish enough in all conscience. I do not believe, for instance, that the people of this Province had any such violent attachment for their ancient Seal which, after all, was not more ancient than the accession of Her present Majesty—and I have no idea that they would have broken their hearts at the substitution of the new.

Those who committed the offence might have, and perhaps ought to have, received appropriate punishment either from an angry Sovereign or an indignant people; or they might have been compelled, by any gentleman of the Long Robe applying to this Court for a writ of mandamus, to take the necessary steps to adopt the new Seal. Unfortunately, we knew nothing about it, and nothing was done. But the people were innocent, and it is hard that they should be punished for the neglect of Her Majesty's officers by the invalidation of their Legislature and the loss of their lands. If I am right in holding that the usages I have so often referred to are a part of the Common Law of England, then they are the public rights which our fathers brought with them to this Province, and as such they are our inheritance. If they are as such accepted and sanctioned by the Courts of law, as I think they ought to be, then they will operate effectually for the protection of our public and private rights, and our Legislature, our laws, our grants, for the last eight years will not be swept away because Her Majesty's servants were guilty of neglect and mismanagement, and used one bit of brass instead of another as the Great Seal. If I am right, and am held to be right, no injustice will be done, no longer need any excitement or alarm exist. The Imperial Parliament need not be applied to to do what, I fear, they will not do—that is, to pass an *ex post facto* Act, not to give one or two gentlemen precedence at the Bar over two or three others. That is contended to be enough to render it impossible that the Legislature can have intended it; but to take away from hundreds of individuals their legal right to lands which they enjoy merely because the rightful owners have lost their title by an accidental neglect about the Great Seal. I doubt very much whether the Imperial Parliament will pass such an Act. I even hope it may still not be necessary to ask for it; but if asked for I hope it will not be refused.

I am of opinion that this Patent is valid, being sealed with that which is the Great Seal of the Province, authenticated by the signature of its lawful keeper, the Lieut. Governor and Chancellor of the Province and by his principal Secretary, and, with great hesitation, arising only, however, from a sense of the immense preponderance of experience, learning and ability with which I have in this argument to contend—that the application of Mr. Ritchie for the precedence which he claims should be refused.

TO THE QUEEN'S MOST EXCELLENT MAJESTY :

Most Gracious Sovereign :—

We, Your Majesty's dutiful and loyal subjects, the House of Assembly of Nova Scotia in Legislative Session convened, humbly beg leave to approach Your Majesty for the purpose of representing—

That on the 1st of May, A.D., 1869, Your Gracious Majesty was pleased, by warrant under Royal Sign Manual and Signet, addressed to Sir John Young, then Your Majesty's Governor General of Canada, to transmit among other things a new Great Seal for the Province of Nova Scotia, and to order him to return the old Seal to Your Majesty to be defaced.

That Your Majesty's said Warrant was with the Seal, transmitted to Ottawa by Earl Granville, then Your Majesty's Secretary for the Colonies, in a despatch dated the 8th May, 1869.

That a correspondence thereupon ensued between the Dominion and Imperial Governments, which was brought to a close by a despatch from Lord Granville, dated the 25th August of that year.

That so far as Nova Scotia was concerned no action upon such correspondence was taken by the Dominion Government till the 24th November, 1869, when Mr. Howe, the Secretary of State of the Provinces, transmitted to General Doyle, then Lieutenant-Governor of Nova Scotia, a copy of the said correspondence.

That upon the subject-matter being brought to the then Government of Nova Scotia by General Doyle, the Executive Council of that day passed a minute, dated the 2nd February, 1870, in the words following:

“The Lieutenant Governor submits a communication from the Secretary of State for the Provinces transmitting for the consideration of the Council, a despatch from Earl Granville, the principal Secretary of State for the Colonies, on the subject of altering the Great Seal of the Province of Nova Scotia.

“It appears from the despatch of Earl Granville that the anomalous position in which Nova Scotia is placed, in regard to the Seal of the Province by the Imperial Act confederating the four Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, has not escaped the attention of Her Majesty’s Government.

“The British North America Act recognizes the right of the Governor in Council, both in Ontario and Quebec, to alter the Seals of those Provinces; and Earl Granville distinctly states that it is proposed by Imperial Statute or otherwise, to extend the same power to Provinces of Nova Scotia and New Brunswick.

“The Council, while freely recognizing the right of Her Majesty the Queen to change and alter the Great Seal of the Province at pleasure, respectfully submit that, as the people of Nova Scotia are warmly attached to the Seal which, for a long period of time, was used in sealing all Provincial documents under their old and highly-valued constitution, the Government be permitted to retain the old Seal instead of adopting the new one, a course which will obviate the necessity of either Imperial or Local Legislation on the subject.”

That a copy of this Minute was duly transmitted by General Doyle to Mr. Howe, who in a despatch dated the 14th February, 1870, acknowledged the receipt of the same, and in reply stated that the Minute and despatch would be brought under the notice of the Governor General with a view to their being transmitted by him, should he see fit, to the Secretary of State for the Colonies.

That the correspondence with the Government of Nova Scotia having closed with that despatch, we are not aware whether or not the said Minute was ever transmitted as above mentioned, or in any way brought to the notice of Your Majesty.

That a period of six months having elapsed from the time when the warrant was issued before the Government of Nova Scotia was officially informed of the correspondence, during all which time the Warrant remained in abeyance, the then Government of Nova Scotia may have assumed that pending an answer to their petition, embodied in the Minute of Council, the order might still be considered in abeyance.

That, whether acting in that view or not, the Government, in point of fact, made no change in the use of the Seal, and in process of time the matter passed from notice, the Seal now in use being assumed by everybody interested to be valid, till, in a recent proceeding in the Supreme Court, its validity was called in question.

That, arising from the arguments in Court and discussion subsequently in the Legislature, upon the publication of the correspondence transmitted in 1869, there exists at this moment some uneasiness and alarm, which may be greatly increased by the decision of the Court.

That it may be urged that the question of the validity of the Seal touches all the grants of land in Nova Scotia since 1869.

That it touches, it is also affirmed, even the validity of the Assembly itself; of the Acts of the Legislature for two Parliaments, and of Courts of Law and other institutions created thereby.

That Your Majesty’s loyal subjects, the members of the present Assembly, were elected without any suspicion on their part, or on the part of their constituents, of

the validity of the Seal attached to the Writs. That, whether technically or not, they were really and virtually the representatives of the well-understood wishes of the people at the time of the elections.

That they have not undertaken to express by resolution any opinion on the legal question before the Court, feeling that any such expression of theirs could have no effect in settling the doubts and uncertainties which have been raised.

That the authority of Your Majesty to change and alter the Seal at pleasure has never been questioned by any previous Government of Nova Scotia, and is not questioned by its present Government.

That Your Gracious Majesty has been pleased to announce through Lord Granville that there seemed to be no reason why the power of altering the Seal from time to time should not be vested in the Lieutenant-Governor in Council.

They therefore approach Your Majesty with the humble request that you will be graciously pleased to take such steps as may be necessary to have an Act passed in the Imperial Parliament giving validity to all Acts, Instruments and things done and passed under the old Seal.

And they further humbly hope that, if Your Gracious Majesty should feel disposed to confirm the proposal contained in Lord Granville's despatch, the power for the future of altering and changing the Seal may be given to the Lieutenant-Governor in Council, whose first act under such authority would be to adopt such Seal as your Majesty shall direct.

In acceding to the humble prayer of Your Majesty's loyal subjects the Assembly of Nova Scotia, you would restore to your loyal subjects the people of Nova Scotia, in a manner that involves the least delay and possesses the greatest authority, the inestimable blessing of confidence in their rights, their properties and their institutions.

Copy of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 5th April, 1877.

Upon the despatch of the Lieutenant-Governor of Nova Scotia, of the 28th ult., with reference to a question which has recently arisen as to the Great Seal of Nova Scotia;

The Hon. the Minister of Justice, to whom this despatch has been referred, recommends:—

1. That a copy of the despatch and its enclosures should be transmitted to the Secretary of State for the Colonies, for the information of Her Majesty's Government.

2. That, as it appears from the papers that the Provincial Government is not aware whether their Minute of the 2nd February, 1870, was ever transmitted to the Secretary of State for the Colonies, the Lieutenant-Governor be informed that it does not appear that the said Minute was ever submitted to the consideration of the Governor General, or that any advice was ever tendered him thereupon, or that the Minute was ever transmitted to the Secretary of State.

3. That the Lieutenant-Governor be informed that, immediately upon receipt of any such addresses to Her Majesty, and to His Excellency, respectively, as are referred to in his despatch, they will be submitted to the consideration of His Excellency, with such advice as may appear proper under the circumstances as then existing.

4. That the Lieutenant-Governor be informed that, in considering the advice to be given upon any such addresses, this Government will endeavour, so far as possible, to meet the wishes of the Government and Legislature of Nova Scotia, and that so far as it may be proper now to express an opinion, there does not appear to be any reason why the prayer of the proposed address to His Excellency should not be complied with.

5. That the Lieutenant-Governor be informed that, as the circumstances now stand, this Government has no suggestions to offer upon the course to be pursued.

The Committee submit the foregoing recommendations for Your Excellency's approval.

(No. 93.)

The Earl of Dufferin to the Earl of Carnarvon..

OTTAWA, 7th April, 1877.

MY LORD,—I have the honour to transmit herewith to your Lordship, a copy of a letter from the Department of the Secretary of State for Canada, covering a communication with enclosures from the Lieutenant-Governor of Nova Scotia, relative to the question which has recently arisen as to the Great Seal of that Province.

I forward in addition a copy of a Minute of Council, touching the same subject.

I have, &c.,

(Signed) DUFFERIN.

The Right Hon.

The Earl of CARNARVON,

&c.. &c., &c.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 7th April, 1877.

SIR,—I have the honour to inform you that your despatch, No. 22, of the 28th ultimo, has received the consideration of His Excellency the Governor General in Council. As it appears from the papers therein enclosed, that the Provincial Government is not aware whether their Minute of the 2nd February, 1870, was ever transmitted to the Secretary of State for the Colonies, I have to state that it does not seem that the said Minute was ever submitted to His Excellency the Governor General, or that any advice was ever tendered him thereupon, or that the Minute was ever transmitted to the Secretary of State.

I have also to inform you that immediately upon receipt of any such addresses to Her Majesty, and to His Excellency respectively, as are referred to in your despatch, they will be submitted for the consideration of His Excellency, with such advice as may be proper under the circumstances as then existing.

I have further to state that, in considering the advice to be given upon any such addresses, the Government of Canada will endeavour, so far as possible, to meet the wishes of the Government and Legislature of Nova Scotia, and that so far as it may be proper now to express an opinion, there does not appear to be any reason why the prayer of the proposed address to His Excellency should not be complied with.

I have to add, that as the circumstances now stand, this Government has no suggestions to offer upon the course to be pursued.

I have, &c.,

(Signed) R. W. SCOTT,

Secretary of State.

To His Honour

The Lieut.-Gov. of Nova Scotia,

Halifax, N.S.

(Canada—No. 102.)

The Earl of Carnarvon to the Earl of Dufferin

DOWNING STREET,
29th March, 1877.

MY LORD,—I have been in communication with the Law Officers of the Crown concerning the question which has arisen in regard to the validity of Acts done under the Great Seal, in use in the Province of Nova Scotia.

2. By the British North America Act, 30 Vic., cap 3 (Sec. 136), it was provided that "until altered by the Lieutenant-Governor in Council, the Great Seals of Ontario and Quebec, respectively, shall be the same, or of the same design, as those used in the Provinces of Upper Canada and Lower Canada, respectively, before their union as the Province of Canada."

3. No such clause as the foregoing appeared to have been considered necessary at the time of the union in the case of Nova Scotia and New Brunswick, but in 1869 it was thought desirable that new Seals should be prepared for the Dominion of Canada, and for the four Provinces then included in the Dominion. New Seals were accordingly prepared, and on the 7th of May a Warrant was passed under the Queen's Sign Manual and Signet, addressed to the Governor-General of the Dominion, authorizing and directing that the said Seals should, respectively, be used for the sealing of all things, whatsoever, which should pass the Great Seals of the Dominion of Canada and Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, and requiring and commanding the return of the old Seals. This Warrant does not appear to have been obeyed in the case of Nova Scotia, where the use of the old Seal has been continued, notwithstanding Her Majesty's instruction; and I learn that it has lately been contended in Nova Scotia that, in consequence of such use of the old Seal, all documents which have passed the Great Seal since the receipt of the new Seal, are invalid.

4. It would seem, however, that this view has not met with universal assent, perhaps, on the ground that it may be contended that the Warrant sending out the new Seal is to be regarded as merely directory, and not as abolishing the old Seal, and that even granting that the Lieutenant-Governor acted wrongly, in disregarding the directions contained in the Warrant, this neglect did not have the effect of making documents sealed with the old Seal invalid.

5. In taking the opinion of the Law Officers upon this question, I explained to them the foregoing circumstances, and I also called their attention to the opinion contained in the concluding paragraph of the Secretary of State's despatch to the Governor General of Canada (No. 169, of the 23rd of August, 1869), to the effect that the assent of the Crown being first obtained, Local Acts afterwards assented to by the Crown would be a legal mode of empowering the alteration of the Great Seals of the Provinces to be made from time to time by the respective Lieutenant-Governors in those Provinces where it was not then legal, but that it might be a shorter and more convenient mode of effecting the same object to pass one Imperial Act; and I requested their opinion upon the following points:—

(1.) Whether the order to use the new Seal contained in the Warrant of the 7th of May, 1869, (of which a copy was forwarded to them with the other documents bearing on this question,) was merely directory, so that a disregard of its injunctions would not have the effect of invalidating documents which were subsequently sealed with the old Seal, or whether the Warrant from the date of its receipt rendered the old Seal of no effect?

(2.) Whether the opinion given in the Secretary of State's despatch above adverted to, to the effect that local legislation with the previous assent of the Crown is competent to empower the Lieutenant-Governor to alter the Seal was correct?

(3.) Assuming that the effect of the Warrant transmitting the new Seal was

from thenceforth to render invalid all documents sealed with the old Seal, whether it is competent for local legislation to validate the past use, contrary to the injunctions of the Warrant of the old Seal, and to make good all documents passed under it and all things done under it?

(4.) Whether it would be competent for Her Majesty, by Letters Patent or Order in Council, to validate the past use of the old Seal, contrary to the injunctions of the Warrant assuming such use to be bad as aforesaid?

(5.) If local legislation is sufficient for all purposes of the case, whether such local legislation should be that of the Dominion Parliament, having regard to the British North America Act 1867, or the Provincial Parliament?

6. I am advised that the order in the Warrant of the 7th May, 1869, to use the new Seals, was merely directory, so that the disregard of its injunctions had not had the effect of invalidating documents which were subsequently sealed with the old Seal.

7. That the Local Legislature, with the previous assent of the Crown, is competent to empower the Lieutenant-Governor to alter the Seal, meaning by the term "Local Legislature" the Legislature of the Dominion.

8. Assuming that the past use of the old Seal has been bad, (which, however, as you will perceive, the Law Officers do not think was the case,) local legislation, *i. e.* legislation by the Dominion Parliament, would be competent to validate the past use, contrary to the injunctions of the Warrant of the old Seal, and to make good all documents passed under it.

9. Though an application to the Dominion Legislature would be recommended under such circumstances, the Law Officers hesitate to say it would not be competent for Her Majesty, by Letters Patent or Orders in Council, to validate the past use of the old Seal, contrary to the injunctions of the Warrant.

10. If local legislation is resorted to, I am advised that it should be the legislation of the Dominion Parliament; and if a Bill is introduced in the Dominion Parliament to authorize the Lieutenant-Governor to alter the Seal from time to time, it will be well as a matter of precaution, and as removing all possibility of doubt, to insert in it a clause declaring all documents sealed with the old Seal to be valid.

I have, &c.,

(Signed) CARNARVON.

Governor General The Right Hon.

The EARL OF DUFFERIN, K.P., G.C.M.G., K.C.B.

DEPARTMENT OF JUSTICE,
OTTAWA, 11th April.

Upon the despatch of the Colonial Secretary to His Excellency of 29th March, 1877, with reference to the Great Seal of Nova Scotia, I beg to report:

The Colonial Secretary has been in effect advised—

1st. That the Order in the Warrant of 7th May, 1869, to use the new Seal was merely directory, so that the disregard of its injunctions has not had the effect of invalidating documents which were subsequently sealed with the old Seal.

2nd. That the Parliament of Canada is competent to pass a law authorising the Lieut.-Governor to alter the Seal; and with a view of removing all possibility of doubt to declare all documents sealed with the old Seal to be valid.

3rd. That such legislation is expedient.

The Lieut.-Governor of Nova Scotia has already communicated to His Excellency the intention of his Government to invite the Legislative bodies of Nova Scotia to address Her Majesty for legislation in the Parliament of the United Kingdom for these purposes; and although no official intimation on the subject has reached the Government yet there is reason to believe that this course is being pursued

From the public journals it would appear that Bills have been introduced into the Local Legislature of Nova Scotia to the same end.

Had time served, I would have recommended further communication with the Colonial Secretary, with a view to arriving at an understanding as to the legislative body competent to pass the proposed legislation; but in view of the approaching termination of the present Session of the Canadian Parliament this seems impossible; and having regard to the fact that the majority of the Judges of the Supreme Court of Nova Scotia have expressed the opinion that the use of the old Seal is invalid, to the possibility in view of the opinion of the Law Officers that Her Majesty may not be advised to invite legislation in the Parliament of the United Kingdom, to the opinion which has been expressed that the legislative body competent to deal with the question is the Parliament of Canada, and the serious consequences which might ensue were legislative action delayed for a year; I recommend that a Bill be introduced into the Parliament of Canada for the purpose.

Inasmuch, however, as it appears to me to be questionable whether the Parliament of Canada has the suggested power, I recommend that the Bill should be framed so as to indicate the existence of this doubt, and to accomplish the object so far as the same may be within the power of the Parliament of Canada.

I recommend that a copy of the despatch in question, and of this minute, be transmitted to the Lieut-Governor of Nova Scotia.

(Signed)

EDWARD BLAKE.

COPY of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 12th April, 1877.

The Committee of Council have had under consideration the despatch from the Right Honourable Her Majesty's Secretary of State for the Colonies, No. 102, dated 29th March, 1877, with reference to the Great Seal of Nova Scotia; also the report of the Honourable the Minister of Justice, of the 11th April instant, thereon; and they respectfully submit their concurrence in the said report, and advise that a copy thereof and of this Minute be transmitted to Lord Carnarvon, and that a copy thereof and also of the despatch be transmitted to the Lieutenant-Governor of Nova Scotia, as therein recommended.

Certified.

(Signed)

W. A. HIMSWORTH,

Clerk, Privy Council.

(No. 108.)

The Earl of Dufferin to the Earl of Carnarvon.

GOVERNMENT HOUSE,

OTTAWA, 12th April, 1877.

MY LORD,—I referred to the Privy Council of Canada a copy of your Lordship's despatch, No. 102, of 29th March last, on the question of the Great Seal of Nova Scotia, and I have the honour to transmit herewith to your Lordship, in reply, a copy of a Minute of Council, showing the steps which my Ministers propose to take in the matter.

I have, &c.,

(Signed)

DUFFERIN.

The Right Honourable
The EARL of CARNARVON,
&c., &c., &c.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 13th April, 1877.

SIR,—With reference to my letter of the 7th inst., I have the honour to transmit to you herewith, for the information of your Government, a copy of an Order of His Excellency the Governor General in Council and of the report of the Honourable the Minister of Justice, and of the despatch of the Right Honourable the Secretary of State for the Colonies, therein referred to, on the subject of the Great Seal of the Province of Nova Scotia.

I have, &c.,

(Signed) R. W. SCOTT,
Secretary of State.

To His Honour

The Lieutenant-Governor of Nova Scotia,
Halifax, N. S.

(No. 87.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 12th March, 1877 ;—For copies of all correspondence between Sarah Graham, Widow, and the Government in reference to an application for aid in consequence of the reduction of salary and subsequent death of the late Wm. Graham, at that time a Messenger of this House.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 14th March, 1877.

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

RETURN

To an ADDRESS of the HOUSE OF COMMONS, dated 21st February, 1877 ;
For Copies of all Orders in Council authorizing or relating to the
construction of the Fort Francis Locks or Canal ; all papers, corres-
pondence, instructions to Engineers and Reports of Engineers and
others, pointing out the advantage to be gained from the Public Work
and giving an estimate of its cost of the entire works necessary to
attain the object for which it is proposed to build the Canal.

By Command,

(Signed)

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 5th March, 1877.

DEPARTMENT OF PUBLIC WORKS, CANADA,
OTTAWA, 9th March, 1877.

(Memo.)

In the Return prepared for the House in the matter of the Fort Francis Locks there is wanting the report of Mr. S. Hazlewood, giving an estimate of the cost of the works. The Report is mislaid, but Mr. Hazlewood has been written to for a copy of it.

(Signed)

F. BRAUN,
Secretary.

May 11th, 1875.

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

When you reach Fort William you will see Mr. Walter Oliver, and if he has finished the work entrusted to him, he will accompany you to assist in taking charge of the men. Mr. James Macdonald and Mr. Oliver will act as foremen under you, either in the woods or at the works, as you may deem desirable.

Mr. Logan will act as clerk, keeping the accounts of provisions and supplies. He will charge the men with such supplies as they may receive of clothing, boots, or such other articles not furnished as provisions. Mr. Logan will further keep the men's time, act as paymaster, and perform such other general duties as you may require of him; his salary being at the rate of \$1,000 (one thousand dollars) per annum.

When your force shall have been organized and on the spot, you will send a list of the men, with rates of the pay agreed upon. It is understood that these rates will be such as are generally paid by the contractors on the railways east and west of you.

Arrangements will be made for furnishing you with money as you notify this Department of your requirements. It is expected that banking facilities will shortly be afforded at Prince Arthur's Landing. Such supplies as may be required will be furnished to you on your requisition addressed to Mr. Angus Bethune, Chief Commissariat Clerk at Thunder Bay.

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

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

You will also report whether there is an abundance of clay in the neighbourhood; and the kinds of timber most available for the purpose of the lock.

I have the honor to be, Sir,

Your obedient servant,

(Signed) F. BRAUN,
Secretary.

HUGH SUTHERLAND, Esq.,
Orillia, Ont.

FORT FRANCIS R. R., ROUTE, July 5th, 1875.

SIR,—According to instructions received from Mr. Hazlewood I have made the necessary profile, and laid out the ground for the locks on Rainy River at this place; about one half of the necessary excavation will be through rocky granite, which from the trials made in the test pits, drills very fairly, the use of steam drills would greatly expedite the work.

The work of soundings on the various lakes along the railway was completed; regarding it I have to state, that, to bring Lacs to the level of Lake Shebandowan would lay bare about three-quarters of the bottom of the former, also a large portion of Kashabowie and Bane Lakes would be similarly affected; in fact I may say that the plan is impracticable, except under enormous expenses far exceeding what twice the amount of railroad would cost.

I also ran the line from French Portage to Lake Shebandowan inland, keeping the lowest possible ground; the general average of this line lies from fifty to

one hundred feet above the level of Shebandowan, and although it is admirably suited for railway purposes, its height above the water precludes it from ever being available for a canal.

I am now awaiting the arrival of my supplier, Mr. Hazlewood, which I expect daily. I then start for the bush. Mr. Hazlewood has not seen the Lake plans yet so I do not forward them.

I am, Sir,

Yours respectfully,

(Signed) HENRY J. MORTIMER.

SANDFORD FLEMING, Esq.

OTTAWA, 16th July, 1875.

SIR,—In compliance with instructions received from the Department, dated 11th May last, relative to the construction of lock on Rainy River at Fort Francis. I beg to Report,—

I arrived at Fort Francis on the 14th ult. with a force of 46 men, four horses and a quantity of supplies, and until the completion of the Survey, viz: 29th ult., I engaged the men in making timber for cribs, &c., erecting boarding house 24 feet by 60 feet, store house 24 by 50, and office 16 by 26, which I found were required, as there were no buildings suitable or available for the purpose.

The buildings are erected on the Government reserve, and are "Balloon frame."

Mr. Mortimer, the Engineer appointed for the purpose, completed the survey of the locks on the 29th June.

The work of excavating the earth-work was commenced on the 1st July, inst., and is now progressing favorably.

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

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

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

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

I have explored a portion of the North Shore of Rainy Lake, and find that all the timber that is necessary for the lock can be obtained at a distance of from 15 to 25 miles by water, consisting principally of red pine.

There is also a sufficient quantity of clay in the neighborhood for puddling.

The total number of men at present engaged on the work is sixty-three (63), a list of the names and wages agreed upon will be found annexed.

I expect, however, that the force will be increased during the present month to (100) one hundred.

In addition to the proposed locks I would recommend a wharf to be built at east end, forming a continuation of crib work of the north side wing, or entrance, until it reaches the main land as shown on plan, and also a "Guide Pier" built in same manner on opposite side to prevent in case of boats missing the wharf pier from drifting over the falls.

The current at this point is very strong and, with wind off the shore, this pier is necessary for the safety of boats passing through the locks.

The cost of both piers would not exceed \$3,000.00. I am of opinion the guide pier, would answer a double purpose, viz: to raise the water sufficiently high in the

river to allow the Rainy Lake steamers to go up the rapids, one and a-half miles above the locks, which is at present navigable in high water only.

In order to carry the work on in a profitable and expeditious manner I submit the following machinery, tools, plant, &c., are required, opposite to which will be found an approximate estimate of the cost, which I have obtained from careful enquiry :

2 Burleigh Jumper Steam Drills with Tripods and duplicate Drills at \$500.....	\$1,000 00
100 feet lineal feed Hose.....	100 00
1 Steam Boiler for both drills.....	300 00
1 Heald and Seisco pump, 500 gall. per min.....	395 00
1 Engine and Boiler (12 H. P.) to drive same.....	1,000 00
3 Hoisting Derricks at \$200 each.....	600 00
	\$3,395 00

The "Burleigh" drills are required almost immediately, also the derrick. The pump, with engine and boiler, not required so soon.

I have not made any estimate for blasting powder, fuse, &c., &c., as I understand a considerable quantity can be gathered along the Dawson Road.

I beg to call attention to the following matters for your consideration, which I hope will be favorably received :

1st. There is no medical doctor within 250 miles of Fort Francis, and during navigation it would occupy two weeks to get one there, from either Thunder Bay or Fort Garry, should his services be required.

We have had one accident already; one of our men fell from a building and is still in a doubtful state of recovery. This has caused considerable uneasiness amongst the men, and I respectfully submit that the Department should do something towards furnishing medical aid, as the work of blasting, &c., will be attended with more or less danger to the men employed.

I would recommend that the Department offer a bonus of say \$400 or \$500 per annum, and furnish a stock of medicines, what would be required over and above the bonus to pay a medical man for his time, could be collected from the men employed.

2nd. No postal arrangements have been made with the contractors of the Red River route, consequently we are without any mail communication at Fort Francis. There are about 150 residents, settlers there, besides the men employed on the Locks.

It is absolutely necessary that we should have a weekly mail from Thunder Bay.

All of which is respectfully submitted.

(Signed)

HUGH SUTHERLAND.

To the Honourable
the Minister of Public Works,
Ottawa.

**STATEMENT of Money expended on account of Fort Francis Locks, from
14th April to 16th July, 1875.**

		\$	cts.
1875.			
April 27.....	To Travelling expenses, Orillia to Ottawa and return, from 14th to 27th.....	47	05
	Travelling expenses, Ottawa, Pembroke, inspecting locks at Calibute.....	33	06
May 3.....	Expenses Orillia to Toronto and Ingersoll, purchasing horses and supplies. Eight days.....	43	50
do 15.....	Expenses to Collingwood and Sarnia, purchasing supplies. Five days...	26	30
do 19.....	Montreal Telegraph account.....	7	31
	Dominion do.....	7	46
do 20.....	Expenses of self and seven men, Orillia to Toronto.....	20	80
	do do Toronto to Thunder Bay.....	160	00
	Meals and lodging for same to Sarnia.....	15	55
	Cab hire, Toronto, \$1.00; cartage, \$1.50.....	2	50
do 21.....	Expenses three men from Ingersoll to Thunder Bay.....	59	85
	James M. Grant, Ingersoll, for four horses.....	452	00
	Freight on four horses to Sarnia.....	19	50
	Expenses J. M. Lewis, St. Catherines to Sarnia.....	6	50
	Hotel bill, Alexander House, Sarnia, for men and horses.....	23	12
	Telegraphing and postage.....	2	30
	Steamer "Ontario," fares and meals.....	269	30
June 1.....	Bill at Somers' Hotel, Thunder Bay.....	30	50
	do Flaherty's Hotel, do.....	8	74
	do Shumah Hotel, do.....	25	30
	Meals for self and three men on Dawson Road.....	36	90
	James A. McDonald to cover expenses of bringing twenty-five men from Glengarry to Fort Francis.....	566	91
do 12.....	Paid Indian for conveying.....	2	00
	do fish, boarding, horse.....	3	00
	do finding horses.....	1	00
	do milk.....	1	00
	John Lenklight, exploring south side.....	5	00
	John A. Nelson, on account, wages.....	\$ 6	75
	Jas. W. Lewis, do do.....	22	50
	Jno. Negles, do do.....	4	00
	D. McMullan, do do.....	1	17
	J. R. Sutherland, do do.....	0	60
	J. A. McDonald, do do.....	2	15
	W. A. R. Macdonald, do do.....	0	30
	Levi Jones, do do.....	20	45
	Robert McKelvy, do do.....	30	72
	Charles Grant, do do.....	24	30
	Alexander McDonald, in full,.....	72	10
		157	87
July 9.....	H. B. Co., Shebandowan, Indian to find Mr. Mortimer.....	13	75
	John Logan to pay account at Thunder Bay.....	75	00
		\$2,160	18

Cr.

By Cheque, Department Public Works through Bank of Montreal.....	\$1,700	00
Less, collected, Dominion Bank.....	2	12
	1,697	88
Balance to credit of H. S.....	\$462	30

Not being aware until I reached here that this statement was required now, I am unprepared with vouchers, which are at the office in Fort Francis. I will forward them on my return if necessary.

(Signed)

HUGH SUTHERLAND.

OTTAWA, 16th July, 1875.

DEPARTMENT OF PUBLIC WORKS,
OTTAWA, 24th July, 1875.

SIR,—In the instructions given to you from this Department, as per margin, you 30067, 1st
are requested to proceed with the excavation of the earth work on the
May, 1875. line proposed for the construction of the Fort Francis Canal; and in
your report upon the work of the 16th instant, you recommend the purchase of two
Burleigh jumper drills, with hose and boiler; a Neald and sciscoe pump with
engine and boiler, together with three derricks. The whole amounting to a cost of
\$3,395.

I am directed to inform you that your recommendation is approved, and that you
have authority to expend the amount you name, as specified in your report.

I am further instructed to inform you that the Department is desirous that you
carefully note the use of this machinery, and that you keep carefully compiled tables
of the cost of operating it and the results it achieves. When facts sufficient have
been obtained to warrant your making a generalization as to the results, both as to
the time taken to remove material and the cost of doing so, you will report them to
the Department, and further you will base on these conclusions an estimate both
with regard to time and cost, in the matter of the Fort Francis work. In the latter
case you must give full and ample detail so that your estimates are explanatory in
their face.

Full instructions have been sent to Mr. Hazlewood to proceed to Fort Francis
and prepare a full and complete design for the whole work.

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

These instructions necessarily include the re-examination of the line recommended
by yourself and Mr. Mortimer, and should Mr. Hazlewood conceive it necessary to
make any change in the location, you will defer to his opinions and carry on the
work on the amended line he may trace out, should he conceive that course to be
necessary.

The other points in your report on the matter of medical attendance and postal
communication will in due course be submitted for the consideration of the Honorable
the Minister.

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

(Signed) F. H. ENNIS,
for Secretary.

H. SUTHERLAND, Esq.,
Winnipeg.

DEPARTMENT OF PUBLIC WORKS,
OTTAWA, 24th July, 1875.

SIR,—Referring to your letter of the 16th instant, requesting information as to
the rate of pay of Messrs. McDonald and Oliver, I am to state that under Depart-
mental letter of instructions, No. 30,067, you are authorized to pay wages in similar
rates to those paid by the railway contractors on works east and west of Fort Francis,
and to request that you will conform to these instructions, and fix the rate of pay to
Messrs. McDonald and Oliver accordingly.

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

(Signed) F. BRAUN,
Secretary.

HUGH SUTHERLAND, Esq.,
Orillia, Ont.

DEPARTMENT OF PUBLIC WORKS,
OTTAWA, 24th July, 1875.

SIR,—In your report of the 16th instant, as per margin, you recommend that 51,936, 16th steps should be taken for the immediate appointment of a medical man at July, 1875. Fort Francis, to attend the working parties engaged on the Fort Francis Canal.

I am directed to reply that the Department approves of your recommendation, and authorizes you to arrange for the services of a medical man at Fort Francis during the season of 1875. The Department places entirely in your hands the determination of the arrangements on which the appointment shall be made. The Honorable the Minister has every confidence in your discretion and judgment, and looks forward to the appointment of a competent and skilled medical officer on proper and reasonable conditions.

When you have concluded these arrangements, you will report them to the Department, with an estimate of what the cost will be during the season.

I am directed especially to draw your attention to the necessity of limiting the engagement to one season, so that the Department will be at liberty to enter into other engagements on the ensuing year, if it be considered expedient to do so.

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

(Signed) F. BRAUN,
Secretary.

H. SUTHERLAND, Esq.,
Winnipeg.

DEPARTMENT OF PUBLIC WORKS,
OTTAWA, 24th July, 1875.

SIR,—The absence of Mr. Fleming in the Lower Provinces makes it necessary that I should address you directly instead of through the Chief Engineer of the Pacific Railway. You will be good enough to reply to the Secretary, Mr. Braun, and sent your report to him, and I must ask you to reply to this communication with the least possible delay, the importance exacting immediate attention.

I have the honor to enclose you as per margin:

- | | |
|----------------------------|---|
| 30,067, 11th
May, 1875. | 1st. Letter to Mr. H. Sutherland, being instructions for carrying on the Fort Francis Canal. |
| 51,934, 5th
July. | 2nd. Copy of a report by Mr. H. J. Mortimer, Assistant Engineer, on the location of the Canal. |
| 51,936, 16th
July. | 3rd. Also report of Mr. H. Sutherland on the same subject, together with a map of survey of falls at Fort Francis, shewing the site of the proposed Canal; likewise a profile of the ground where it is proposed by these gentlemen to construct the locks in question. |

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

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

The proposed size of the locks are 200 feet by 40 feet in the chamber, with seven feet on the sills.

One difficulty secularly appealing to your attention is the strong current at the head of the falls. You will report on its extent and direction, and whether any

special works are required to insure the safety of vessels entering the proposed Canal.

It is reported to the Department that about one mile and a half above Fort Francis rapids are met with, which are only navigable in high water; you will examine and report upon these rapids as to the impediments which they cause at the period of low water, and if any works are necessary to obtain the depths required, and whether it be advisable to place them at the head of Fort Francis Falls.

Connected with this examination is the influence of the wind, which must also be considered, as in certain directions it will bear upon the entry by vessels into the Canal.

The documents enclosed in this communication are insufficient in all respects, and the Department is not in a position to accept or reject the location named. You are therefore required to supplement all the information which is called for.

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

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

I am directed particularly to dwell on your anticipating all risk of a vessel being carried over the falls by missing the entrance to the Canal.

You will furnish likewise an estimate of the timber and iron required in the construction of the lock and such quantities as will be needed this season. You will state what width you recommend for the bottom for the Canal proper, with such slopes as you think advisable.

On completion of your examination you will forward to this Department for approval a copy of the drawings necessary to carry out your design, and I have to repeat that the Honorable the Minister is desirous of having them in his possession with all possible despatch.

You will be good enough to acknowledge the receipt of this letter and inform the Department when you can start for Fort Francis.

I have the honor to be, Sir,

Your obedient servant,

(Signed) F. BRAUN,
Secretary.

S. HAZLEWOOD, Esq.,
C. P. R.

DEPARTMENT OF PUBLIC WORKS,
OTTAWA, 24th July, 1875.

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

You will observe in the copy of the instructions to Mr. Hugh Sutherland, as per margin, which has been forwarded to you that while Mr.

3,067, 11th
May, 1875.

Sutherland has been placed in charge of all working operations he is instructed to refer to you for engineering instructions.

During the last few weeks the operations of Mr. Sutherland have been confined to the construction of dwellings, shanties and offices in the neighbourhood of the proposed locks. He has, also, to some extent, been engaged in taking out timber required for the work. He has now been directed to commence the excavation necessary to the construction of the locks and canal proper, and he has organised parties for that purpose.

In informing you of these instructions it is expedient to explain that the Department is actuated by the desire of taking advantage of the present working season so that no time be lost and that this improvement be made with as little delay as practicable. As the site where Mr. Sutherland will commence his excavation has been recommended by Mr. Mortimer equally as by himself, there is fair reason to look forward to the line selected by them being approved by yourself.

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

I have the honor to be, Sir,

Your obedient servant,

(Signed) F. H. ENNIS
for Secretary.

S. HAZLEWOOD, Esq., C. E.,
C. P. R.

DEPARTMENT OF PUBLIC WORKS,
OTTAWA, 24th July, 1876.

SIR,—I am instructed to acknowledge your letter of the 19th of July, in which you place in written form, the result of a conversation with the Deputy Minister, as to the best mode of making payments for material and for meeting incidental disbursements for labour and contingencies.

The recommendations made by you have been considered by the Honorable the Minister, and he has directed me to give you the following instructions for your guidance.

1. All accounts will be rendered in triplicate, duly certified in form. Every account will be sent in duplicate to this Department, the third copy being retained by yourself. When practicable the accounts will be paid from the office at Ottawa. But where it is necessary to make payments in Fort Francis care must be taken that the accounts thus paid are duly and regularly receipted.

2. To meet such disbursements, a credit will be given at the Ontario Bank, Prince Arthur. All cheques against this credit must be signed both by Mr. Logan and yourself. When an account is presented it will be examined by Mr. Logan with regard to the authority on which the expenditure has been made, and that the account is correct on its face. When the account is just, Mr. Logan will make a requisition to you for its payment, giving full information with regard to it. This will be your warrant for countersigning the cheque given by Mr. Logan, which will be invalid without your signature.

3. In all cases the cheque will fully set forth the nature of the expenditure. In no circumstance will you sign a cheque where this information is not fully set forth, neither will you sign blank cheques.

4. Advances will be allowed for prospective disbursements, the cheque on which this advance is given must clearly set forth the facts on which it is issued, and it must be stated that the money is paid on a suspense account.

5. On the first day of each month you will report to the Department the cash in hand, on the first of the preceding month the cash received during the month; the cheques counter signed by you in the same period, setting forth the balance in hand at date.

6. Mr. Logan will report to the Department an independent statement to the same effect.

7. The Department have difficulty in recognizing any circumstances where vouchers cannot be obtained, because a portable inkstand can always be carried with a pocket pen, and it conceives that precautions should always be taken to make the absence of a voucher almost impossible. But should peculiar, special and extraordinary circumstances arise, and a voucher is not forthcoming, full explanations must be given why such voucher is not on record, and the circumstances of the transaction which the payment represents must be set forth in full.

The Honorable the Minister in giving these instructions considers that the payments incidental to the work under your superintendence will be satisfactorily made, and that every assurance is obtained for the equitable disbursement of the public money. He requests me further to add that there is no desire to fetter your operations, and that as you employ the credit placed to your disposal you will apply from time to time as money is required for a renewal of the credit so that the funds necessary to your operations will be placed at your command.

You will carefully note the working of this system as it is laid down, and you will report to this Department any improvement which experience may suggest.

I am further instructed to inform you that the Honorable the Minister approves of your recommendation of the purchase of a fire-proof safe and you are hereby authorized to make that purchase.

I have the honor to be, Sir,

Your obedient servant,

(Signed) F. H. ENNIS,
for Secretary.

S. HAZLEWOOD, Esq., C. E.,
C. P. R.

PRINCE ARTHUR DISTRICT,
August 2nd, 1875.

DEAR SIR,—Your communications Nos. 31203 and 31204, with enclosures, are to hand. I shall give the Canal question at Fort Francis my best attention.

I have brought Mr. Mortimer down to work upon the plans, and as soon as they are ready I shall not lose a moment in forwarding them to Ottawa.

In the meantime I may state that I approve of the location selected by Mr. Mortimer for the Canal at Fort Francis.

I am, Sir,

Your obedient servant,

(Signed) SAM. HAZLEWOOD.

F. BRAUN, Esq.,
Secretary Public Works Department,
Ottawa.

19th November, 1875.

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

(Signed) F. BRAUN,
Secretary.

H. SUTHERLAND,
Winnipeg.

OTTAWA, November 2nd, 1875.

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

(Signed) HUGH SUTHERLAND.

Secretary Department Public Works.

OTTAWA, 18th April, 1876.

SIR,—I am directed to forward you herewith copy of plan of lock at Fort Francis, prepared by Mr. Page, which has been approved of by the Minister. I am to authorize you to resume work on the said lock by day labour, and to request that you will submit to the Department an estimate of the probable monthly expenditure for the next twelve months.

I have the honor to be, Sir,

Your obedient servant,

(Signed) F BRAUN,
Secretary.

HUGH SUTHERLAND, Esq.,
Orillia.

OTTAWA, 18th April, 1876.

SIR,—I have the honor to transmit herewith the following papers connected with the work of constructing locks under my charge at Fort Francis :

1st. Report in detail of all work done at Fort Francis, with statements annexed shewing the cost of each kind of work separately, viz: Earth, Rock, Timber, Cofferdam, Buildings, &c. Also inventory of machinery, tools, plant, &c., on hand.

2nd. Cash statement No. 2, with seventy-seven vouchers amounting to \$29,230.91 (70) of the vouchers were deposited with you.

3rd. February last accompanied with another statement No. 2, amounting to \$28,915.74, but as that one was not certified by Paymaster I sent for a certified copy, the one now enclosed, but which came with seven vouchers added and now enclosed, making the total amount \$29,230.91.

The statement now enclosed is intended to cover the previous one of the same number.

4th. Copy of cash book from 1st July, August, to 14th December, 1875, from which all entries may be checked. Paymaster's cash statement rendered separately from my own.

5th. Paymaster's statement of Bank account at Prince Arthur's Landing showing statements of cheques issued, and balance of cash on hand.

6th. Statement from Paymaster of balance due men, and requisition for \$5,000 to discharge all liabilities which I have included in the \$15,000 asked for to-day on canal account.

In the foregoing statement I have endeavored to give you as complete an idea of the whole business as I can. Should any further explanation be required, I hold myself in readiness to give it.

As a complete set of books are kept at the office at Fort Francis, where any information relative to the account may be had on application to the bookkeeper.

I have the honor to be, Sir,

Your obedient servant,

(Signed)

HUGH SUTHERLAND.

F. BRAUN, Esq.,
Secretary, D. P. W.

OTTAWA, 18th April, 1876.

SIR,—I have the honor to submit the annexed report prepared by Mr. J. A. Nelson, foreman in charge at Fort Francis Locks, giving a full statement of all the work done in connection with the locks from the commencement until the present time. Also carefully prepared statements showing the cost of each kind of work made up, from statements fyled weekly at the Fort Francis office as the work progressed.

I invite a careful examination of this report, which I believe contains such information as the Department should be in possession of.

I have the honor to be, Sir,

Your obedient servant,

(Signed)

HUGH SUTHERLAND,
Superintendent.

F. BRAUN, Esq.,
Secretary, D. P. W.

FORT FRANCIS, 1st March, 1876.

DEAR SIR,—I beg leave to report the following for your information in connection with the construction of Fort Francis Canal.

In the first place there has been erected and I may say finished according to your plans and instructions, one of most commodious and convenient buildings for the accommodation of the employees on the work, seldom found on any public work.

The building, 60 feet by 24, 20 feet high, with a kitchen 24x16x10 feet and woodshed 24x10, 8 feet high attached, the dining-room is forty feet long, and is fitted up with three tables, running the whole length, with sitting capacity for 120 men at one time. It is furnished with cupboards, delf shelves enclosed with glass doors. The front part of the building is fitted up and furnished with seats and tables and used as a sitting and reading room by the men, there are four bedrooms up stairs 9x10 for the use of the foremen on the work. The main sleeping apartment is the same size as the dining room, fitted up with bunks on each side and down the centre. Sleeping rooms for 100 occupants. The building is lighted and ventilated, lined overhead and on the sides with felt and matched stuff.

There is also a floating bathhouse built by your instructions, on a scow 24x12, 8 feet high, where the employees wash, and may retire after their day's labor and refresh themselves with a bath or wash their clothes, cleanliness being conducive to health, health essential to labor. In connection with the boarding house, are two root houses for storing vegetables during the winter, and keeping meats, milk, &c., &c., during the summer. One is 12x12, 8 feet high, the other 12x18, 10 feet high, both with double doors and covered with clay and sodded.

Also a bake house 12x18, 8 feet high, with an earthen oven inside, capacity 50 loaves at a baking, it has a solid earthen floor to prevent the possibility of fire.

The warehouse built according to your direction is a good substantial building, well adapted for such a purpose—size 24x50, 12 feet high, with front shop, counter, shelves, &c., and bed room, and is suitable in every way for keeping and storing the great variety of stores required on a work of this kind.

The blacksmith shop is also in every respect suitable, being well lighted and ventilated, size 18x38, 12 feet high, having two forges and most of the necessary tools for the execution of the work required.

The tools now on hand have nearly all been made in the shop, there being none here to prosecute the work with when we came.

The stable put up according to your instruction is a great benefit to the stock; size 24x36, 16 feet high; stalls for 10 horses, capable of accommodating 14; has loft overhead which will store 10 to 12 ton fodder; oat and feed bins, harness racks and all necessary conveniences within.

The stock, which now represent nine head of horses and two cows, are in excellent condition.

The office is truly a beautiful building, built according to your instructions and plans; its dimensions are 18x25, 16 feet, one and one-half stories high, two rooms down stairs, one used as an office, the other by Dr. Robinson as office and bedroom. Two rooms up-stairs, with a small room, now used as a stationery room.

The accommodation of all concerned has been thought of. We have two water-closets in connection with the works. There is also a small building, which was here when the work commenced, we utilize as a tool house. This finishes the buildings.

I will now proceed to state the amount and kind of the work done during the year.

We arrived here on the 14th day of June. The boarding house you commenced immediately—Mr. Levi C. Jones in charge as foreman. You also started the timber men to the Islands to make timber—Mr. J. M. Lewis in charge as foreman. Test holes were at once sunk to find the depth of earth on rock, after which J. Mortimer, Engineer in charge, laid off the canal, and Mr. James McDonald, in charge as foreman, commenced the excavation on the 2nd July.

The excavation of earth, I may say, is finished as far as it is necessary at present. The excavation consisted of a top soil, say three feet surface of black sandy loam; the bottom of a yellow and blue clay substance; part of the earth was wasted to form the frontage for the proposed wharf, part to form the embankments of the canal at the lower end; the work was pushed vigorously and very successfully. See appended statement of quantities for number of yards excavated.

The rock work was commenced at the lower end of the canal on the 20th day of August. I only worked three men for some time at starting. The rock being a species of the hardest kind of granite, the surface being shelly or in ledges, and, from its peculiar formation, it is almost an impossibility to quarry it.

Having taken the surface off we worked to make a face, and were very successful; there is now a 10 foot face the full breadth required, fifty-two feet, and fifty feet back from low water mark.

In allusion to this and presuming the work to be resumed in the spring, and in the absence of, and the impossibility now of putting in the proposed coffer-dam according to plan in time, I would suggest a crib work put in the opening and coffered, which would cost but trifling, timber to build, stone to ballast, and earth to fill being on the ground—estimated cost say \$400; this would secure operations from all obstructions as regards water. The proposed coffer-dam, according to plan, could be proceeded with during the summer.

To explain more fully the present level of rock excavation is, or nearly so, the required level of the first chamber; a face could be started on the upper end of canal, so both the ends could be operated at one time.

The coffer-dam on upper side being in, and having been pumped out, proved dry,

showing a rock face, with very little blasting, to the required level. The rock sloping off gradually at this point, bottom being mud.

While writing about the coffer-dam I said it was in ; so it is, but it is not secure to within five feet of high water mark, and I would suggest it should be made so, if the work is to be proceeded with.

The coffer-dam formed an angle across the mouth of proposed canal, composed of cribs sunk, faced up with 2-inch plank, ballasted with rock, coffered outside with clay; the bottom sloping off rapidly. At the extreme west corner we had great difficulty in getting the earth to lodge or stay; finally succeeded.

All that is now necessary is to raise the top surface of embankment to high water level, with sufficient rock to made it secure, which can be done at an estimate cost of \$400 (four hundred dollars), the wood work being completed.

This work may be done on or before the 15th of June, as from all information I can gather, and from my own personal knowledge, the water will not raise sufficient to affect it before that time. It may probably be requisite to rip-rap the corner, but I do not think so, as the bank is put in with brush, and bogs filled with earth, and held good when the water was within six inches of the present grade; the water has fallen three feet since. If it is necessary to rip-rap the corner it would cost \$150, making the whole outlay \$550.

With regard to the taking out of the rock, I would respectfully suggest, having a complete set of quarry plant, we would require at least four or five mast derricks. The timber can be got here. We have now on hand three spars got out and brought down for the purpose; respectively, fifty-three, fifty-two and fifty-one feet in length, eighteen, sixteen and fourteen inches at the butt. We require the castings for bed plates, shoulder plates, pulleys and chains necessary to fit them up. From the position of the canal a transverse tramway could be operated beneficially. Casting, timber, and all the requirements for same, would cost, estimated, \$1,000.

We would require a large engine with boiler; say one of twenty or twenty-five horse-power. The engine we have works well. She is a double engine, rotary motion, 5-horse power, cast engine, and the boiler is a first-class boiler, perfectly safe with 140 pounds steam, but the engine is too light to work the pump to half its capacity. If anything should happen with the coffer dams in the shape of a bad leakage, she would be unable to remedy the difficulty.

There should be two engines on the work, as the excavation to be successful should be worked from both ends.

The drills work well, but are also too light for deep hole; drilling in this rock they work well enough to the depth of three feet, but will not carry down a parallel hole. The greatest depth we obtained was five feet. To put in a six foot drill you require to lift the drill up, as it will not pass the chuck, thereby altering her position. The first hole drilled was 14 inches in 11 minutes with one of the drills which came with the machine.

I would recommend having a number of drills, say from 18 inches to five feet in length, turned up to fit, sent up, and with proper handling I believe each drill would drill fifty feet per diem; depth of hole not to exceed five feet.

It requires two men to operate each drill.

With regard to hand drilling in this rock, the average number of feet per diem of three men and a jumper, is 10 feet.

The rock blasts large and requires in most cases to be blowed after the first blast is thrown out.

If proper plant was supplied it would require less manual labour.

A gang of fifty good men would do all the rock labour.

A foot lathe is very much required on work where machinery is used.

The engine stands about the centre of the canal, with a proper house built over her to protect her from injury.

We have also erected a derrick, 16 feet mast, 10 feet beam; also one T or counter-balance derrick, 26 feet and 24 feet. A track is laid, length 125 feet, with two tracks 4x6x7 feet, 2 pairs wheels each.

We have also built, according to your instructions, three stone or lumber scows. Two 12x12 feet, one 12x24 feet.

Your instructions with respect to hay were fully carried out. We cut thirty-five tons on the large marsh two miles below the American river, and had it towed up by W. H. Carpenter & Co. We also cut thirty tons on a large marsh on Rainy Lake. The hay used up to the 1st August was cut in the small marshes adjacent, the quantity is not included in the sixty-five tons. We also bought ten tons, making total quantity of hay on hand 1st August, seventy-five tons. At the closing down of the works on the 15th December, we had on hand forty-five tons, which, with judicious management, would be ample fodder for all stock until next August.

We also cut six hundred and fifty cords wood—four hundred cords four foot lengths, two hundred and fifty two feet length. We have hauled about two hundred cords of long wood, and about one hundred of short wood. I also put up a shanty 18x20, built of logs, so at any time the Government require to cut wood, every convenience is afforded.

There were three pairs of box sleighs built, and one long-runner double sleigh. They are heavy enough to haul any stick of timber to be found here. The runners are of birch, the bunks being pine. They are properly ironed off and finished.

Respecting the timber business, Mr. J. W. Lewis having had sole charge of that department, and it being isolated from the works, I am not in possession of all the information connected with it. I will state briefly what I know.

The first timber brought down from Rainy Lake was a raft of flattened timber, containing 11,583 feet, lineal measurement, averaging eight, nine, and ten inches, intended for coffer dam purposes.

It was condemned by Mr. H. J. Mortimer, Engineer of the Works, as being too small. His (Mortimer's) instructions, in your absence were, that he wanted the cribs put in to form part of the permanent work, or canal proper. He afterwards agreed to use all that would run not less than nine inches, and ordered it to be squared up, furnishing me with a working profile, thereby causing a useless expenditure of two hundred dollars, the timber being afterwards used to form the coffer dam, as was originally intended, and would have answered as well flattened as squared.

In August we received the first raft of square timber, containing 8,880 cubic feet.

In September we received the next 14,253 cubic feet.

Hauled from the woods, three miles from portage, 1,282 cubic feet.

Hauled from same place, flatted timber, 1,625 lineal feet.

Also received from Rainy Lake, sawlogs, 14,709 feet, board wide.

Part of these logs were sawed up and used as our proportion, allowing Fowler one-third for sawing 6,500 feet, board wide.

Thirty-eight still remains in Fowler's dam, measurement, 8,209 feet, board wide.

All the timber made at Timber Shanty, seven miles due west of Fort Francis, I had hauled out of the woods and skidded two miles nearer. At the commencement of the Misskego, five miles from here, it is safe from fire and represents square timber. White Pine, 3,507 cubic feet.

Flatted timber, face average, nine inches, White Pine, 1,257 lineal feet.

There is a good log shanty on the limits, 24 x 24 feet, also a shed accommodation for two span of horses, and one stall partitioned off for one span of horses.

These limits, as near as I can learn, represent two million feet of good White Pine timber. There is also a lot of timber hewed on the main land, near Fowler's limits, on North Bay. Mr. Lewis estimated it at 7,000 cubic feet. Also a lot of sawlogs on Sandy Point, and from the information I got from the men who worked there, they represent about 150 logs, estimated at 30,000 feet, board measurement.

I measured all the timber with the exception of these two lots which are estimated; the snow being very deep, I concluded it was useless to attempt it, as we would not find the half of it. I would suggest the propriety of having it drawn out in the spring, rafted and brought down; it will be in danger of fire if left there too long. I have annexed a statement of all timber got out during the year, all timber on hand, and where piled, all timber used and where, also all timber bought and used.

The general instructions you laid down respecting the management of the boarding house have been strictly observed. The watchman took charge of all buildings, &c., &c., at six o'clock, a.m., until 6 p.m.

All occupants retired and the lights were extinguished at 10 p.m., men were called 1 hour 15 minutes before starting time, and meals were served 10 minutes after quitting and 45 minutes before starting work. All teamsters were called 2 hours before starting and were hitched up and on the work when the gong was sounded, 3 minutes before starting time, so no delay occurred. The general deportment of the men was good. No disturbance of any kind occurring during the year.

The general health of the men, with the exception of a short period of epidemic diarrhoea, was excellent. But two accidents occurred during the year; one, Mr. John Miles, carpenter, fell while nailing on collar beams in the office building, and was in consequence confined to his bed for about 3 weeks; he recovered all right, and resumed his work. Edward Nolan received a bad contusion of the foot, a portion of clay bank falling on it; he is now convalescent.

The stable regulations were strictly observed, nothing was wasted that could be avoided.

Annexed you will find statements of all work done and cost of same. All timber got out and on hand, where piled and cost of same.

Also statement of all boats, scows, waggons, carts, sleighs and other plant on hand and when piled or stored.

I would state that, considering the quantity of timber on hand, and the arrangements made being so convenient and ample for carrying on the work, that with an estimated amount of plant supplied, say \$10,000, the Canal work can be finished within twelve working months.

All suggestions, instructions, rules and orders, issued by you, for the carrying on of these works, were properly observed and strictly carried out, harmony being the prevailing element. All of which is humbly submitted.

I am, dear Sir,

Yours most respectfully,

(Signed) JOHN S. NELSON,
General Foreman.

HUGH M. SUTHERLAND, Esq.,
Superintendent Public Works,

FORT FRANCIS, 1st March, 1876.

STATEMENT of the number of yards of rock taken out and cost of same:

Total amount of rock blasted and removed 502 cubic yards

Cost.

272 days' labour at \$20 per month add board—	
\$1.25 per day.....	\$340 00
52 “ “ at \$5 per day.....	260 00
416 “ “ at \$20 per month add board—	
\$1.25 per day.....	520 00
52 “ “ sharpening drills, \$2 per day...	104 00
108 lbs steel, 25c. per lb.....	27 00
250 lbs powder, 16c. per lb.....	40 00
	<hr/>
	\$1,291 00

Blasting, drilling, &c.....	\$1 50 per cubic yard.
Removal.....	\$ $\frac{10}{25}$
Total cost for blasting, drilling, removal, expenses, plant, engine, &c.	\$2 50 " "

Cost of rock in boulders blasted.

Number of yards more from boulders.....	104 yards.
78 days' labour, 1 man, \$1.25 per day.....	\$97 50
45 lbs powder, 16c. per lb.....	7 20
	<hr/>
	\$104 70

Cost per cubic yard, \$1 per cubic yard.

(Signed)

JOHN S. NELSON.

FORT FRANCIS, 1st March, 1877.

STATEMENT of total number of yards of earth excavated, and number of yards rock taken out, and number of yards of boulders blasted, with quantities of earth and rock used in Coffor Dam:—

Total quantity of earth excavated.....	8,978 cubic yards.
“ of rock taken out.....	502 “
“ of rock in boulders blasted.....	104 “

Coffer Dam.

Quantity of work wheeled from bank and used to form coffer dam.....	1,466 cubic yards.
“ of earth wheeled from slope of canal and used in coffer dam...	667 “
	<hr/>
	2,113 “
Quantity of rock hauled from lower end of canal and put on cribs.....	154 “
“ of rock wheeled from boulders, blasted and used in cribs.....	104 “
	<hr/>
	254 “
Total quantity of timber used in coffer dam avr. 7, 8, 9 sqr.....	7,105 lineal feet.
“ of plank used.....	5,629 feet B.M.

(Signed)

JOHN S. NELSON.

FORT FRANCIS, 1st March, 1876.

STATEMENT of total number of yards of earth excavated and cost of same:—

Total amount of earth excavation.....	8,978 cubic yards
Number of yards wasted to form embankment of Canal on the lower side.....	2,776 “
Number of yards wasted to form bank for wharf	5,552 “
Number of yards taken from slope and used in coffer dam.....	650 “
	<hr/>
	8,978

<i>Cost.</i>			
282 days' labour, \$18 per month, board added, \$1,20 per day	\$	38	40
2,057 " " 20 " " 1.25 "		2,571	25
74 " " 26 " " 1.50 "		111	00
52 " " 40 " " 2.00 "		104	00
104 " " 100 " " 4.50 "		468	00
160 " Teaming man and teams, 5.00 "		800	00
104 " Blacksmithing, mending pick, &c. 2.50 "		260	00
12 wheel-barrows used up, \$1.00.....		12	00
2 dozen shovels and spades used up, \$24.....		48	00
		\$4,712 65	
Actual cost of excavation.....		30c. per yard.	
" haul.....		15c. per yard.	
Cost of pertaining to preliminary, work fixing up Blackshop, making tools, etc., etc., total cost 5-50 cts. per cubic yard.			

(Signed) JOHN S. NELSON.

FORT FRANCIS, 1st March, 1876.

STATEMENT of total quantities and cost of all lumber got out for year ending December, 1875 :

First raft brought down, flatted, containing.....	11,583	lineal feet.
Lot of flatted on vacant ground at office.....	1,625	"
Lot of flatted on road to timber shanty.....	1,257	"
	14,465	"
First raft square timber brought down.....	8,880	"
Second " " " ".....	14,253	"
Square timber hauled from works... ..	1,282	"
Square timber on road to timber shanty.....	3,507	"
Square timber on main land, North Bay, near Fowler's limits, estimated	7,000	cubic yards.
	34,922	"
Saw logs brought down and cut up.....	6,000	feet B. M.
Saw logs brought down and cut up, Fowler's Dam.....	8,209	"
Saw logs brought down and cut up on Sandy Point, estimated	30,000	"
	44,209	"

Cost.

2 spars for derricks.....	{	53 ft. 18 in. Bott.
		52 ft. 16 in. "
		51 ft. 14 in. "
		224 ft. c. f.

Cost.

2723 days' labour, \$26 per month, and expenses, add board 50cts per day, \$1.50 per day.....	\$4,084 50
Cost of rock in boulders blasted.	
668 " " at \$40.00 per month at \$2.00 per day.....	1,336 00
144 " " at \$75.00 " at \$4.00 " "	576 00
151 " " teaming man and team, \$5.00 per day.....	755 00
Axes used up or lost, 4 dozen, \$15.00.....	\$60 00
Broad axes " " 4 " 3.75.....	45 00
Bols. for timber sleds, augers, grindstones and other tools.....	40 00
Shoeing horses, harness repairing, &c.....	15 50
Cooking utensils, camp equipage, &c.....	100 00
<hr/>	
Total cost.....	\$7,012 00

Estimated cost of square timber delivered on portage.....	\$140 per m. cub. feet.
Estimated cost of flatted timber on portage...	6 per lineal foot.
" " of saw logs on hand in portage.....	12 " m. B. W.
" " " at Sandy Point.....	8 " m. B. M.
" " square timber on North Bay.....	11 per m. cub. feet.
Hauling timber from woods with team.....	20 " " "

(Signed) JOHN S. NELSON.

FORT FRANCIS, 1st March, 1876.

STATEMENT of actual cost of Coffe-dam :—

No. of yards of earth used in embankment.....	2,113 cubic yards.
No. of yards of rock used in cribs.....	258 "
7105 feet of timber, lineal, \$80.00.....	\$568 30
5629 feet of Plank \$21.00.....	118 20
26 days' time, man and horse, hauling rock \$3.00.....	78 00
10 days, man and team, hauling brush \$5.00.....	50 00
186 days' labour at \$26.00 per month \$1.50.....	279 00
130 do 20.00 do 1.30.....	169 00
244½ days' carpenter's time, \$1.50 per day, add board 52c. per day, 2.50.....	488 50
26 days at \$5.00.....	130 00
195 spikes at 15c.....	29 25
78 days' labour, man blasting rock from boulders, at \$1.25.....	97 50
96 days' labour, proportionate, and making rock in canal, \$1.25.....	110 00
52 days' labour, one man removing engine, fixing pump and pumping, \$2.00.....	104 00
<hr/>	
Total cost.....	\$2,221 75

(Signed) JOHN S. NELSON.

FORT FRANCIS, 1st March, 1876.

STATEMENT of all timber on hand and where piled:—

Piled on bank of Rainy River opposite Captain Cameron's house, one pile red pine, squared, average thickness 11-inch, actual measurement.....	14,253 cubic feet.
Piled on bank opposite Stores Depot, one pile red pine squared, average thickness eleven inches, actual measurement.....	6,530 "
Lot of red pine squared on vacant lot adjoining the office, average thickness ten inches, actual measurement.....	1,282 "
Skidded on road five miles from portage and two miles from timber shanty, four piles white pine, squared, average thickness twelve inches, actual measurement.....	3,507 "
	<u>25,572</u> "
Flatted timber three sides on vacant lot adjoining office, average face nine inches, red pine, actual measurement.....	1,625 lineal feet.
Flatted timber three sides white pine skidded on road leading to the Timber Shanty four piles, average face nine inches, actual measurement.....	1,257 "
On main land, North Bay, near Fowler's limits, lot red pine squared, estimated measurement.....	7,000 cubic feet.
On Sandy Point, Rainy Lake, 150 saw logs, estimated measurement.....	3,000 feet board measure.
38 saw logs in Fowler's dam, actual measurement.....	8,209 " "

(Signed) JOHN S. NELSON.

FORT FRANCIS, 1st March, 1876.

NUMERICAL statement of buildings erected and cost of same:—

Office building one and half stories, 18 + 28, 16 feet high.....	
Boarding house, two stories and kitchen 24 + 60 + 20 feet high, 24 + 16 + 10 feet high...	\$2500 00
Store house, one storey, 24 + 50 + 12 feet high	665 00
Blacksmith's shop 18 + 38 + 12 feet high.....	160 97
Stable, 24 + 36 + 16 feet high.....	382 51
Bath house on scow.....	62 00
12 + 24 + 8 feet high.....	24 00
Boat house No. 1, 12 + 12.....	30 00
Root house No. 2, 12 + 20.....	40 00
Bake house, 12 + 18 + 8 feet high with oven....	97 27
Engine house 10 + 15 + 10 feet high.....	66 50
Wood shed 24 + 12 + 8 feet high.....	15 00
Two water-closets, \$20.....	40 00
	<u>\$4090 18</u>

FORT FRANCIS, 1st March, 1876.

NUMERICAL STATEMENT of Plant and Machinery on hand :—

- 1 portable double acting engine, rotary motion, 10-horse power ;
- 1 upright boiler, with same ;
- 1 steam crab, connected with engine ;
- 1 rotary pump, 8-inch suction ;
- 3 length suction pipe, 4 feet. E. A. ;
- 2 steam drills, with tripod stands complete ;
- 50 feet rubber hose wrapper, with cord ;
- 2 bottle jacks ; 2 bellows ;
- 2 anvils ; 2 vices ;
- 1 derrick, 16 feet mast, 10 feet boom ;
- 1 counter balance derrick ;
- 125 lineal feet wooden track ;
- 75 feet scantling track ;
- 2 stone trucks, 4 x 6 x 7 feet ;
- 2 pairs wheels ;
- 3 tool boxes, 3 x 2 x 6 feet ;
- 2 stone scow, 12 x 12 ; 1 lumber or stone scow, 12 x 24 ;
- 2 canoes ; 1 light skiff ; 1 sqr. stone skiff ;
- 1 long white gig ; 4 large government boats ;
- 3 stone boats ; 3 lumber sleds ;
- 3 pairs heavy timber bob sleighs, new and shod ;
- 1 long double wood sleigh ; 1 jumper ;
- 1 light pair bob sleighs ;
- 2 double waggons ; 6 carts ;
- 15 wheel-barrows ; 1 scraper ; 1 plough ;
- 6 setts cart harness ; 5 setts double harness ;
- 1 sett single harness ; 12 sweat pads ;
- 10 extra collars ; 6 pairs extra harness ;
- 12 setts whipple-trees ; 8 neck yokes ;
- 4 cross-cut saws ; 2 whip saws ;
- 5 dozen shovels ; 1 dozen spades ; 2 dozen picks ;
- 1 length $\frac{3}{8}$ chain, 200 feet.

FORT FRANCIS, 1st March, 1876.

STATEMENT, quantity of material, used during year ending 31st December, 1875 :—

- 56,314 thousand shingles.
- 64,000 feet scantling and lumber.
- 15,000 feet dressed lumber.
- 1,000 feet square lumber.
- 10,000 flatted timber.
- 11,000 feet plank.
- 400 light sash.
- 30 kegs nails.
- 350 kegs white lead.
- 40 gallons linseed oil.
- 2,000 lbs. iron assorted sizes.
- 350 lbs. steel.
- 500 lbs. blasting powder.

(Signed)

JOHN S. NELSON.

OTTAWA, 18th April, 1876.

SIR,—I have the honour to acknowledge receipt of your letter No. 34, of this date in which I am directed to resume work on Canal and Lock at Fort Francis.

The probable monthly expenditure for the next twelve months in connection with the above work will be about \$5,000 per month.

In order to carry the work on properly, supplies for twelve months should be forwarded as soon as possible. I would therefore ask that I be authorized to make a requisition on the C. P. S. Purveyor for that amount.

To meet this an appropriation of say \$20,000.00 will be required.

I will require a credit of \$15,000.00 Ontario Bank, Thunder Bay, to discharge present liabilities and meet expenditure on account of wages, material, &c.

I have the honour to be, Sir,

Your obedient servant,

(Signed)

HUGH SUTHERLAND.

F. BRAUN, Esq.,

Secretary, Department Public Works.

Write to Mr. Sutherland.

Approve purchase of provisions \$20,000.

Also credit \$15,000.

Say that before incurring any further expenditure instructions from the department must be obtained.

Say that provisions are to be obtained through drawing on Bethune.

Inform Mr. Bethune.

April 18, 1876-77.

ORILLIA, 22nd April, 1876.

SIR,—I suppose tracing for Lock at Fort Francis has not been found, and I merely write to remind you of the matter in case any delay has ensued in preparing another.

I have the honor to be sir,

Your obedient servant,

(Signed)

HUGH SUTHERLAND.

F. TRUDEAU, Esq.,

Deputy Minister Public Works.

4th May, 1876.

Tracing mailed to you yesterday.

(Signed,)

F. BRAUN,

Secretary.

HUGH SUTHERLAND,
Orillia.

August 3, 1876.

SIR,—I am directed by the Honourable the Minister to request you to proceed at your earliest convenience to Fort Francis, where a lock is being constructed to connect the waters of Rainy Lake with those of Rainy River, under the superintendence

of W. H. Thompson, according to a plan which was prepared from somewhat limited information. You will be pleased to see that the work is being judiciously carried out and give such directions as you may deem advisable for its proper execution.

I have the honour to be, sir,

Your obedient servant,

(Signed) F. BRAUN,
Secretary.

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

DEPARTMENT OF PUBLIC WORKS,
OTTAWA, 26th December, 1876.

SIR,—The following report on the Fort Francis Canal has been withheld up to the present time, for the purpose of supplying the Department with the latest information in regard to the condition and progress of the work.

I proceeded to Fort Francis, as requested by your letter No. 36,278, of the 3rd of last August, and remained there about a fortnight, up to the 2nd of September, during which time I laid out the work to be done according to the new design contemplated by the plan you refer to, with such modifications as were found necessary. A specification of the same was afterwards prepared and given by me, together with written instructions, to Mr. H. Thompson, the officer then in charge during the absence of Mr. H. Sutherland, the Superintendent, who was engaged on other works of the North-West Territory.

The Original Design

According to which the works were laid out in 1875, under the directions of Mr. J. Hazlewood, one of the District Engineers of the Canada Pacific Railway, contemplated the construction of two combined locks, each 200 feet in length and 40 feet in width, with 7 feet depth of water on the sills, the total lift being 23 $\frac{1}{2}$ feet. The rock cut of the chambers was to be lined with woodwork.

According to the New Design

One lock has been substituted for the two combined locks.

High and Low Water Levels.

The plan prepared in accordance with the new design is based on the high and low water levels shown on the profile in the report No. 51,934, of the 5th July, 1875, by Mr. H. F. Mortimer, the engineer who first laid out the work.

In October, 1875, Mr. Hazlewood found the low water levels to be fourteen inches less at the upper entrance, and twenty-one inches less at the lower entrance of the proposed canal than represented on the plan.

I therefore appended to the specification, for the guidance of the person in charge of the work, a list of levels showing the elevations of the principal portions thereof, based on the highest and lowest water observed up to last September.

As it is important to know the rise and fall of the water during the season of navigation for as long a period as possible, I instructed Mr. Thompson to keep a gauge register for the future, in order to ascertain whether the elevations I propose for the lock copings, banks, crib work and bed of the proposed canal have to be modified or not.

The Fort Francis Canal,

Which is being constructed by days' labour, is situated at one of the Hudson Bay Company's trading posts, of which it bears the name, and is 237 miles north-

westward from Thunder Bay, Lake Superior, and 215 miles south-eastward from Winnipeg, Fort James, by the Dawson route.

It is located on a projection point of the Canadian shore, near the outlet of Rainy Lake, opposite the grand falls of Rainy River, which forms part of the boundary between Canada on the north side and the State of Minnesota on the south side.

The upper stratum of this point consists of reddish clay, and the under-stratum of grey granite, containing a considerable quantity of homblack.

The object sought by the construction of this work is to connect the navigation from Kettle Falls, at the head of Rainy Lake, down to the north-west angle of the Lake of the Woods, a distance of 164 miles for vessels of seven feet draught of water, during the time of low water, in order to afford greater facilities for the transportation of emigrants to the North-West Territory, and of labourers and supplies for the construction of a portion of the Canada Pacific Railway.

The canal is to be about 800 feet in length and $36\frac{1}{2}$ feet in width at the narrowest parts.

At the upper entrance the north-east side is to be wharfed for a distance of 174 feet, and the south-west side is to be provided with a range of guide piers for the protection of vessels against the current, which might otherwise drift them towards the falls. The outer end of the guide piers and the wharfing opposite thereto, are to be about 66 feet on either side from the centre line of the canal.

The lower entrance is to be at least 600 feet in width, between the outer guide piers and stone work.

The canal throughout is to be excavated to a depth of not less than eight feet below the lowest summer water level.

The Lock

It is to be 200 feet in length between the gate quoins and 36 feet in width between the side timbers, the depth of water on the lower mitre-sill is to be seven feet beneath the lowest summer water level; the top of the upper mitre-sill is to be $11\frac{1}{2}$ feet above that of the lower one, or $19\frac{4\frac{2}{3}}{100}$ feet below the low water level of Rainy Lake.

The lift will vary from $22\frac{1}{3}$ feet during high water to 24 feet during low water, according to past observation up to last of September.

Guard timbers, with or without planking, as may be directed, are to be bolted to the sides of the rock cut of the chamber, which is to be raised to the coping level by means of crib work.

No masonry is to be used unless absolutely required.

The Excavation

Of the canal and lock pit will probably amount to 28,000 cubic yards, one-third of which being clay and the remaining two-thirds being rock of a very hard nature, for the drilling of which the tools require to be sharpened once or twice for every foot of boring.

Progress of the Work.

Mr. Sutherland having been appointed Superintendent in the spring of 1875, proceeded to Fort Francis, which he reached on the 14th of June that year, with a force of 46 men and four horses, together with a portion of the supplies.

Until the completion of the survey by Mr. Mortimer, on the 29th of the same month, he employed the men in cutting and preparing timber for the coffer dams, piers, buildings, scows, &c., and in erecting a lodging house, a warehouse and an office on the Government reserve.

Several buildings, comprising a blacksmith shop, an engine house, stables, closets, bath house, bake house and root house, together with the necessary plant, tools, machinery, supplies, five horses and two cows were afterwards provided.

The force was also increased to 65 men towards the latter end of June, and average of 100 men in July and August, and of about 90 men during the autumn

months, until the 8th of December, when nearly all, except the paymaster, book-keeper and one man, were either discharged or transferred to Mr. Mortimer for the Canada Pacific Railway Survey.

This year, additional plant, machinery and supplies were provided, the work having been resumed during the latter part of June with 34 men, and continued with about 80 in July and August; in October the force was diminished to 56, this number being considered sufficient until the opening of navigation next year.

Work Done.

Apart from the construction of the buildings, for which the lumber had to be manufactured, the necessary timber, consisting chiefly of red pine, mixed with white, from eight to twelve inches in thickness, has been cut, prepared and deposited in the vicinity of the canal.

The oak and pine timber for the lock, being of greater dimensions than what could be found, will have to be procured at a greater distance from the Fort than the other; the oak or elm which may be used as its substitute, will probably have to be purchased at and brought from Thunder Bay or Red River, a distance of more than 200 miles.

A coffer dam of crib-work, banked on the outside with clay, has been constructed at the upper entrance, so that one of its sides will form a portion of the canal bank near the falls.

The crib-work for the coffer dam at the lower entrance was commenced and partly sunk last August.

Most of the earth excavation has been completed and has been used in connection with the dams and proposed wharfing. It was commenced on the 2nd of July, 1875.

Nearly one-fifth of the rock cutting will be finished at the close of the present year. It has been deposited chiefly by means of cars and a railway track upon the face of the river bank near the lower end and on the east side of the channel. The rock excavation was commenced on the 20th of August, 1875.

With the plant now on hand, and especially the steam drills and electric battery which were brought into operation chiefly during the past summer, it is probable that most of the work will be completed in the course of the next two years, provided it can be carried on successfully during winter.

Before the canal is completed it is advisable that the Government should deal with Mr. S. H. Fowler respecting his mill site, which is in close proximity to the lock, and that the channel of the river and lakes to be connected above and below the Fort, should be improved for the reasons hereafter stated.

S. H. Fowler's Mill Site,

On the east side of Rainy River, is situated between the Fort Francis Canal and the Grand Falls.

The site is occupied by a saw mill, a dwelling house and a lumber yard.

It appears that Mr. Fowler had only a squatter's right on the site up to 1873, but that he has since obtained a renewable lease for it for 21 years.

The conditions of the lease might probably be ascertained from the Minister of the Interior.

If this property is not revertible to the Government by right or by purchase, a swing bridge across the lock, or a ferry boat scow, will have to be provided for the accommodation of the mill traffic.

The Expenditure

Charged in the books of the department, against the Fort Francis Canal, is as follows, viz:—

During the fiscal year 1874-75.....	\$ 7,411.91
“ “ “ 1875-76.....	67,142.35
From 1st July to 20th December, 1876.....	34,119.98
	\$108,674.24

The above comprises supplies furnished Canadian Pacific survey, per statement rendered by the Superintendent, November 18, 1876.....	\$ 8,405.29
Live Stock.....	1,296.55
Plant.....	10,897.61

Also the supplies required for the next six or seven months.

Medical Aid Supplied.

As there was no doctor at Fort Francis, though it contains 150 resident settlers, and as none could be brought to the Fort in case of accidents or disease amongst the officials and workmen in less than a fortnight from Thunder Bay or Fort Garry, a distance of 237 and 215 miles from the works, Dr. J. Robinson was appointed for the purpose of giving such medical and surgical aid as might be required. He arrived at Fort Francis on the 17th August, 1875, since when his services have proved highly useful, both to the force employed on the canal and on the portion of Canada Pacific Railway route.

Improvement of Rainy River required.

The object for which the Fort Francis Canal is being constructed cannot be wholly obtained unless Rainy River is improved so as to insure the requisite draft, and the ascent of vessels against the current in the rapids.

The main obstacles to the navigation appear to be:—

- 1st. The deficiency of water in the channel, especially in the rapids, $1\frac{1}{2}$ miles above Fort Francis and at various places in the river below the Fort.
- 2nd. The swift current at the head of the proposed canal of the Manitou Rapids, 36 miles, and of the Long Sault Rapids, 42 miles below the Fort.
- 3rd. The crooked channel and the shoals of the Long Sault

During the limited time at my disposal I collected the best information I could obtain respecting the subject, and made a hasty examination of the Manitou and Long Sault, in company with Mr. Thompson. We went down the river in a small boat, towed by one of the Government tug steamers of about three feet draught and six horse power, with a speed of seven miles an hour, for a distance of 42 miles, as far as the head of the Long Sault, beyond which it was not considered advisable to venture with the steamer. In returning, we had great difficulty in hauling the steamer, with her full supply of steam, up the pitch at the head of the Manitou. We were six hours on the downward and twelve on the upward journey.

According to Capt. Cameron, of the Rainy Lake steamer, the low water draught through the lake and river above the Fort, a distance of 44 miles, does not average more than $4\frac{1}{2}$ feet.

Between the Fort and the foot of the Long Sault, a distance of about 45 miles, the draft during low water is about seven feet on the first 12 miles, 6 feet on the next 6 miles, $5\frac{1}{2}$ feet on the following 10 miles, and 5 feet in the remainder, according to the Captain of the small tug steamer which plies on that section of the river.

At the Manitou there appeared to be no difficulty, as regards the depth of the water at the head of the rapid, but there is a declivity of a few feet in a short distance and a current of about five miles an hour or more against which a steamer of small

power cannot ascend without being hauled by means of a rope and capstan or otherwise.

At the head of the Long Sault there is also a swift current, too much for an ordinary steamer to overcome.

In the Long Sault Rapids, some two miles or more in length, the worst portions of which I sounded to within $\frac{1}{4}$ of a mile of the wharf, to which the Lake of the Woods steamer ascend. I found eight feet of water on two of the shoals, this represents a depth of $3\frac{1}{2}$ feet during the lowest observed stage of the water, the river surface at that time being $4\frac{1}{2}$ feet higher than in October, 1875.

Mode of Improvement.

So far as I can judge at present, the most effectual mode of connecting the navigation of Rainy Lake with that of the Lake of the Woods, apart from the canal in process of construction, will be :

1st. To raise the water in Rainy Lake by means of a dam or pier closing or contracting the channel at the head of Rainy Falls.

2nd. To construct a lock and dam at the foot of the Long Sault, so as to raise the water above the Manitou, and in the remainder of the river up to the lower entrance of the canal.

3. Before the water is raised, to remove during the season of low water in spring and autumn, the boulders obstructing the channel.

No definite scheme or estimate can, however, be submitted, unless the necessary levels, soundings and measurements are taken along the entire line of the proposed navigation.

In the meantime a pier should be built at the head of the Manitou, and another one at the head of the Long Sault so as to enable vessels to be hauled upwards against the current.

The channel, in various parts of the river, and especially in the Long Sault Rapids, should be straightened, widened and deepened by the removal of the boulders which obstruct it, and buoys should be placed along the intricate parts of the channel.

Examination of Rainy River.

As it is important to ascertain the nature and extent of the principal obstructions, and the cost of removing or overcoming the same, before the canal is completed, I instructed Mr. Thompson, on the 1st of last September, to examine the worst portions of the channel during the season of lowest water, which occurs generally in February, April or November, and to furnish the Department with a report thereon, together with an estimate of the probable cost of the improvements most urgently required.

The opening and closing of navigation between Sault Ste. Marie and the North west angle of the Lake of the Woods, being a subject to be considered in connection with the improvement of the navigation upon the lakes along the Dawson route between Lake Superior and Fort Garry, I endeavoured to obtain the best information I could with reference thereto.

The following are considered as the general dates of the opening and closing of the navigation in the following localities :—

	Opening.	Closing.
Sault Ste. Marie, foot Lake Superior.....	1st May..	1st Dec.
Prince Arthur's Landing.....	6th "	...26th Nov.
Thunder Bay, Lake Superior.....	6th "	...26th "
River Kamonistiquia, present terminus of Canada Pacific Railway, Lake Superior.		
Chain of lakes along the Dawson route.....	.25th "	...20th Oct.

Copies of the instructions, plans and specifications given to the office in charge of the Fort Francis Canal are furnished herewith.

I have the honor to be, Sir,

Your obedient servant,

(Signed,) G. F. BAILLAIRGE,
Assistant Chief Engineer, Public Works.

F. BRAUN, Esq.,
Secretary of Public Works.

LEVELS for Lock Fort Francis, in progress of construction, referred H. J. Mortimer's Bench Mark on Post in old Bank of River, at upper end of Lock. Work commenced 1st July, 1875.

Where Situated.	Former plan, No. 51,932, and profile No. 51,931, of H. J. Mortimer, 5th July, 1875.		Present plan, with modification to suit low water found by J. Hazlewood, October, 1875.	
	Below bench mark on post in old bank of river. Feet.	Elevation above sea, say Feet.	Below bench mark on post in old bank of river. Feet.	Elevation above sea, say Feet.
Beginning at east or upper end, on profile:—				
Level of B. M. or coping level.....		1,200 50		1,100 50
do High water, upper reach.....	2 21	1,098 29		
do Low water, do	5 94	On plan, 1 094 56		
High water, 15th July, 1876, top of gates			1 67	1,098 83
Water surface, 23th August, 1876.....			3 75	1,096 75
Low water, October, 1875, per Hazlewood			7 11	1,093 39
14 inches lower than shown on plans				
Bed of upper entrance down to upper recess			15 11	1,085 39
Bed of upper recess, beneath timbers			28 86	1,071 64
Top of flooring, upper recess.....			27 44	1,073 06
Top of upper mitre sill	12 94	1,087 56	26 53	1,073 97
Bed of lock chamber, between recess.....			38 94	1,061 56
Bed of timbers, lower recess.....			40 36	1,060 14
Top of flooring			38 94	1,061 56
Top of lower mitre sill	36 28	1,064 22	38 03	1,062 47
Bed of lower entrance below lower recess.....			39 03	1,061 47
High water, lower reach	24 28	1,076 22		
Low water.....	29 28	On plan, 1,071 22		
High water, July, 1876.....			24 00	1,076 50
Water surface, 25th August, 1876.....			26 51	1,073 99
Low water, October, 1875, per Hazlewood			31 03	1,069 47
21 inches lower than shown on plans.....				
B. M. on rock at lower end.....	18 88	1,081 62	18 88	1,081 62

Lift of Rock,

Low water below Lock.....	29 28
“ above.....	5 94

Former Lift.....	23 34
Per Mortimer, July, 1875.	

Low water below Lock.....	31-03
“ above.....	7-11
Present lift.....	23-92

Per Hazlewood, October, 1875.

For plan of Fort Francis by E. C. Cuddy, 1875, apply to Col. Dennis, Surveyor-General, Dominion Lands Branch, Department of the Interior, Ottawa.

FORT FRANCIS, 1st September, 1876.

SIR,—Having been instructed on the 3rd ultimo, by the Hon. the Minister of Public Works to examine the Fort Francis Canal, now under your charge, and to give such directions as I may deem advisable, I herewith enclose for your guidance a specification of the work to be done, according to the revised plan with which you have lately been furnished.

This plan was prepared from somewhat limited information, and is based on the high and low water levels originally observed by the engineer who first laid out the work; the low water levels have since been found to be fourteen inches lower at the lower end than represented on the plan. I have therefore appended to the specification a list of levels, showing the elevations of the main portions of the work, so as to suit the highest and lowest water levels observed up to the present time.

The navigable depth of water during lowest summer level, you are aware, is to be seven feet on the top of the lower mitre-sill and of the upper mud-sill, which are to be at least twelve inches above the bed of the excavation.

As the question of the highest and lowest water levels during the season of navigation is one affecting the work, it is necessary that gauges, marked off in feet and tenths of a foot, should be placed at convenient spots in the lake at the head, and in the river at the foot of the canal, and that a register of the gauge readings, indicating the variations of the respective water levels should be kept each day at noon, until the completion of the work, the zero of each gauge should be referred to the bench-marks at each end of the canal and its elevation marked in the register.

One of the main objects in constructing the Fort Francis Canal is to connect the navigation of Rainy Lake with that of Rainy River and of the Lake of the Woods, for vessels drawing seven feet, during lowest water.

In Rainy River, between the two lakes, the chief obstructions to the navigation appear to be the Manitou and Long Sault Rapids, some 26 and 45 miles respectively below this locality.

As it is important to ascertain the extent and nature of the obstructions and the cost of removing or overcoming the same, you are hereby requested to examine the sections of the channel referred to, and such other points as may appear doubtful, during the season of lowest water, and to furnish the Department with a report thereon, together with an estimate of the probable cost of improving the channel for the required draught from Rainy Lake to the Lake of the Woods.

I have the honour to be, Sir,

Your obedient servant,

G. F. BAILLAIRGE,
Assistant Chief Engineer Public Works.

W. H. THOMPSON, Esq.,
Superintendent Fort Francis Canal.

Fort Francis Canal.

(237 miles by the Dawson route, north-western from Thunder Bay, Lake Superior, and 215 miles south-eastward from Fort Garry.)

Specifications of Work to be done.

This work is situated at the foot of Rainy Lake and is designed for the purpose of connecting it with Rainy River and the Lake of the Woods, for a navigation of seven feet draft at low water.

The canal will be located as shown on the general plan, its length will be about 800 feet, and its width $36\frac{1}{2}$ feet in the clear at the narrowest portions.

At the upper entrance, the north-east side is to be wharfed for a distance of 174 feet, and the south-west side is to be provided with a range of guide piers, the outer ends of the guide piers and wharfing to be about 66 feet from the centre line of the canal.

The lower entrance to be at least 60 feet in width between the outer piers and stone work.

The channel at either end to be eight feet deep below the lowest summer water level.

The bottom of the cut at both ends is to be sunk to a depth of eight feet below the lowest water; in the lock chamber and the recesses the excavation must be at the various levels required for the reception of the timber foundation in connection with the mitre sills and gates, or wherever the same may be used.

The depth of water on the lower mitre sill to be not less than seven feet.

The top of the upper mitre sill to be $11\frac{1}{2}$ feet above that of the lower one.

The coping line of the lock to be at least 20 inches above the highest water observed, or at the same elevation as the top of the original bench mark on the post in the old bank of the river above the lock and coffer dam, this height, however, to be increased if the water should rise any higher.

The depths of cutting and the elevations of the various portions of the work represented on the plan are based on the low water levels observed by Mr. Mortimer, which are higher than those afterwards observed by Mr. Hazlewood, the difference being 14 inches at the upper end and 21 inches at the lower end of the lock; the figures therefore must be altered accordingly.

Appended to this specification is a list of the various levels modified so as to suit the low water levels furnished by Mr. Hazlewood.

Excavations.

Two-thirds of the material to be excavated are likely to be through granite and the remainder through earth.

The earth above the surface of the rock is to be removed for a width of 14 feet from each side of the canal and lock, with side slopes of $1\frac{1}{2}$ to 1.

At the toe of the earth cutting a ditch two (2) feet in width is to be formed and to be protected on the side next the slope by a dry stone wall two feet high.

The material from the excavation, not otherwise required, is to be deposited in rear of the wharf at the upper end of the canal.

Lock.

To be 200 feet in length between the gate-quoins, $36\frac{1}{2}$ feet in width between the guard timbers or fenders on the sides of the chamber, or between the side planking if any should be required.

The rock cut for the lock and approaches thereto to be $38\frac{1}{2}$ feet in width, except in the recesses for the gates where the width is to be $44\frac{1}{2}$ feet, and at each end the width above being increased to 50 and below to 60 feet as represented on the plan.

The Crib Work and Wharfing

Used in connection with the lock to be located, generally, in the position indicated, and to be constructed as represented on the plan.

The dimensions shown, however, are to be modified according to the location of the rock surface adjoining the upper and lower recesses of the lock, and the depth of

water at either end of the lock, if necessary, the length and width of the isolated cribs should be at least equal to the height, and greater if sunk in a swift current.

The whole to be properly framed together with dovetails in the corners, and such ties as may be required, with the ends dovetailed and fastened to the side timbers by means of bolts one inch diameter of sufficient length to connect two or three timbers together; blocks to be inserted in the open spaces between the side timbers in line with the ends of the ties above and below.

The cross-ties in the wharfing to be ten feet apart.

The whole of the crib work and wharfing to be filled with stone except the portions shown in connection with the upper and lower recesses of the lock which are to be filled with puddle above and below the quoins; but before this can be done the inside space must be lined with three-inch jointed plank and a range of sheet piles four inches thick is to be placed between the cribs on the lower line of the mitre sills, the whole to have water-tight joints.

The crib-work connected with the lock to be sheathed on the face with three-inch plank, a double course of two-inch sheathing to be put on so as to break joints with the first course from the quoins downwards.

The top of this crib work and of the wharfing to be planked over with three-inch plank one and a half inches apart on the latter and close-jointed on the former; planking to be fastened to the timbers with seven-inch spikes.

Timber and plank to be of pine or tamarac.

Above the coping level a timber 14 x 8 to be laid on the front line of the crib-work along the lock, and to be bolted to the timber underneath.

Fenders.

Vertical and horizontal fenders 10 x 12 inches of pine or tamarac are to be bolted with one-inch round iron rag bolts to the sides of the chamber or elsewhere as may be advisable, and they are to be lined with two-inch pine plank if found necessary.

The vertical fenders are to be nine feet apart, the others to be placed respectively four feet above the lowest water, and at three feet above the ordinary high water when the lock is full.

At the lower entrance below the gates only one horizontal fender is to be bolted to either side of the rock cut, about four feet above the low-water or otherwise as may be found necessary.

The timbers are to be bolted to the rock in the same manner as those of the recess platforms.

Hollow Quoins

To be made of two or three pieces of the best oak, elm timber measuring altogether 35 by 26 inches, and shaped as shown on the plan, the whole bolted together with $1\frac{1}{2}$ inch diameter bolts, driven 30 inches apart alternately towards one side or the other of the quoins.

They are to be of a length sufficient to reach from the mitre sill platform to the coping level, and are to be bolted to the rock or crib-work by means of inch rag bolts driven at least nine inches into the rock or wood-work.

Mitre Sill Platforms

To be of the width shown on the plan, made up of timbers 12 inches square, and of sufficient length to extend across the entire width of the recess rock cut.

They must be counter-hewn, well jointed with a plane, so as to make water-tight joints for their entire length and depth.

They are to be secured by six wrought-iron screw bolts, ($1\frac{1}{2}$ inches diameter) passing horizontally through the platform.

They are to be fastened to the rock underneath by means of anchor rag bolts 1 inch diameter, and not less than 18 inches in length, so as to penetrate at least 6 inches into the solid rock which is to be drilled with a 3-inch bore, into which a tree-nail of the full size must be driven before the bolt, as indicated on the plan.

The joints throughout must be well caulked with at least two threads of oakum, and every precaution is to be taken to render the whole water-tight.

The platforms are to be laid throughout in a full bed of hydraulic cement mortar of the best quality, the cement to be fresh from the manufactory, and until used to be protected from the influence of the weather in a suitable building, the mortar to consist of clean large grained sharp sand, mixed generally in the proportions of two of sand to one of cement, and to be made only in such quantities as may be required for immediate use.

Small crevices in the rock which cannot be properly filled with mortar to be grouted thoroughly; the grout to be made either by adding a sufficient quantity of water to well-tempered rich mortar, or by using about $1\frac{1}{2}$ clean sharp sand to one of cement, and adding as much mortar as may be required to make the whole run freely when properly mixed. The sand used for mortar or grout must be washed if considered necessary.

The platforms near the outer edge, on both sides will be connected with a stop-water timber let into the rock.

Stop-waters.

If the rock underneath is sound, instead of sheet piles which otherwise would be required with concrete at the upper and lower sides of the mitre sill platforms, checks are to be cut in the rock 4 inches or more in depth, and 12 inches wide, extending across the entire width of the foundation, into each of which must be fitted a timber 12 inches wide and of sufficient height to form a close joint with the outer timbers of the platform. Before a stop-water is placed in its berth a piece of duck or canvass well saturated with white lead must be laid for the full length and width of the check, the upper timber must also be embedded in white lead, and the whole secured to the rock with rag bolts not more than 10 feet apart, nor less than 6 inches into the rock in the manner already specified.

Stop-waters similar to those above described are to be placed at the upper sides of the recess platforms.

Flooring.

In the recesses and where required, two courses of fine plank are to be laid, the first 3 inches in thickness, and the second 2 inches thick. They are all to be jointed with a plane, and when being laid must be driven up to water-tight joints every 3 feet in width of planking, in both courses must break joints at least 4 feet, and the upper course must in all cases break joints both lengthwise and transversely with the one underneath.

The lower course to be fastened with white oak tree-nails 7 inches long and $1\frac{1}{2}$ inches diameter, two in each end of a plank, and one alternate sides at every crossing of a timber; it must be dubbed to an uniform surface before the second course is laid, the latter to be fastened with pressed pikes, two at each end of a plank and one at each crossing of a timber, on alternate sides of the plank.

The timbers under the flooring to be placed as shown on the plan, they are to be 12 inches square, scribed to the rock and bedded in mortar with concrete between them, properly rammed.

In the chamber, if solid and suitable rock is found at the proper level, no timber will be used for a floor, but if the rock is unsound, if the fissures in it are numerous or the strata thin or irregular, a floor of pine timber covered with one course of 3-inch pine plank will be laid wherever it may be found necessary.

In such case the foundation timbers are to be of pine 12 inches square of the full length, to reach across the chamber, they are to be laid from 9 to 12 inches apart, scribed to the rock and placed on a bed of hydraulic mortar and concrete as circumstances may require. The spaces between them must, immediately they are satisfactorily laid, be filled with concrete, well rammed.

The tops of the foundation timbers, in the recesses and chamber, must be dubbed to an uniform surface to afford a fair bearing for the plank.

Mitre Sills

To be of the best description of white oak timber, or of elm, properly squared and dressed with a plane. They are to be framed, morticed, tenoned, and secured in the manner shown on the plan.

The main sills and braces are to be 19x16 inches, when dressed. The mitre sills are to be 19 or 19 inches checked 3 inches into the platform timbers, and are to be tenoned into each other at the mitre, and at the toe, tenoned and boxed into the main sill. A check, 3 inches deep, is to be cut in the lower edge of the mitre sills to receive the ends of the first course of planking. Before they are put together all the mortices, tenons and joints must be well coated with white lead, and when about to be placed in their berths a strip of canvass, well saturated with boiling tar, is to be placed in the check formed in the platform into which the mitre sills are to be embedded.

The mitre and main sills are to be connected by straps of wrought iron $3\frac{1}{2}$ inches wide and five-eighths of an inch ($\frac{5}{8}$) thick, let in flush, fastened with bolts $1\frac{1}{2}$ inch diameter, and arranged as shown on the plan. The holes through the straps must be punched so as to retain the full strength of the iron. The bolts are to have upset heads, one-half of them to be 2 feet 4 inches long and well ragged at the point, the other half to be 3 feet or more in length, fox-hedged and let into the work under the platform.

Mortar,

Whenever used in any portion of the work, to be made of the best hydraulic cement, as already described for the mitre sill platforms.

Concrete,

When used, must consist of an approved quality of stone, broken to cubes of $1\frac{1}{4}$ inches, thoroughly mixed with fresh hydraulic cement and clean sharp sand, in such proportions as may be required.

Puddle

In all cases to be made of the best material that can be obtained in the vicinity; it must be laid on in layers not exceeding eight inches in thickness, each of which must be watered, properly cut, transversely and longitudinally, well trodden and pounded, and everything done to render the work impervious to water, wherever it may be required.

Steps

At the lower end of the crib-work to be built below the quoins of the lower gates; steps must be provided so that one part of the work can be reached from the other without interruption.

Rip-Rap Wall.

The sides of the rock cut below the lock are to be raised to an uniform height from the base of the crib-work in rear of the lower quoins, to the cribs at the outer end of the lower entrance of the canal, by means of rip-rap walling about 15 feet in width at top, with front and rear slopes of $1\frac{1}{2}$ horizontal to 1 vertical.

Between the sides of the cut and the inner toe of the rip-rap work, a berme or clear space of about 12 feet to be left on the surface of the rock to serve as a pathway.

The top of the crib-work at the outer end to be raised to the same level as the top of the rip-rap. This crib-work to be protected at its rear and end, and the south side of the lower entrance also to be protected by rip-rap, as shown on the plan.

Swing Bridge and Lock Gates.

The superstructure of the swing bridge, also the machinery required for locking it, as well as the lock gates, will be described on separate plans with a specification for each.

G. F. BAILLAIRGE,
Assistant Chief Engineer Public Works.

FORT FRANCIS, 1st September, 1876.

FORT FRANCIS CANAL.—Bill of Timber connected with Lock and lower entrance thereto, exclusive of crib work, &c.

Description.	No. of Pieces.	Size. — Inches.	Length of each. — Feet.
OAK OR ELM TIMBER.			
			Say
Main sills of oak or elm timber.....	2	19 x 16	45
Mitre sills.....	4	19 x 19	25
Upper quoins.....	2	26 x 26	30
do.....	2	9 x 26	30
Lower quoins.....	2	26 x 26	42
do.....	2	9 x 26	42
Mitre sill braces.....	4	19 x 16	9
do.....	4	19 x 16	5½
PINE TIMBER.			
Foundation timbers under mitre sills and recess platforms of pine.....	60	12 x 12	46
Stop waters.....	4	12 x 12	46
Stop logs or mud sills.....	2	12 x 12	46
Upright fenders, if no lining is required in the chamber of lock.....	1	12 x 12	40
do if lining is do do.....	40	12 x 10	27
	Additional, 40	} 12 x 10	27
Horizontal fenders, in lock chamber.....	4	12 x 10	174 in lengths of 24, 34, 44
do below lock.....	2	12 x 10	233 in lengths of 24, 34, 44
Coping timber, if required.....	2	14 x 8	292 in lengths of 20 to 30

RETURN

To an ADDRESS of the HOUSE OF COMMONS, dated 15th February, 1877 ;--
 For copies of all correspondence between the Federal and any of the
 Provincial Governments since the establishment of Confederation,
 concerning the disallowance of Provincial Acts, or the action on Pro-
 vincial Bills reserved.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
 OTTAWA, 1st March, 1877.

*COPY of a Report of a Committee of the Honorable the Privy Council, approved by His
 Excellency the Governor General in Council on the 23rd January, 1875.*

The Committee have had before them the memorandum hereunto annexed, from
 the Honorable the Minister of Justice, to whom were referred copies of the Statutes
 of the Legislature of British Columbia, passed in the Session held in the 37th year of
 Her Majesty's Reign; and they respectfully advise, as therein recommended, that
 the following chapters of the statutes referred to be left to their operation, that is to
 say: Chapters 1, 3, 5, 6, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24
 and 25.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
 OTTAWA, 19th January, 1875.

The undersigned, to whom is referred copies of the Statutes of the Legislature
 of British Columbia, passed in the Session held in the 37th year of Her Majesty's
 reign, has the honour to report:—

That the following Acts appear unobjectionable, and he recommends that they
 be left to their operation, viz.:

Nos. 1, 3, 5, 6, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25.

(Signed) H. BERNARD,
Deputy Minister of Justice.

I concur,
 (Signed) T. FOURNIER,
Minister of Justice.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 23rd January, 1875.

The Committee of the Privy Council have had under consideration the Report, hereunto annexed, from the Honorable the Minister of Justice, to whom was referred, with the other Acts passed by the Legislature of the Province of British Columbia, in the 37th Year of Her Majesty's Reign, the following Act, which was assented to by the Lieutenant-Governor, on the 2nd March, 1874, viz. No. 2, intituled:—

“An Act to amend and consolidate the laws affecting Crown Lands in British Columbia,” and they respectfully submit their concurrence in the views and recommendations set forth in the said report, and advise that a copy thereof be transmitted to the Right Honorable Her Majesty's Secretary of State for the Colonies and to the Lieutenant-Governor of British Columbia.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 19th January, 1875.

The undersigned has the honor to report:—

That of the Act passed by the Legislature of the Province of British Columbia, in the 37th Year of Her Majesty's Reign, and assented to on the 2nd March, 1874, is the following:—No. 2, intituled “An Act to amend and consolidate the Laws affecting Crown Lands in British Columbia.”

The title of the Act explains its objects.

It is a consolidation of the Laws relating to the recording and pre-emption of lands, the surveying and sale of them; the regulation of miners rights, etc.

By its concluding section, the Act is not to come into force, until the Lieutenant-Governor's assent thereto has been proclaimed by notice in the *British Columbia Gazette*.

The 2nd, or Interpretation clause, defines that the words “‘Crown Lands’ shall mean all lands of this Province held by the Crown in free and common soccage.”

It is probably through inadvertence that this definition has been made, and that the tenure of free and common soccage, which is that of freehold under grant from the Crown, is made applicable to lands of the Crown held as such by the Crown as Lord of the soil.

Were it an intentional definition, it could only then mean a recognition of the Indian sovereignty therein, and that Her Majesty is tenant by freehold.

Abandoning, therefore, this statutable definition, which is inapplicable, the words “Crown Lands” may, for the purpose of this memorandum, be considered to mean all lands in the Province vested in the Crown of which no grant had been made.

A distinction is made between “unsurveyed land” and “surveyed land.”

As to “unsurveyed land,” it provides that any person qualified under that section may record any tract of unoccupied, unsurveyed and unreserved Crown Lands (not being an Indian settlement) not exceeding the extent mentioned;

“Provided that such right shall not be held to extend to any of the aborigines of this continent, except to such as shall have obtained permission in writing to so record by a special order of the Lieutenant-Governor in Council.”

The record is done by staking and marking out the boundaries of claim, and making a declaration in respect thereof.

As to “surveyed land,” it is defined by the 23rd section.

A provision is made by the 24th section as to who may pre-empt any tract of surveyed, unreserved, unoccupied and unrecorded land (not being an Indian settlement) and a similar proviso to that above-mentioned prohibits the aborigines of the continent the right of pre-emption, except as before-mentioned.

Such persons as pre-empt are known as "home settlers."

The undersigned deems it proper to notice that there is not in this Act any reservation of lands in favour of the Indians or Indian Tribes of British Columbia; nor are the latter thereby accorded any rights or privileges in respect to lands, or reserves, or settlements.

On the contrary, the right to record unsurveyed land, or to pre-empt surveyed land, is expressly enacted not to extend to any of the aborigines, except such as shall have obtained permission in writing of the Lieutenant-Governor in Council.

Nor can the undersigned find that there is any legislation in force in British Columbia which provides reservations of lands for the Indians, the only ordinance in that respect being one of the 15th March, 1869, which speaks of Crown Lands in the Colony being Indian Reserves or settlements.

The undersigned refers to the Order in Council, under which the Province of British Columbia was admitted into the Dominion, and particularly the 13th Section as to the Indians, which is as follows:—

"The charge of the Indians and the trusteeship and management of the lands reserved for their use and benefit, shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government shall be continued by the Dominion Government after the Union. To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose, shall from time to time be conveyed by the Local Government to the Dominion Government in trust for the use and benefit of the Indians on application of the Dominion Government; and in case of disagreement between the two Governments respecting the quantity of such tracts of land to be so granted, the matter shall be referred for the decision of the Secretary of State for the Colonies."

The question as to the provision which has been made of reserves for the Indians has been the subject of an Order of the Governor General in Council, dated 4th November, 1874, and it is not necessary, therefore, to enter upon a discussion of the merits of the case.

But having regard to the known existing and increasing dissatisfaction of the Indian Tribes of British Columbia at the absence of adequate reservations of lands for their use, and at the liberal appropriation for those in other parts of Canada upon surrender by Treaty of their territorial rights, and the difficulties which may arise from the not improbable assertion of that dissatisfaction by hostilities on their part, the undersigned deems it right to call attention to the legal position of the public lands of the Province.

The undersigned believes that he is correct in stating that with one slight exception as to land in Vancouver Island surrendered to the Hudson's Bay Company which makes the absence of others the more remarkable, no surrenders of lands in that Province have ever been obtained from the Indian Tribes inhabiting it, and that any reservations which have been made, have been arbitrary on the part of the Government and without the assent of the Indians themselves, and though the policy of obtaining surrenders at this lapse of time and under the altered circumstances of the Province, may be questionable, yet the undersigned feels it his duty to assert such legal or equitable claim as may be found to exist on the part of the Indians.

There is not a shadow of doubt that, from the earliest times, England has always felt it imperative to meet the Indians in Council, and to obtain surrenders of tracts of Canada as from time to time such were required for the purposes of settlements.

The 40th Article of the Treaty of capitulation of the City of Montreal, dated 8th September, 1760, is to the effect that,

"The Savages or Indian allies of His Most Christian Majesty shall be maintained in the lands they inhabit if they chose to remain there."

The proclamation of King George III., 1763, erecting within the countries and islands, ceded and confirmed to Great Britain by the Treaty of the 10th February, 1763, four distinct Governments, styled Quebec, East Florida, West Florida, and Grenada, contains the following clauses:—

“ And, wherœas, it is just and reasonable and essential to our interests and the security of our Colonies, that the several nations or tribes of Indians with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories, as not having been ceded to us, are reserved to them, or any of them as their hunting grounds; We do, therefore, with the advice of our Privy Council, declare it to be our Royal will and pleasure that no Governor or Commander-in-Chief, in any of our Colonies of Quebec, East Florida or West Florida, do presume upon any pretense whatever to grant warrants of survey or pass any patents for lands beyond the boundaries of their respective Governments as described in their commissions; as also, that no Governor or Commander-in-Chief of our other colonies or plantations in America, do presume for the present and until our future pleasure be known, to grant warrants of survey or pass any patents for lands beyond the heads or sources of any of the rivers which fall into the Atlantic Ocean from the West or North-west; or upon any lands whatever, which, not having been ceded to, or purchased by us as aforesaid, are reserved to the said Indians, or any of them; and we do further declare it to be our Royal will and pleasure, for the present as aforesaid, to reserve under our sovereignty, protection, and dominion, for the use of the said Indians, all the land and territories not included within the limits, and territory granted to the Hudson’s Bay Company; as also all the land and territories lying to the westward of the sources of the rivers which fall into the sea from the West and North-west as aforesaid; and we do hereby strictly forbid, on pain of our displeasure, all our loving subjects from making any purchases or settlements whatsoever, or taking possession of any of the lands above reserved without our special leave and license for that purpose first obtained. And we do further strictly enjoin and require all persons whatsoever, who have either wilfully or inadvertently seated themselves upon any land within the countries above described, or upon any other lands, which not having been ceded to or purchased by us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such settlements.

“ And whereas great frauds and abuses have been committed in the purchasing lands of the Indians, to the great prejudice of our interests, and to the great dissatisfaction of the said Indians; in order, therefore, to prevent such irregularities for the future, and to the end that the Indians may be convinced of our justice and determined resolution to remove all reasonable cause of discontent, we do, with the advice of our Privy Council, strictly enjoin and require that no private person do presume to make any purchase from the said Indians of any lands reserved to the said Indians within those parts of our Colonies where we had thought proper to allow settlements; but if at any time any of the said Indians should be inclined to dispose of the said lands, the same shall be purchased only for us, in our name, at some public meeting or assembly of the said Indians, to be held for that purpose by the Governor or Commander in Chief of our Colony respectively within which they shall be; and in case they shall be within the limits of any proprietaries, conformable to such directions and instructions as we or they shall think proper to give for that purpose; and we do, by the advice of our Privy Council, declare and enjoin that the trade with the said Indians shall be free and open to all our subjects whatever; provided that every person who may incline to trade with the said Indians do take out a license for carrying on such trade from the Governor or Commander in Chief of any of our Colonies respectively where such person shall reside, and also give security to observe such regulations as we shall at any time think fit, by ourselves or commissaries to be appointed for this purpose, to direct and appoint for the benefit of the said trade; and we do hereby authorize, enjoin and require the Governors and Commanders in Chief of all our Colonies respectively, as well as those under our immediate Government, as those under the government and direction of proprietaries, to grant such licenses without fee or reward, taking especial care to insert therein a condition that such license shall be void, and the security forfeited, in case the person to whom the same is granted shall refuse or neglect to observe such regulations as we shall think proper to prescribe as aforesaid.

“And we do further expressly enjoin and require all officers whatever, as well military as those employed in the management and direction of the Indian affairs within the territories reserved, as aforesaid, for the use of the said Indians, to seize and apprehend all persons whatever who, standing charged with treason, misprison of treason, murder or other felonies or misdemeanors, shall fly from justice and take refuge in the said territory, and to send them under a proper guard to the Colony where the crime was committed of which they shall stand accused, in order to take their trial for the same.”

It is not necessary now to enquire whether the lands to the West of the Rocky Mountains, and bordering on the Pacific Ocean, form part of the lands claimed by France, and which, if such claim were correct, would have passed by cession to England under the Treaty of 1763, or whether the title of England rests on any other ground; nor is it necessary to consider whether that proclamation covered the land now known as British Columbia.

It is sufficient for the present purposes to ascertain the policy of England in respect to the acquisition of the Indian territorial rights, and how entirely that policy has been followed to the present time, except in the instance of British Columbia.

It is true, also, that the Proclamation of 1763, to which allusion has been made, was repealed by the Imperial Statute 14 George III., chapter 83, known as “The Quebec Act;” but that Statute merely, so far as regards the present case, annuls the Proclamation, “so far as the same relates to the Province of Quebec and the Commission and the authority thereof, under the authority whereof the Government of the said Province is at present administered,” and the Act was passed for the purpose of effecting a change in the mode of the Civil Government of the administration of justice in the Province of Quebec.

The Imperial Act, 1821, 1st and 2nd George IV., ch. 66, for regulating the Fur Trade and establishing a Criminal and Civil jurisdiction within certain parts of North America, legislates expressly in respect to the portion of this continent which is therein spoken of as “the Indian Territories”, and by the Imperial Act, 1849, 12 and 13 Vic., ch. 48, “An Act to provide for the administration in Vancouver's Island”. The last-mentioned Act is recited, and it is added on recital that “for the purpose of the colonization of that part of the said *Indian Territories* called Vancouver's Island, it is expedient that further provision should be made for the administration of justice therein.”

The Imperial Act, 1858, 21 and 22 Vic., ch. 98, “An Act to provide for the government of British Columbia,” recites, “that divers of Her Majesty's subjects and others have, by the license and consent of Her Majesty, resorted to and settled on certain *wild and unoccupied territories* on the north-west coast of North America, now known as ‘New Caledonia’, from and after the passing of the Act to be named British Columbia, and the Islands adjacent,” &c.

The determination of England, as expressed in the Proclamation of 1763, that the Indians should not be molested in the possession of such parts of the dominions and territories of England, as, not having been ceded to the King, are reserved to them, and which extended also to the prohibition of purchase of lands from the Indians, except only to the Crown itself—at a public meeting or assembly of the said Indians to be held by the Governor or Commander-in-Chief, has, with slight alteration, been continued down to the present time, either as the settled policy of Canada or by Legislative provision of Canada to that effect, and it may be mentioned that in furtherance of that policy, so lately as in the year 1874, treaties were made with various tribes of Indians in the North-West Territories, and large tracts of lands, lying between the Province of Manitoba and the Rocky Mountains, were ceded and surrendered to the Crown, upon conditions of which, the reservation of large tracts for the Indians and the granting of annuities and gifts annually, formed an important consideration; and, in various parts of Canada, from the Atlantic to the Rocky Mountains, large and valuable tracts of land are now reserved for the Indians, as part of the consideration of their ceding and yielding to the Crown their territorial rights in other portions of the Dominion.

Considering, then, these several features of the case, that no surrender or cession of their territorial rights, whether the same be of a legal or equitable nature, has been ever executed by the Indian Tribes of the Province—that they allege that the reservations of land made by the Government, for their use, have been arbitrarily so made and are totally inadequate to their support and requirements, and without their assent—that they are not averse to hostilities in order to enforce rights which it is impossible to deny them, and that the Act under consideration not only ignores those rights, but expressly prohibits the Indians from enjoying the rights of recording or pre-empting lands, except by consent of the Lieutenant Governor,—the undersigned feels that he cannot do otherwise than advise that the Act in question is objectionable, as tending to deal with lands which are assumed to be the absolute property of the Province, an assumption which completely ignores, as applicable to the Indians of British Columbia, the honour and good faith with which the Crown has in all other cases, since its sovereignty of the territories in North America, dealt with their various Indian Tribes.

The undersigned would also refer to the B. N. A. 1867, Sec. 109, applicable to British Columbia, which enacts in effect that all lands belonging to the Province shall belong to the Province, “subject to any trust existing in respect thereof, and to any interest other than that of the Province in the same.”

That which has been ordinarily spoken of as the “Indian Title” must, of necessity, consist of some species of interest in the lands of British Columbia.

If it is conceded that they have not a freehold in the soil but that they have an usufruct, a right of occupation, or possession of the same for their own use, then it would seem that these lands of British Columbia are subject, if not to a “trust existing in respect thereof,” at least “to an interest other than that of the Province alone.”

The undersigned, therefore, feels it incumbent on him to recommend that this Act should be disallowed, but suggests that such disallowance be postponed until the last day at which such can take place, with a view of communication on the subject with the Lieutenant Governor of British Columbia.

It may be anticipated that no practical inconvenience can arise from its disallowance, should such be necessary, as the previously existing Crown Land Act will probably suffice to enable the Province to continue, in the meantime, disposal of lands.

The undersigned, whilst commenting on this Act, deems it also expedient to call attention to that provision of the Order in Council, under which the Province of British Columbia entered Confederation, which refers to the conveyance by the Province to the Dominion Government, in trust of public lands along the line of the Pacific Railway throughout the entire length of British Columbia. It may, of course, be argued that there has been no actual commencement, within two years of the date of union of the Pacific Railway, but having regard to the practical commencement of that work in the surveys which have been made along different portions of the contemplated route, the undersigned deems it his duty to note, that no reservations are made in the Act now under consideration, and that, without them, the recording and pre-emption of lands under this Act might be the subject of great embarrassment to the Government of Canada, in the construction of the line or in the granting of any contracts for construction of portions of it.

He suggests, therefore, that this is a further subject on which it is desirable that communication should be had with the Lieutenant-Governor of British Columbia.

(Signed) H. BERNARD,
Deputy Minister of Justice.

I concur,
(Signed) T. FOURNIER,
Minister of Justice.

DEPARTMENT OF JUSTICE,
OTTAWA, 11th March, 1875.

The undersigned has the honour to report, with reference to the Order in Council of the 23rd January last, upon the subject of an Act passed by the Legislature of the Province of British Columbia as to the Crown Lands in that Province, and to the proposed disallowance of that Act, that the time has come when it is necessary to take the step proposed.

The undersigned has, therefore, for reasons stated in that Order in Council, the honour to recommend that the Act of the Legislature of British Columbia passed in the 37th year of Her Majesty's reign, and assented to on the 2nd March, 1874, and intituled "An Act to amend and consolidate the laws affecting Crown Lands in "British Columbia," be disallowed by your Excellency in Council.

(Signed) T. FOURNIER,
Minister of Justice.

GOVERNMENT HOUSE, OTTAWA,
Tuesday, 16th day of March, 1875.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas the Lieutenant-Governor of the Province of British Columbia, with the Legislative Assembly of the said Province, did, on the 2nd day of March, 1874, pass an Act, which has been transmitted, intituled: "An Act to amend and consolidate the laws affecting Crown Lands in British Columbia;"

And whereas the said Act has been laid before the Governor General in Council, together with a Report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature to pass such Act, and therefore recommending that the said Act should not receive the confirmation of the Governor General;

His Excellency the Governor General has, therefore, this day been pleased, by and with the advice of His Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof, the Lieutenant-Governor of the Province of British Columbia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

I, Frederick Temple Hamilton Blackwood, Earl of Dufferin, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of British Columbia, on the 2nd day of March, 1874, intituled: "An Act to amend and consolidate the laws affecting Crown Lands in British Columbia," was received by me on the 26th day of March, 1874.

Given under my hand and seal this sixteenth day of March, 1875.

(Signed) DUFFERIN.

[L.S.]

Mr. Pemberton to the Minister of Justice.

VICTORIA, BRITISH COLUMBIA,
23rd April, 1874.

SIR,—I have the honour to forward herewith a memorial from the County Court Judges of British Columbia, with a request from them that you will be good enough to lay it before His Excellency the Governor General. It has been signed by all the Judges except Mr. Saunders, who is absent on leave.

I have, &c.,

(Signed) A. F. PEMBERTON,
County Court Judge.

The Honorable
The Minister of Justice, &c., &c., &c.,
Ottawa.

Memorial of the County Court Judges.

To His Excellency The Right Honorable the Earl of Dufferin, K.P., K.C.B., Governor General of the Dominion of Canada, &c.

The humble memorial of the County Court Judges in the Province of British Columbia,—SHEWETH :

That in view of the reference made to His Excellency the Governor General, of the question as to the position and proper duties of the County Court Judges of British Columbia by the Government of this Province and with particular reference to the report (therewith transmitted) of the opinion of the Attorney General on this subject, published in the Government *Gazette* of the second of August, 1873, and further with regard to the Act of last Session entitled: "The County Courts Extension Act 1874," the County Court Judges deem it due to themselves to make the following representations which they beg most respectfully to submit for the consideration of His Excellency the Governor General;

That the services in the Colony averaged over twelve years before the Confederation of the Province with the Dominion in July, 1871, as has been most particularly detailed in reports from each County Court Judge, forwarded by His Honor the Lieutenant Governor to the Governor of State for the Provinces in 1872;

That Confederation was purley a Government measure, and that the above officers formed a large proportion of the members of the Legislative Council; that without their votes that measure could not have been passed; that they were led to vote for that measure solely at the instance of the then Governor, Mr. Musgrave, on the distinct and repeated assurance from him, as the representative of the Queen, that under the terms of Confederation they would be placed in the permanent service of the Dominion Government as County Court Judges and be totally independent of and without the control of the Provincial Government;

That Mr. Musgrave further assured them that in the event of their positions being filled by barristers, pensions at the rate of two-thirds of their salaries or appointments of equivalent positions and emoluments would be granted to them;

That a memorial from these officers to the Secretary of State was withdrawn, after repeated assurances having been given to them by Governor Musgrave to the above effect;

That Mr. Musgrave stated to your memorialists that, in his despatch of the 22nd November, 1870, to the Dominion Government, he had distinctly laid down the

position to be held by the County Court Judges after Union to the above effect, and that the same had been confirmed by the Secretary of State for the Colonies, Lord Kimberly, as binding on the Dominion Government, in his dispatch of the third of June, 1871;

That Mr. Musgrave told them that they might be expected to continue for a while to perform the various duties hitherto discharged by them in their respective districts during the transition of the Provinces from the Colonial to the Provincial system of Government, and in the Session of 1872 provision was accordingly made for the appointment of certain officers entitled Clerks of the Bench, and that such officers were in the spring of that year appointed and relieved the County Court Judges from their local functions, taking over their books of account, cash balances, &c;

That they were always informed that the Dominion Government objected to their officers doing local work;

That the other officers whose positions were affected by Confederation had the option of retiring or taking office under the Dominion, whereas the County Court Judges had no such option;

That, in regard to the County Court Extension Act, 1874, they respectfully submit that, under section 92, subsection 14, of the British North America Act, 1867, the Local Legislature had not jurisdiction to pass a measure authorizing the Local Government to require that any particular County Court Judge should reside in any particular place, or even that he should hold any particular Court, inasmuch as all are County Court Judges having jurisdiction over the entire Province;

If the Local Legislature have the power to which they lay claim, it would follow that they have in substance power to appoint that any of the County Court Judges of the Province shall be the County Court Judge for a particular District, a power of appointment which belongs alone to the Governor General; and inspection of section 92, subsection 14, and section 93 British North America Act, shows that the Local Legislature have jurisdiction only over Courts, but have no authority in reference to the appointment of the Judges who sit in those Courts; it may be that such power of control by the Local Government over the individual Judges of the County Court, carrying with it the power of rewarding such Judges as may be favoured by the Ministry of the day by transferring them to more agreeable or advantageous posts, or visiting displeasure upon others by ordering them to the more rugged and inhospitable districts of the interior, thus assuming, in fact, a patronage which cannot be properly intended to be conferred on them, is incompatible with a continued faithful and unbiassed discharge by the County Court Judges of their judicial functions;

That such power would in no way secure a more efficient performance of the County Court business, or afford any further facilities to suitors than are already given; the only effect intended to be obtained would seem to be the presence of County Court Judges in the more remote parts of the Province to afford moral support to the maintenance of law and order, a responsibility specially attached to the Provincial Government, but of which they would thus be relieved at the expense of the Dominion;

That in many instances it will be difficult for a County Court Judge to discharge his duties with satisfaction to the Dominion Government, if, at the same time, he is subject to the orders of the Lieutenant Governor, as regards local duties even as representing the Federal authority; that officer may find himself in the anomalous position of having to refuse to act on the advice of his responsible ministers in the often recurring case of the County Court Judges being asked to discharge local duties which they may consider incompatible with their Federal duties. It is needless to observe that there will be a constant tendency in a Local Government, for their own convenience, to require such officers to discharge duties by no means compatible with the position of a County Court Judge.

That it is submitted that in no other instance, and in no other portion of the Dominion, can a Federal Officer be asked to discharge merely local duties, and the

late Government of British Columbia made provision for the discharge of the local duties accordingly, by the appointment of Clerks of the Bench.

And your memorialists, as in duty bound, will ever pray, &c.

(Signed)

A. F. PEMBERTON,

"

P. O'REILLY,

"

ARTHUR T. BUSHBY,

"

HENRY MAYNARD BALL.

"

JAMES R. SPALDING.

VICTORIA, BRITISH COLUMBIA,
23rd April, 1874.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 18th March, 1875.

Upon a petition presented by the several County Court Judges of British Columbia, praying for the disallowance by the Governor General of an Act passed by the Legislature of that Province on the 2nd March, 1874, intituled "An Act to make provision for the better administration of Justice ;"

The Hon. the Minister of Justice, in a memorandum dated 9th March, 1875, reports that he is of opinion that upon due consideration of the circumstances of the case, the condition of the County Court Judges is in no way changed by Confederation, except in that their duties have been diminished ;

That at the time of Confederation, in addition to the duties attached to the office of County Court Judge, they appeared to have acted as Gold Commissioners, and as Indian Agents, in respect of which two latter offices they have not since been called upon to act, and it seems not improbable that there were also other duties imposed upon them which they do not now fulfil.

The Minister states that he cannot see, therefore, that in this respect the County Judges have any reason for complaint.

But in respect to the provision of the Act in question which gives the Lieutenant-Governor power to appoint the places at which such County Court Judge shall reside from time to time, the Minister observes that in a report upon the Act itself, he has expressed the opinion that as there are now in effect six particular Districts, the 3rd provision of the Act in question is practically assuming a power of appointment of Judges, and he has therefore recommended that the Act shall be disallowed.

He recommends that the contents of his memorandum be communicated to Mr. Pemberton acting on behalf of the County Judges.

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

Certified.

(Signed)

W. A. HIMSWORTH,

Clerk, Privy Council.

GOVERNMENT HOUSE, OTTAWA,

Tuesday, 16th day of March, 1875.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

WHEREAS the Lieutenant-Governor of the Province of British Columbia, with the Legislative Assembly of the said Province, did, on the 2nd day of March, 1874, pass an Act which has been transmitted intituled as follows, viz. :—"An Act to make provision for the better administration of Justice."

And whereas the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature to pass such Act, and therefore recommending that the said Act should not receive the confirmation of the Governor General.

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of his Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant-Governor of the Province of British Columbia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

I, Frederick Temple Hamilton Blackwood, Earl of Dufferin, Governor-General of Canada, do hereby certify that the Act passed by the Legislature of the Province of British Columbia on the 2nd day of March, 1874, entitled: "An Act to make provision for the better administration of Justice," was received by me on the 26th day of March, 1874.

Given under my hand and seal this twentieth day of March, 1875.

[L. S.]

(Signed)

DUFFERIN.

Mr. Under-Secretary Langevin to Mr. Pemberton.

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA.

OTTAWA, 27th March, 1875.

SIR,—I have the honour to inform you that His Excellency the Governor General has had before him in Council, a petition from yourself and other County Court Judges in British Columbia, praying for the disallowance by His Excellency of an Act passed by the Legislature of that Province on the 2nd March, 1874, intitled "An Act to make provision for the better administration of Justice."

I am now directed to acquaint you, for the information of the Petitioners, that His Excellency is advised that upon due consideration of the circumstances of the case, the condition of the County Court Judges is in no way changed by Confederation, except in that their duties have been diminished.

His Excellency is advised that at the time of Confederation, in addition to the duties attached to the office of County Court Judges, they appear to have acted as Gold Commissioners and as Indian Agents, in respect of which two latter offices they have not since been called upon to act, and it seems not improbable that there were other duties imposed upon them which they do not now fulfil.

His Excellency is further advised that in this respect the County Judges can have no reason for complaint, but in this respect to the provisions of the Act in question which gives the Lieutenant-Governor power to appoint the places at which such County Court Judges shall reside from time to time, and it appears that there are now in effect six particular Districts; the third provision of the Act is practically assuming a power of appointment of Judges, and His Excellency has therefore been advised to disallow the Act.

The order of His Excellency in Council, signifying His Excellency's disallowance of the Act has been communicated to His Excellency the Lieutenant-Governor—

I have &c.,

(Signed)

EDOUARD J. LANGEVIN.

Under-Secretary of State.

A. F. PEMBERTON, Esq.,
County Court Judge,
Victoria, B. C.

COPY of a Report of a Committee of the Honorable the Privy Council, appointed by His Excellency the Governor General in Council, on the 16th March, 1875.

The Committee of the Privy Council have had under consideration the Report hereunto annexed from the Honorable the Minister of Justice to whom were referred—with the other Acts passed by the Legislature of the Province of British Columbia, in the 37th year, 1874, of Her Majesty's reign—the following Acts, viz.: No. 4, intituled "An Act to extend the provisions of the Coroner's Jury Act, 1866, to the mainland of British Columbia;" and No. 12, intituled "An Act to make better provision for the Qualification and Registration of Voters;" and they respectfully submit their concurrence in the views and recommendations set forth in their said Report, and advise that a copy thereof be transmitted to the Lieutenant-Governor of British Columbia.

Certified.

(Signed)

W. A. HIMSWORTH,

Clerk, Privy Council.

DEPARTMENT OF JUSTICE,

OTTAWA, 20th January, 1875.

Upon the Acts passed by the Legislature of British Columbia in the 37th year (1874) of Her Majesty's reign, the undersigned has the honour further to report as follows:—No. 4. "An Act to extend the provisions of the 'Coroners' Jury Act, 1866,' to the Mainland of British Columbia." This Act extends over the whole of the Province of British Columbia—the "Coroners' Jury Act, 1866," passed in the late Colony of Vancouver's Island.

Having reference to that Act, it is found to give power to any coroner to impanel a jury of not less than six for the purposes of any inquisition; their powers and verdict being to all intents and purposes as effectual as if found by a jury consisting of twelve or more.

The undersigned is somewhat doubtful whether this may not be a branch of criminal procedure, and as such within the sole legislative competence of the Parliament of Canada.

He does not purpose, however, to do more than make this suggestion. No. 12. "An Act to make better provisions for the Qualification and Registration of Voters."

Section 15 speaks of a conviction of an "offence." This seems to imply a crime and, therefore, a subject of Criminal Law. In this view, it may be desirable to avoid the use of the word "offence."

(Signed)

H. BERNARD,

Deputy Minister of Justice.

I concur,

(Signed)

T. FOURNIER,

Minister of Justice.

Lieutenant-Governor Archibald to the Secretary of State of Canada.

GOVERNMENT HOUSE,

HALIFAX, NOVA SCOTIA, 24th July, 1874.

SIR,—I have the honour to enclose a certified copy of a Bill entitled "An Act to facilitate arrangements between Railway Companies and their creditors," which was presented to me at the close of the last Session of the Legislature of this Province, but to which I did not accord my assent, reserving it for the signification of the pleasure of His Excellency the Governor General. My reason for reserving the Bill was, that I considered the subject not within the jurisdiction of the Local Legislature.

The Union Act commits to Parliament legislation on subjects of bankruptcy and insolvency.

This Act seems to entrench upon the domain of Parliament. It proposes to facilitate arrangements between certain companies and their creditors; it is confined, it is true, to companies constituted by Acts of the Local Legislature, and may have proceeded on the idea that the companies being of local jurisdiction, the insolvency of such companies might be dealt with by the Local Legislature; but this interpretation of the Act could hardly be considered gravely.

It may be said that the operation of the Act is not necessarily confined to insolvent companies, that it may well apply to companies embarrassed, but able to pay in full, if time is allowed.

But the Bankruptcy and Insolvency Acts are not confined to the estates unable to pay. It is sufficient that the parties are unable to meet existing engagements, and then this should be testified in certain modes prescribed by the Bankruptcy Acts. The question of eventual inability to pay is quite another matter.

This Act undertakes to deal with the rights of creditors to prevent them from enforcing their claims; in effect, it seems to me, to repeal the provisions of the law of Bankruptcy and Insolvency so far as regards the class of companies specified in it.

Under these circumstances, I thought it my duty to leave the matter for the consideration of His Excellency the Governor-General, for such action thereon as he may think fit to adopt.

May I request you will have the goodness to bring the matter to the early notice of His Excellency?

I have, &c.,

(Signed) ADAMS G. ARCHIBALD,
Lieutenant-Governor.

The Honorable
The Secretary of State, Ottawa.

Memorial of the Windsor and Annapolis Railway Company.

To His Excellency the Governor General of the Dominion of Canada in Council:

The Memorial of the Windsor and Annapolis Railway Company (Limited),

HUMBLY SHOWETH:

That your memorialists are a Company composed for the most part of capitalists resident in Great Britain, registered in England on the first of March, 1867, as a "Limited" Company, under an Act of the Imperial Parliament entitled "The Companies' Act, 1862," and incorporated by an Act of the Legislature of Nova Scotia (30 Vic., cap. 36) on the 7th of May, 1867.

The object for which your memorialists were incorporated was the construction and working of a portion of one of the sections of the Government Railways of the Province of Nova Scotia, extending from Windsor to Annapolis, a distance of eighty-five miles.

The capital embarked by your capitalists amounts to £300,000, in fifteen thousand shares of £20 each. Your memorialists have, as provided by their articles of association, also raised the further sum of £200,000 by the issue of terminable debentures carrying interest at the rate of six per cent. per annum.

Your memorialists having completed the construction of the line of railway, have now operated it, with the utmost energy and regularity, for more than five years; but all their efforts have hitherto failed to derive a return on their invested capital, the income from the road after payment of expenses not even sufficing to meet any part of the interest upon the debenture debt.

Your memorialists, however, have, with continued regularity, paid this interest to the holders of their debentures, having necessarily to provide the funds therefor by borrowing, and the capital requirements of the road having been met in a similar manner, your memorialists have, up to the present time, increased floating debts to the amount of £100,000.

It would, therefore, appear that the circumstances of the Company are such as to necessitate an increase of capital, and their articles of association giving them power to negotiate such increase, your memorialist last year proposed a scheme to their bondholders by means of which a further sum of £100,000 might be raised on mortgages to rank equal with those already existing, and over four-fifths of the parties interested acquiesced in the said scheme.

But owing to the objection of a few remaining bondholders, your memorialists were unable to carry out their scheme, and the interest of the whole of the capitalists connected with the undertaking were thereby endangered.

In order, therefore, to protect the interests of the great majority of debenture holders, and that the ill-advised hostility of a few might not be permitted to hamper the well considered plans of your memorialists for the benefit of the line, a Bill was introduced into the Honorable the House of Assembly of Nova Scotia, entitled "An Act to facilitate arrangements between Railway Companies and their creditors," the intention of which was to prevent any small number of creditors from exercising the power of selling or otherwise acting towards your memorialists' properly in a way likely to affect the continued running of the road. This Bill was twice passed by the Honorable the House of Assembly in their Sessions of 1872 and 1873 respectively; in both instances, however, it was too late to pass the Legislative Council.

At the last Session the Bill being again introduced, was unanimously passed by both Honorable Houses.

His Honor the Lieutenant Governor, however, reserved the Act for the consideration of Your Excellency in Council.

It has come to the knowledge of your memorialists that a few gentlemen in Halifax holding bonds to the extent of some seven thousand five hundred pounds sterling have thought fit to petition Your Excellency to withhold your assent to their Bill on the grounds that it will materially affect a prior lien upon the property, which they claim to hold to the exclusion of other bonds of the same class, and compel them, at the instance of other creditors of the Company, to compromise their just claims.

It is further stated in the said petition that the petitioners would have opposed the passage of the Act, had they been aware of its introduction into the House of Assembly, and also that it was hurried through the Legislative Council before they were enabled to signify their objections to it.

Your memorialists regret to observe that there is considerable error in their statements since the Bill was introduced on the twenty-fourth March; read second time and referred to Committee on law amendments 26th March; Reported from this Committee, and Committee, 9th April; passed in Committee and ordered to be engrossed 5th May; read third time and sent to Legislative Council 5th May; every stage of these proceedings being duly reported in the newspapers.

Also, upon its being sent to the Legislative Council opposition was made thereto by the gentlemen signing the above-mentioned petition, and, in consequence, the Bill was referred to a Committee of the Council, the Hon. Mr. Creighton being Chairman, who summoned representatives of those gentlemen and of your memorialists to appear before them.

Accordingly, on the sixth of May, Dr. Lewis, of Halifax, appearing for certain of the objecting parties was heard before the said Committee, who also examined your memorialists' Commissioner, and the said Committee reporting in favor of the Bill, with certain amendments, it was passed in the Council, returned to the House of Assembly, and finally passed on the Seventh of May.

Your memorialists claim that the passing of the Bill will be no injustice to the opposing parties nor to any of the Company's creditors, since it provides that any scheme of arrangement must be assented to in writing by three-fourths of the class of creditors affected by its proposals, and that, should any refuse their assent, they may be heard before a judge of the Supreme Court who, upon considering their objections valid, may disallow the proposed scheme.

Your memorialists contend that such an Act is indispensable to any railway company in monetary difficulties, and, in consequence, similar Acts have been placed upon the Statute Books of Great Britain and most of the Provinces of the Dominion of Canada.

Should this Bill be disallowed, your memorialists will be debarred from all power of developing their property, or even from saving it from annihilation, and thereby not only will their invested capital be jeopardised and an injury done to their creditors, but a great and manifest harm will occur to the Province of Nova Scotia.

Your memorialists, therefore, in all humility beg that Your Excellency may be pleased to signify your assent to the Act.

And your memorialists, as in duty bound, will ever pray, &c., &c.

The Windsor and Annapolis Railway Company (Limited) by their lawfully appointed Commissioner.

(Signed) ELIAS A. DEPASS.

Ottawa, December, 1st 1874.

DEPARTMENT OF JUSTICE,
OTTAWA, 8th December, 1874.

The undersigned has the honor to report, that in the Session of the Legislature of the Province of Nova Scotia held in May last, a Bill was passed intituled "An Act to facilitate arrangements between Railway Companies and their creditors" which was reserved by the Lieutenant Governor for the signification of the pleasure of Your Excellency thereon.

The Lieut. Governor reports that his reason for reserving the Bill was that he considered the subject not within the jurisdiction of the Local Legislature and that it seemed to trench upon the domain of Parliament, as being within the subjects of "Insolvency and Bankruptcy."

The Lieut. Governor says, that the operation of the "Act is not necessarily confined to Insolvent Companies embarrassed but able to pay in full if time is allowed, but the Bankruptcy and Insolvency Act are not confined to the estates unable to pay. It is sufficient that the parties are unable to meet existing engagements, and that it should be testified in certain modes prescribed by the Bankruptcy Acts. The question of eventual inability to pay is quite another matter.

He states that "the Act undertakes to deal with the rights of creditors, to prevent them from enforcing their claims in effect to repeal the provisions of the Law of Bankruptcy and insolvency so far as regards the classes of companies specified in it."

"2. A Petition is submitted against the Royal Assent to this Bill signed by five Residents of Halifax, who state that although no direct reference is made in the Act itself to the Windsor and Annapolis Railway Company, yet that it was introduced at the instance of that Company and for the sole purpose of enabling the Directors to compromise with its creditors, and that its provisions materially effect the interests of the memorialists who hold mortgage debentures or bonds to the extent of £7,500 sterling of the Windsor and Annapolis Railway Company. That the said

bonds have been registered in the different counties, and under the laws of Nova Scotia have become liens on the property according to the duties of their registry, to the exclusion of other bonds of the same class not registered at all, or registered subsequently."

That if the Act should be assented to, they are afraid that they would be prevented from recovering the amount justly due them by the Windsor and Annapolis Railway Company, and be compelled at the instance of the Company and its creditors who are not secured to the same extent as they are to compromise their claims and give up their security. That they had intended to have appeared before the Committee of the House of Assembly and oppose the passage of the Act, but that none of them were aware that the same had been introduced until it had passed through the House on the 5th May last, and that as it was hurried through the Council on the morning of the 7th May, the same day on which the Legislature was prorogued, they were unable to oppose its passage.

That if the Act becomes law, great injustice will be done to them, and they pray for its disallowance so that they may have an opportunity, in case the Act is again introduced into the Local Legislature, of being fully heard before a Committee in the House.

In the letter transmitting this petition, the writer states that the Bill would have been defeated in the Legislative Council, but for an intimation of Dr. Parker that the rights of bond-holders would not be affected.

3. The Windsor and Annapolis Railway Company (Limited) presents a petition in favour of the passage of the Act, stating that they are a company incorporated in England under the "Joint Stock Companies' Act," for the construction and working of a portion of one of the sections of the Government Railways, from Windsor to Annapolis, being eighty-five miles.

That the capital embarked is £300,000 sterling, with further sum of £200,000 sterling by the issue of terminable debentures at 6 per cent. interest per annum.

They allege that they have completed the construction of the line, and have operated it for five years, but unsuccessfully; and that they have paid interest to the debenture-holders, and have thereby incurred a floating debt to the amount of £100,000.

That the company require an increase of capital, and their articles of association permit such increase. That they proposed a scheme to the bond-holders by means of which a further sum of £100,000 might be raised on mortgages to rank equal with those already existing; and that over four-fifths of the parties interested acquiesced in the scheme, but that the few remaining bond-holders objected, and the scheme fell to the ground.

That to meet this difficulty the Bill in question was passed; the intention being to prevent any smaller number of creditors from exercising the power of selling or otherwise acting in a way likely to affect the continued running of the road; and that the Bill was twice passed in the House of Assembly in their Sessions of 1872-73, but, in both instances, too late to pass the Legislative Council.

With reference to the allegations in the petition against the Bill, as to the same having been hurried through the Legislature, they state that the Bill was introduced on the 24th March, passed the Committee with amendments thereto, and did not pass the Assembly until the 5th May; and that, in respect to the Council, the representatives of the gentlemen who petitioned against the same were summoned and appeared before them.

They allege that the passage of the Bill will be no injustice to the opposing parties or to any of the Company's creditors since it provides that any scheme of arrangement must be assented to by three-fourths of the class of creditors affected by it and by other provisions.

They contend that such an Act is indispensable to any Railway Company in monetary difficulties, and that if disallowed the Company would be debarred from all power of developing their property, or even from saving it from annihilation, and an injury would be done to the creditors.

4. The Bill itself provides that a Company may propose a scheme of arrangement between itself and their creditors, with or without provisions for settling and defining any rights of shareholders as among themselves, and for raising, if necessary, additional share and loan capital, and may file the same in the Supreme Court, upon which the latter may, on the application of the Company, in a summary way restrain any action against the Company on such terms as the Court thinks fit. Notice of the filing of the scheme is to be published, after which no execution or process against the Company shall be available without leave of the Court.

The scheme is to be deemed to be assented to by the creditors when assented to in writing by three-fourths in value, and by the preference shareholders by three-fourths in value of each class, and by the ordinary shareholders when assented to an extraordinary general meeting, specially called for that purpose; but the assent to the scheme of any class of encumbrances or shareholders is not to be requisite if the scheme does not prejudicially affect any right or interest of such class.

If the Directors thereupon consider the scheme to be assented to, they may apply to the Court by petition for confirmation, and the Court, if satisfied that the scheme has been assented to, and that no sufficient objection has been established, may confirm it, whereupon it shall be enrolled in the Court and binding on all parties.

5. It is under the foregoing circumstances that the Bill requires either Your Excellency's assent or disallowance.

It may be mentioned, in the first place, that the Act is by its terms specially limited to any railway company constituted by any Act of the Legislature of Nova Scotia; and, further, that it does not conflict with any law of Canada relating to Bankruptcy or Insolvency.

The Insolvent Act of Canada, 1869, does not extend to incorporated companies, and to reach such matter as the present it would be requisite that legislation should, if necessary, be had.

As to the necessity for legislation of such a kind as the present, or of its nature, there can be no doubt that it frequently exists, and in England provision is made frequently for the winding up of companies or for enabling them to come to terms with the various classes of creditors or fresh provisions and arrangements which shall enable a concern to be carried on.

The same legislation has, on various occasions, been passed by the Parliament of Canada—not, indeed to the extent of winding up, but as to re-arrangements of its shares and debenture indebtedness. In so doing it is obvious that private interests must be more or less affected, and it is, therefore, left to a majority or larger proportion of the parties interested to decide whether the scheme should be accepted by them or not.

In reference, therefore, to the allegations made by the petitioners against the Bill, and as it appears for nearly six weeks after its introduction into the Legislative Assembly, the petitioners had the power of taking steps to represent their interests before the Legislative Assembly of Nova Scotia, and as the same passed the Committee of both Houses and was amended in both, the undersigned is of opinion that no reason exists on these grounds for withholding Your Excellency's Assent.

6. The point, therefore, for consideration, and which is one of some importance, is that raised by the Lieut.-Governor, namely, that the Act deals with a subject not within the jurisdiction of a Local Legislature, inasmuch as it deals with "Bankruptcy and Insolvency" which are, by the B. N. A. Act 1867, reserved to the Parliament of Canada alone.

Upon this point the undersigned refers to the judgment of the Judicial Committee of the Privy Council on the appeal of *L'Union St. Jacques de Montreal v. Dame Julie Belisle*, on appeal from the Court of Queen's Bench for the Province of Quebec, Canada (appeal side) delivered 8th July. 1874.

In that case an Act was passed by the Legislature of the Province of Quebec, in reference to the Society of *L'Union St. Jacques de Montreal*, imposing a forced com-

mutation of the existing rights of two widows, who at the time when that Act was passed, were annuitants of the Society under the rules.

The reason for that act was, by its recitals, stated to be that the resources of the Society had been considerably reduced, and encroachments made on its savings and, the balancing of receipts and expenses prevented, and that two out of the four widows of deceased members had agreed to allow their weekly and life benefits to be lessened, but that the other two refused so to do, and that it had been shown that the financial condition of the Association did not permit of its continuing to pay to the two widows their previous pensions without entailing its own ruin.

The Judicial Committee of the Privy Council said: "Clearly this matter is private, clearly it is local, so far as locality is to be considered, because it is in the Province and in the City of Montreal, and unless, therefore, the general effect of that head of Section 92 is for this purpose qualified by something in Section 91, it is a matter not only within the competency, but within the exclusive competency of the Provincial Legislature."

The question then was whether it was a matter coming under bankruptcy and insolvency, and the view taken by their Lordships in the respect is set out.

They further add that no general law in respect to bankruptcy and insolvency covering particular associations, or the society in question, is alleged ever to have been passed by the Dominion, and they add these words:—

"The fact that this particular society appears, upon the face of the Provincial Act, to have been in a state of embarrassment, and in such a financial condition that, unless relieved by legislation, it might have been likely to come to ruin, does not prove that it was in any legal sense within the category of insolvency, and, in point of fact, the whole tendency of the Act is to keep it out of that category, and not to bring it into it. The Act does not terminate the company, it does not propose a final distribution of its assets on a footing of insolvency or bankruptcy; it does not wind it up.

"On the contrary, it contemplates its going on, and possibly at some future time recovering its prosperity, and then these creditors, who seem on the face of the Act to be some what summarily interfered with, are to be re-instated.

"Their Lordships are clearly of opinion that this is not an Act relating to Bankruptcy and Insolvency."

The undersigned is of opinion that the present reserved Bill of Nova Scotia comes within the argument taken by their Lordships in the case of the Quebec Act. Although in the Nova Scotia Bill no particular company is named, yet it applies to any railway company within the Legislative competence of that Legislature in a state of embarrassment, and in such a financial condition that, unless relieved by legislation, it may be likely to come to ruin.

In point of fact, indeed, as was observed by their Lordships, the whole tendency of the Bill of Nova Scotia is to keep it out of that category, and not to bring it into it. The Bill does not terminate the company, it does not propose a final distribution of its assets on the footing of insolvency or bankruptcy, it does not wind it up.

On the contrary, its object is to ensure its going on and recovering its prosperity.

The Act itself seems very reasonable. It propounds a scheme to be filed in the Supreme Court, and which, from beginning to end, is to be under the protection of the Court, and before which any sufficient objection may be heard.

The interest of creditors of preference shareholders, and of ordinary shareholders, are all protected. The two former by votes of three-fourths in value, and as to the latter at an extraordinary general meeting.

The confirmation of the scheme depends upon the judgment of the Court, who have the power of hearing the directors and creditors, shareholders, or other parties whom the Court thinks entitled to be heard on the application.

Simple as it is, the details appear calculated to effect the desired objects.

It appears to provide full machinery for enabling any company, temporarily embarrassed, to provide means for continuing their operations and business.

6. Under all these circumstances, the undersigned recommends that Your Excellency should assent to the said Bill.

(Signed) H. BERNARD,
Deputy-Minister of Justice.

I concur,
(Signed) T. FOURNIER,
Minister of Justice.

GOVERNMENT HOUSE, OTTAWA,
Saturday, 12th day of December, 1874.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

Whereas, by an Act passed in the 31st year of Her Majesty's Reign, intituled : "An Act for the Union of Canada, Nova Scotia and New Brunswick, and the Government thereof, and for purposes connected therewith," it is, amongst other things, enacted that a Bill, reserved for the signification of the pleasure of the Governor General, shall not have any force unless and until within one year from the day on which it was presented to the Lieutenant Governor for the Governor General's assent, the Lieutenant Governor signifies by speech or message to each of the Houses of the Legislature, or by Proclamation, that it has received the assent of the Governor General in Council ;

And, whereas, on the 7th day of May ultimo, the Lieutenant Governor of the Province of Nova Scotia reserved a certain Bill, passed by the Legislative Council and Assembly of the said Province, entitled : "An Act to facilitate arrangements "between railway companies and their creditors," for the signification of the Governor General's pleasure thereon ;

And, whereas, the said Bill so reserved as aforesaid has been laid before the Governor General in Council, and it is expedient that the said Bill should be assented to by the Governor General ;

Now, therefore, the Governor General, in pursuance of the said Act, and in the exercise of the powers thereby reserved to the Governor-General as aforesaid, doth, by this present order, by and with the advice of His Privy Council, declare his assent to the said Bill ;

And the Secretary of State is to give the necessary directions herein accordingly.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

Mr. Secretary Scott to the Lieutenant-Governor of Nova Scotia.

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA,
OTTAWA, 14th January, 1875.

SIR,—With reference to the letter to you from this Department, of the 15th ultimo, informing you of the assent of His Excellency the Governor General to the Act of the Nova Scotia Legislature, entitled "An Act to facilitate arrangements between Railroad Companies and their Creditors," which Act was reserved by you for the signification of His Excellency's pleasure thereon, I am directed to communicate to you the grounds upon which His Excellency was advised to assent thereto.

His Excellency carefully considered the reasons so freely urged by you in your despatch of the 24th July last, for reserving the Bill, and concur with you in the propriety of your course in so reserving it.

His Excellency had also under consideration in connection with your despatch a petition, praying that his assent might not be given to the Bill, signed by five residents of Halifax, who stated that although no direct reference was made in the Act itself to the Windsor and Annapolis Railway Company, yet that it was introduced at the instance of that Company, and for the sole purpose of enabling the Directors to compromise with its creditors and that its provisions materially affected the interests of the petitioners who held mortgage debentures on bonds to the extent of £7,500 sterling, of the Windsor and Annapolis Railroad Company; that the said bonds had been registered in the different counties, and under the laws of Nova Scotia, had become liens on the property, and took priority according to the dates of their registry, to the exclusion of other bonds of the same class not registered at all, or registered subsequently:—That if the Act should be assented to, they were afraid that they would be prevented from recovering the amounts justly due them by the Windsor and Annapolis Railroad Company, and be compelled, at the instance of the company and its Creditors, who were not secured to the same extent as they were to compromise their claims and give up their security:—That they had intended to have appeared before the Committee of the House of Assembly, and oppose the passage of the Act, but that none of them were aware that the same had been introduced until it had passed through the House on the 5th May last, and that as it was hurried through the Council on the morning of the 7th May, the same day on which the Legislature was prorogued, they were unable to oppose its passage:—That if the Act became law, great injustice would be done to them, and they prayed for its disallowance, so that they might have an opportunity, in case the Act was again introduced into the Legislature, of being fully heard before a Committee of the House.

In the letter transmitting this petition, the writer stated that the Bill would have been defeated in the Legislative Council, but for an intimation of Dr. Parker that the rights of the bondholders would not be affected.

The Windsor and Annapolis Railroad Company also presented a petition to His Excellency in favour of the passage of the Act, stating that they were a Company incorporated in England under the "Joint Stock Companies' Acts" for the construction and working of a portion of one of the sections of the Government railways from Windsor to Annapolis, being eighty-five miles; that the capital embarked was £300,000 sterling, with a further sum of £200,000 sterling, by the issue of terminable debentures at six per cent. interest per annum. They alleged that they had completed the construction of the line, and had operated it for five years, but unsuccessfully, and that they had paid interest to the debenture holders, and had, thereby, incurred a floating debt to the amount of £100,000:—That the Company required an increase of capital and their articles of association permitted such increase:—That they had proposed a scheme to the bondholders by means of which a further sum of £100,000 might be raised on mortgages to rank equally with those already existing, and that over four-fifths of the parties interested had acquiesced in the scheme, but that the few remaining bondholders had objected and the scheme had fallen to the ground; that, to meet this difficulty, the Bill in question was passed, the intention having been to prevent any smaller number of creditors from exercising the power of selling or otherwise acting in a way likely to affect the continued running of the road, and that the Bill had been twice passed in the House of Assembly in the Sessions of 1872-73, but, in both instances, too late to pass the Legislative Council.

With reference to the allegations in the petition against the Bill as to the same having been hurried through the Legislature, they stated that the Bill was introduced on the 24th March, passed the Committee with amendments thereto, and did not pass the Assembly until the 5th May, and that, in respect to the Council, the representations of the gentlemen who petitioned against the same, were summoned and appeared before them. They alleged that the passage of the Bill would be no injustice to the opposing parties or to any of the Company's creditors, since it provided that any scheme of arrangement must be assented to by three fourths of the class of creditors affected by it and by other provisions.

They contended that such an Act was indispensable to any railway company in monetary difficulties, and that if disallowed, the company would be debarred from all power of developing their property, or even from saving it from annihilation, and an injury would have been done to the creditors.

The Bill itself provides that a company may propose a scheme of arrangement between itself and its creditors, with or without provisions for settling and defining any rights of shareholders as among themselves, and for raising, if necessary, additional share and loan capital, and may file the same in the Supreme Court, upon which the latter may, on the application of the Company in a summary way, restrain any action against the Company on such terms as the Court thinks fit.

Notice of the filing of the scheme is to be published, after which no execution or process against the Company shall be available without leave of the Court. The scheme is to be deemed to be assented to by the creditors, when assented to in writing by three-fourths in value and by the preference shareholders by three-fourths in value of each class, and by the ordinary shareholders when assented to at an extraordinary general meeting specially called for that purpose, but the assent to the scheme of any class of encumbrances or shareholders is not to be requisite if the scheme does not prejudicially affect any right or interest of such class. If the Directors thereupon consider the scheme to be assented to, they may apply to the Court by petition for confirmation, and the Court, if satisfied that the scheme has been assented to, and that no sufficient objection has been established, may confirm it; whereupon it shall be enrolled in the Court and binding on all parties.

It was under the foregoing circumstances that the Bill required either His Excellency's assent or disallowance.

His Excellency was advised, in the first place, that the Act was by its terms specially limited to any railway company, constituted by any Act of the Legislature of Nova Scotia, and, further, that it did not conflict with any law of Canada relating to Bankruptcy or Insolvency.

The Insolvent Act of Canada, 1869, does not extend to incorporated companies, and to reach such a matter as the one under His Excellency's consideration it would be requisite that legislation should, if necessary, be had.

As to the necessity for legislation of such a kind as the present, or of its nature, there can be no doubt. His Excellency was advised, that it frequently exists, and in England provision is made frequently for the winding up of companies, or for enabling them to come to terms with the various class of creditors, or fresh provisions and arrangements which shall enable a concern to be carried on.

The same legislation has, on various occasions, been passed by the Parliament of Canada, not indeed to the extent of winding up, but as to rearrangement of its share and debenture indebtedness. In so doing it is obvious that private interests must be more or less affected, and it is, therefore, left to a majority or larger portion of the parties interested to decide whether the scheme should be accepted by them or not.

In reference, therefore, to the allegations made by the petitioners against the Bill and as it appeared nearly six weeks after its introduction into the Legislative Assembly, the petitioners had the power of taking steps to represent their interest before the Legislative Assembly of Nova Scotia, and as the same passed the Committees of both Houses and was amended in both, His Excellency was advised that no reason existed on these grounds for withholding his assent.

The point, therefore, for consideration, and which is one of some importance, is that raised by you, namely, that the Act dealt with a subject not within the jurisdiction of a Local Legislature, inasmuch as it dealt with "Bankruptcy and Insolvency" which are by the British North America Act, 1867, reserved to the Parliament of Canada alone.

Upon this point the undersigned refers to the judgment of the Judicial Committee of the Privy Council, on the appeal of L'Union St. Jacques de Montreal v. Dame Julie Belisle on appeal from the Court of Queen's Bench, for the Province of Quebec, Canada, (appeal side); delivered 8th July, 1874.

In that case an Act was passed by the Legislature of the Province of Quebec, in

reference to the Society of L'Union St. Jacques de Montreal, imposing a forced commutation of the existing rights of two widows, who, at the time when that Act was passed, were annuitants of the society under its rules.

The reason for that Act was, by its recitals, stated to be that the resources of the society had been considerably reduced, and encroachment made on its savings, and the balancing or receipts and expenses prevented, and that two out of the four widows of deceased members had agreed to allow their weekly and life benefits to be lessened, but that the other two refused so to do, and that it had been shown that the financial condition of the Association did not permit of its continuing to pay to the two widows their previous pensions without entailing its own ruin.

The Judicial Committee of the Privy Council said: "clearly this matter is private; clearly it is local, so far as locality is to be considered, because it is in the Province and in the City of Montreal, and unless therefore the general effect of that head of Section 92 is for this purpose qualified by something in Section 91, it is a matter not only within the competency, but within the exclusive competency of the Provincial Legislature."

The question then was, whether it was a matter coming under bankruptcy and insolvency, and the view taken by their Lordships in this respect is set out.

They further add that no general law in respect to bankruptcy and insolvency, covering particular associations or the society in question, is alleged ever to have been passed by the Dominion, and they add these words, viz. :—

"The fact that this particular society appears upon the face of the Provincial Act to have been in a state of embarrassment, and in such a financial condition that unless relieved by legislation, it might have been likely to come to ruin does not prove that it was in any legal sense, within the category of insolvency, and in point of fact the whole tendency of the Act is to keep it out of that category, and not to bring it into it.

"The Act does not terminate the Company; it does not propose a final distribution of its assets on the footing of insolvency or bankruptcy it does not wind it up.

"On the contrary, it contemplates its going on, and possibly at some future time recovering its prosperity, and then these creditors who seem on the face of the Act to be somewhat summarily interfered with, are to be re-instated.

"Their Lordships are clearly of opinion that this is not an Act relating to Bankruptcy and Insolvency."

His Excellency was therefore advised that the Bill reserved by you comes within the argument taken by their Lordships in the case of the Quebec Act, although in the Nova Scotia Bill no particular Company is named. Yet it applied to any Railway Company within the legislative competence of the Nova Scotia Legislature in a state of embarrassment, and in such a financial condition that, unless relieved by legislation, it might have been likely to come to ruin. In point of fact, indeed, as was observed by their Lordships, the whole tendency of the reserved Bill was to keep it out of that category and not to bring it into it. The Bill did not terminate the Company, it did not propose a final distribution of its assets on the footing of Bankruptcy or Insolvency it did not wind it up; on the contrary, its object was to ensure its going on and recovering its property.

The Act itself seemed very reasonable. It propounded a scheme to be filed in the Supreme Court, and which, from the beginning to the end, is to be under the protection of the Court, and before which any sufficient objection may be heard. The interests of creditors, of preference shareholders and of ordinary shareholders are all protected. The three former by votes of three-fourths in value, and as to the latter, at an extraordinary general meeting.

The confirmation of the scheme depends upon the judgment of the Court, who has the power of hearing the Directors, any creditors, shareholders, or other parties whom the Court may think entitled to be heard, on the application.

Simple as it is, the details appeared calculated to affect the desired objects. It

appears to furnish full machinery for enabling any Company temporarily embarrassed to provide means for continuing its operations and business.

Under all the circumstances, His Excellency was advised to assent to the Bill.

I have, &c.,

(Signed)

R. W. SCOTT,
Secretary of State.

To His Honour
The Lieut.-Governor of Nova Scotia,
Halifax.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 7th May, 1874.

On a Report, dated 7th May, 1874, from the Minister of Justice, reporting that he has had under consideration two Acts of the Legislature of the Province of Quebec, passed in the 35th year of Her Majesty's Reign, being respectively: "An Act respecting the appointment of Queen's Counsel," and "An Act respecting the registers of civil status," and that he sees no objection thereto, and recommends therefore that they be left to their operation.

The Committee advise that the Acts in question be left to their operation accordingly.

Certified.

(Signed)

W. A. HIMSWORTH.
Clerk, Privy Council.

The Secretary of State for the Provinces to the Governor General.

DOWNING STREET, 28th April, 1874.

MY LORD,—I have the honour to acknowledge the receipt of your despatch, No. 94, of the 8th instant, enclosing a copy of an approved report of a Committee of the Privy Council, recommending, for the reasons stated, that Her Majesty should not be advised to assent to the Bill passed in June, 1873, by the Legislature of Prince Edward Island, but reserved by the late Lieutenant-Governor, entitled "An Act to vest a certain portion of Government House Farm in the city of Charlottetown for certain purposes therein mentioned."

In accordance with the recommendation of your Government, I shall not advise the Queen to assent to this Act, which will not, therefore, come into operation. I request that you will so inform the Lieutenant-Governor of Prince Edward Island, and that you will forward to him a copy of the Report of the Privy Council.

I have, &c.,

(Signed)

CARNARVON.

Governor General, the Right Honourable
The Earl of DUFFERIN, K.P., K.C.B., &c., &c.

Lieutenant-Governor Hodgson to the Secretary of State of Canada.

PROVINCE OF PRINCE EDWARD ISLAND,
GOVERNMENT HOUSE, 17th October, 1876.

SIR,—I have the honour to transmit herewith, in duplicate, certified and sealed in the usual form, an Act entitled "An Act to vest a certain portion of Government House Farm in the city of Charlottetown, for certain purposes therein mentioned," passed in the last Session of the Provincial Legislature, together with the late Attorney-General's observations explanatory thereof, and reasons assigned by him for its passing, which Act was reserved by me for the especial confirmation of His Excellency the Governor General.

This Act gives to the corporation of the city of Charlottetown a larger area than did the Disallowance Act of 1873, and also, in addition, a width of 100 feet, extending along the shore in front of the land it permits to be retained for the use of Government House; with the view of elucidating the matter, I enclose a plan of Government House Farm, so called, on which is represented the portion of land taken from it by the Act now transmitted, as well as its relative position to the remainder of the grounds on which Government House is situate; and I likewise transmit a certificate from the surveyor who furnished it, stating the difference between the former and the present Act, as regards the quantity of land described in each. I also forward a certified copy of the grant, adverted to in the late Attorney-General's observations, under which the Government House grounds are now held, and to which, apparently, the attention of His Excellency's Government had not been called previously to the making of the Order in Council of the 19th June, 1874, alluded to by the Attorney-General.

I think it necessary to remark that the Act now transmitted was not received by me from the late Attorney-General until the 9th instant.

I have, &c.,

(Signed)

R. HODGSON,
Lieutenant-Governor.

The Honourable the Secretary of State,
Ottawa.

Opinion of Mr Attorney General Brecken.

"An Act to vest a certain portion of Government House Farm in the city of Charlottetown, for certain purposes therein mentioned."

This Act was passed by the Legislature of this Province for the purpose of vesting in the city of Charlottetown the lands set forth and described in its 6th section, being part of the Government House Farm of this Province, to be used and set apart for the purpose of a park and pleasure ground for the use of the inhabitants.

The tract of land now comprising Government House Farm was originally part of the common of Charlottetown, which was a portion of land surrounding the city dedicated to the use of the public.

In the year 1789, Edmund Fanning, Esquire, then Lieutenant Governor of this Province, executed under the seal of the Province, a grant of that portion of the said common now known as Government House Farm, therein described as containing one hundred acres, but now estimated to compose about eighty acres, to Lord Dorchester, the then Governor General of Canada, for the accommodation of the Governor or Lieutenant Governor, for the time being, of the Province.

The citizens of Charlottetown having thus been deprived of the land referred to, and the remainder of the common having since been granted by the Crown to private individuals, the Provincial Government passed in the Session of 1873, an Act similar

in its objects to the one now under consideration, which Act was disallowed by the Imperial Government on account of its having been passed subsequently to the addresses of the Local Legislature expressing the desire of the Province to enter the Dominion—as set forth in the report of a Committee of the Privy Council of Canada on the 3rd April, 1874, and the despatch of Earl Carnarvon to Lord Dufferin, dated 28th April, 1874.

After the disallowance of the said Act, namely, on the 19th June, 1874, an Order in Council was passed by the Dominion Government, under the provisions of the 108th section of the British North American Act, 1867, and the 8th section of the 3rd schedule attached thereto, that the Government House in Charlottetown, its grounds and premises, together with the farm thereunto attached and held herewith, should be appropriated to the use of the Government and Legislature of this Province.

The Government and Legislature deeming the residue of the farm over and above the portion described in this Act, amply sufficient for the use of the Lieutenant Governor as a residence, have thought it desirable to declare that the land described in this Act should be appropriated to the purposes for which it was originally set apart.

The part so appropriated is that furthest from the city, and in order that the citizens might have easy access to the contemplated park, the Act provides in its 6th section for the construction of a roadway or carriage-drive along the shore in front of that part of Government House grounds still reserved for a residence for the Lieutenant Governor.

The peculiar formation and slope of the grounds will enable this roadway to be built without in any way interfering with the privacy of Government House. Without such a roadway the only way of access to the park would be by the Brighton road, which runs along the rear of Government House grounds to Brighton shore. The contemplated roadway gives a much easier and shorter mode of access to the citizens, and for other reasons will be a great advantage to the park.

(Signed) **FREDERICK BRECKIN,**
Attorney General.

1st September, 1876.

Surveyor's Certificate.

MEMORANDUM.

The area of Government Farm, from an actual survey by me in 1853, was 82 acres.

The area of land taken off by the Park Bill of 1873 was 40 acres.

The area of land taken off by the Park Bill of 1876 was 47 acres, inclusive of one and one-half acres reserved Ordnance Land, the property of the Dominion Government, being 45½ acres taken off Government Farm for Park purposes, inclusive of the Ordnance property.

There has been no actual survey made of Government Farm since 1853.

(Signed) **JOHN BALL,**
Land Surveyor.

CHARLOTTETOWN, October 13th, 1876.

Copy of Grant.

To all whom these presents shall come,—*Greeting :*

EDMUND FANNING.

Whereas representation had been made unto me, Edmund Fanning, LL.D., Lieutenant Governor and Commander in Chief in and over His Majesty's Island of Saint John and the territories adjacent thereunto, &c., &c., &c., by many of the principal inhabitants of Charlottetown and the Island at large, that it would be attended with very beneficial and salutary public purposes if that tract of ground in the Royalty of Charlottetown aforesaid as a common should be laid out into pasture lots, and grants of the same given under certain limitations and restrictions, the said common being useless in its then waste and uncultivated state, and even considered as a nuisance and obstruction to the settlement of the Town; and whereas it did appear unto the said Lieutenant-Governor highly important to His Majesty's service and to the convenience and advantage of his future Governor, Lieutenant-Governor or the Commander in Chief of the said Island for the time being, that a certain portion or part of the said lands should be appropriated, and a grant thereof made under the Great Seal of the said Island, for the use and accommodation of His Majesty's Governor, Lieutenant-Governor or Commander in Chief for the time being, there not having been any reservation of land therefore made whereon to erect a Government House for the habitation and residence of His Majesty's Governor in any part of the said Island; I, the said Edmund Fanning, did, upon the twenty-sixth day of February in the year of our Lord one thousand seven hundred and eighty-nine, refer the premises unto the consideration of His Majesty's Council of the said Island, requesting their opinion and advice thereon, who, at a subsequent meeting of the Board, namely, on the second day of March in the aforesaid year of Our Lord, did unanimously advise the aforesaid measure as eligible and expedient as in and by the minutes of the proceeding of His Majesty's said Council (reference thereto being had) may at large appear. Now know ye that I, the said Edmund Fanning, as Lieutenant-Governor as aforesaid, by virtue of the power and authority in me vested by His Majesty King George the Third, have given, granted and confirmed, and do by these presents give, grant and confirm unto the Right Honorable Guy Lord Dorchester, Captain General and Governor in Chief of the said Island of St. John, and in his or their absence from the said Island to the Lieutenant-Governor or Commander in Chief of the said Island for the time being, forever, one hundred acres of land, being part and parcel of that large tract of land so as aforesaid, formerly appropriated as a common, for their use and accommodation respectively as hereinbefore declared, which said one hundred acres of land having such figure, description and shape as is delineated and expressed in and by a plan, a map thereof made and hereunto annexed, is bounded as follows, that is to say: northerly, on the several pasture lots of the said Royalty of Charlottetown distinguished on the General Plan or Map thereof by numbers one, two and three; easterly, on a small creek; and all the other parts by the salt water; to have and to hold the said one hundred acres of land with the appurtenances, unto the said Guy Lord Dorchester, Captain General and Governor in Chief of the said Island of Saint John, and the Captain General and Governor of the said Island for the time being, and for their use and accommodation as aforesaid respectively, forever. In witness whereof I have signed these presents, and have caused the seal of the said Island to be thereunto affixed at Charlottetown aforesaid, this sixteenth day of May, in the twenty-ninth year of the reign of our Sovereign Lord George the Third, by the Grace of God of Great Britain, France and Ireland, King Defender of the Faith, and so forth; and in the year of Our Lord one thousand seven hundred and eighty-nine.

By His Excellency's command.

(Signed) THOS. DESBRISAY,
Secretary.

Registered 4th November, 1793.

OFFICE OF THE REGISTRAR OF DEEDS,
PRINCE EDWARD ISLAND.

I do hereby certify that the foregoing writing is a true and correct copy of a Grant from Lieutenant-Governor Fanning to the Right Honorable Guy Lord Dorchester registered in this office in Libra 6, folios 189, 190, 191, 192 and 193.

(Signed) BENJ. DES BRISAY,
Registrar.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 8th December, 1876.

The Committee of Council have had under consideration a despatch dated 17th October, 1876, from His Honor the Lieutenant-Governor of the Province of Prince Edward Island, transmitting an Act entitled "An Act to vest a certain portion of Government House Farm in the city of Charlottetown for certain purposes therein mentioned," passed in the last session of the Provincial Legislature, together with the late Attorney-General's observations explanatory thereof, and reasons assigned by him for its passing, which Act was reserved by the Lieutenant-Governor for the especial confirmation of His Excellency the Governor General.

They have also had before them a Report, dated 2nd December, 1876, from the Hon. the Minister of Justice, to whom said despatch, with inclosure, has been referred, and they concur in his recommendation that the Bill should receive Your Excellency's assent and submit the same for approval.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 2nd Dec., 1876.

Upon the reserved Bill passed by both Houses of the Legislature of Prince Edward Island in the Session 1876, 39 Victoria, intituled: "An Act to vest a certain portion of Government House Farm in the City of Charlottetown, for certain purposes therein mentioned," the undersigned begs to report as follows:—

It appears from the report of the Attorney General that the tract of land now comprising Government House Farm was originally part of the Common of Charlottetown, which was a portion of land surrounding the city, dedicated to the use of the public. In the year 1789 the then Lieut.-Governor executed a grant of that portion of the Common now known as the Government House Farm, therein described, now estimated to be composed of 80 acres, to Lord Dorchester, then Governor General of Canada, for the accommodation of the Governor or Lieut.-Governor for the time being, &c.

In 1873, the Local Legislature passed an Act appropriating part (though not quite so large a part) of the Government House Farm to the purposes to which by the Bill now under consideration it is proposed to appropriate it. This Act was disallowed by the Imperial Government on account of its having been passed subsequently to the arrangements for Confederation under which the premises and buildings in question became the property of Canada.

On the 19th June, 1874, however, after Confederation was consummated, an Order in Council was made under the provisions of the 108th Section of the British North American Act, appropriating to the use of the Government and Legislature of the

Province, the Government House in Charlottetown, and its grounds and premises, together with the Farm in question.

It appears the Legislature deems the residue of the Farm over and above the portion described in the Bill, amply sufficient for the use of the Lieut.-Governor as a residence.

The remaining area is 35 acres. The sole purpose to which the land taken is to be appropriated is that of a public park, promenade and pleasure ground.

Reference is made in the Bill to certain ordnance lands which are expressly reserved from its operation.

The undersigned has made inquiry of the Department of Militia and Defence which reports that the reservation is sufficient.

Upon the merits of the Bill the undersigned referred to the Minister of Public Works who reports that he had previously made inquiry into the subject, and is quite satisfied, from the explanations given to him that no injury would result to the Government House grounds by the proposed alienation; and, further, that he ascertained that the Lieut.-Governor does not, as the present occupant, see any objection to the Bill being passed, and he is therefore of opinion that the Bill should be sanctioned. The former Act for the same purpose having been disallowed, it was proper that the Lieutenant-Governor should reserve this Bill; but, under the circumstances shortly stated, the undersigned recommends that His Excellency should be advised that the Bill should receive His Excellency's assent.

(Signed) EDWARD BLAKE,
Minister of Justice.

GOVERNMENT HOUSE, OTTAWA,
Friday, 8th day of December, 1876.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas by an Act passed in the 31st year of Her Majesty's Reign, intituled: "An Act for the union of Canada, Nova Scotia, New Brunswick, and the Government thereof, and for purposes connected therewith," it is amongst other things enacted, that a Bill reserved for the signification of the pleasure of the Governor General, shall not have any force unless and until within one year from the day on which it was presented to the Lieutenant-Governor for the Governor General's assent; the Lieutenant-Governor signifies by Speech or Message to each of the Houses of the Legislature, or by Proclamation, that it has received the assent of the Governor General in Council;

And whereas on the 29th day of April, 1876, the Lieutenant-Governor of the Province of Prince Edward Island reserved a certain Bill, passed by the Legislative Council and Assembly of the said Province, intituled: "An Act to vest a certain portion of Government House Farm, in the City of Charlottetown, for certain purposes therein mentioned," for the signification of the Governor General's pleasure thereon;

And, whereas, the said Bill so reserved, as aforesaid, has been laid before the Governor General in Council, and it is expedient that the said Bill should be assented to;

Now, therefore, the Governor General, in pursuance of the said Act and in the exercise of the powers thereby reserved to the Governor General as aforesaid, doth, by this present order, by and with the advice of His Privy Council, declare His assent to the said Bill.

And the Secretary of State is to give the necessary directions herein accordingly.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 3rd April, 1874.

The Committee have had under consideration a despatch, No. 382, dated 29th January, 1874, from the Right Honorable the Secretary of State for the Colonies, stating that Her Majesty will not be advised to exercise her power of disallowance with respect to certain acts of the Legislature of Prince Edward Island, therein mentioned, which were passed before the admission of that colony into the Union; also, requesting that Your Excellency would bring under the consideration of the Council the reserved Bill, cap. 30, which his Lordship states was only passed shortly before Confederation of Prince Edward Island with Canada, and report to him whether Your Excellency's advisers are of opinion that Her Majesty may be properly advised to assent to it.

The Honorable the Minister of Justice, to whom said despatch, with enclosure, was referred, reports with reference to the Bill, which is spoken of as a reserved Bill, Chap. 30,—which is an Act to vest a certain portion, forty acres, of Government House farm, in the City of Charlottetown, for the purpose of a park and pleasure grounds for the use of the public; that the object of this reference by the Colonial Secretary is on account of the Act having been passed on the 14th June, 1873, whereas the addresses of the Legislative Council and Assembly of Prince Edward Island, expressing their desire to enter into the Dominion, are dated 28th May, 1873, and the transfer of any public property after that date would clearly be incorrect as regards its subsequently becoming a Province of the Dominion. That equitably, therefore, the property being part of the Government House farm, and thus an adjunct of public buildings, and, as such, coming within the designation of Sec. 8 of the 3rd Schedule of the British North America Act of 1867, was part of the property of the Dominion, and only required an Order in Council bringing Prince Edward Island into the Confederation to vest it legally in the Crown for the Government of Canada. That it is true that it has been the custom of the Government of Canada to make over, by Order in Council, to the Province, such portion of the public property as they thought fit and appropriate, for the use of the Provincial Legislatures and Government, but that it appears doubtful whether the Legislature of Prince Edward Island could properly pass an Act in respect to property which equitably had already become that of the Dominion, and could thus dispose of it as they have done; that the point, however, raised by the Colonial Secretary is as to whether the Government of Canada think that Her Majesty may be properly advised to assent to it, which question he, the Minister of Justice, submits for the consideration of Your Excellency in Council.

The Committee are of opinion, for the reasons submitted in the memorandum, that Her Majesty should be humbly requested not to assent to the said Bill.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 25th March, 1874.

Prince Edward Island Legislation.

A despatch of the Secretary of State for the Colonies to the Governor General is submitted, expressing in effect the assent of the Crown to certain statutes, this despatch should be communicated to the Lieutenant-Governor of Prince Edward Island.

But reference is made to a Bill which is spoken of as a reserved Bill, chapter 30, which is an Act to vest a certain portion, forty acres, of Government House farm in the city of Charlottetown, for the purpose of a park and pleasure ground for the use of the public.

The object of this reference by the Colonial Secretary is on account of the Act having been passed on the 14th June, 1873, whereas the addresses of Legislative Council and Assembly of Prince Edward Island expressing their desire to enter into the Dominion are dated 28th May, 1873, and the transfer of any public property after that date would clearly be incorrect, as regards its subsequently becoming a Province of the Dominion.

Equitably, therefore, the property in question being part of the Government House farm, and thus an adjunct of public buildings, and, as such, coming within the designation of Section 8 of the 3rd Schedule of the British North America Act, 1867, was part of the property of the Dominion, and only required an Order in Council bringing Prince Edward Island into the Confederation to vest it legally in the Crown for the Government of Canada. It is true that it has been the custom for the Government of Canada to make over, by Order in Council, to the Province, such portion of the public property as they thought fit and appropriate for the use of the Provincial Legislatures and Government, but it appears doubtful whether the Legislature of Prince Edward Island could properly pass an Act in respect to property which equitably had already become that of the Dominion, and could thus dispose of it as they have done.

The question, however, submitted by the Colonial Secretary, is as to whether the Government of Canada think that Her Majesty may be properly advised to assent to it.

With the remarks hereinbefore made, the undersigned has the honour to submit the matter for consideration of Council.

(Signed) A. A. DORION.
Minister of Justice.

Mr. Chester Draper to the Minister of Justice.

OFFICE OF THE PORT WHITBY HARBOR COMPANY,
PORT WHITBY, 4th April, 1874.

SIR,—As intimated to you personally a few days since when at Ottawa, I beg now to call your attention to a Bill passed at the Session of the Ontario Legislature just closed. I may mention, first, that, as you are aware, the Port Whitby Harbor Company purchased the harbor from the late Government of Canada in 1864. That by the Order in Council transferring the harbor, riparian owners have certain rights reserved to them as follows: "That any person or persons or any body or bodies corporate now or hereafter holding any land in freehold or for a term of years, bordering on the waters of the said harbor, and desirous of building any pier or wharf within the limits of the said harbor, which, in the opinion of the Commissioner of Public Works of the said Province, will not obstruct the proper using of the said harbor, shall have the right to build such pier or wharf into the waters of the said harbor in front of such land, having first obtained the authority in writing of the said Commissioner so to do." By this you will observe "bodies corporate" have such power, which I take it would apply to a railway company. Now the point is this: the Port Whitby and Port Perry Railway Company, not being willing to avail themselves of the rights reserved to riparian owners, gave notice of their intention to apply to the Local Legislature for "power to build piers, docks, warehouse, &c., within the limits of the harbor." To this proposition the Harbor Company of course objected, first, upon the ground that the Railway Company could only build piers into the waters of the harbor as riparian owners in the manner prescribed by the Order in Council, and, secondly, that the Local Legislature had no jurisdiction within the limits of any of the Public Harbors, they, by the British North American Act, being

declared to be property of Canada. Besides this, the "trade" and "navigation" of all the great lakes, rivers, &c., come so clearly under Dominion authority, that there seemed hardly room for a doubt as to the question of jurisdiction. But as there were doubts expressed, and being anxious myself to know whether the rights of the Harbor Company could be interfered with by the Local Legislature, I concluded to consult some of our best lawyers in the West whom I thought ought to be authority upon such a subject. I consequently consulted Messrs. Crooks, Kingsmill & Cattanach, Messrs. Harrison, Osler & Moss, as likewise the Hon. Edward Blake; and I now purpose laying before you the pith of each of their replies. First then, Messrs. Crooks, Kingsmill & Cattanach say:

"If the Company (meaning the Railway Company) wishes to have any other powers than the General Act and the Order in Council give, application must be made to the Dominion Parliament. This is clearly one of those matters in which the Provincial Legislature have no jurisdiction.

"The Order in Council, which by Statute has *the force of law*, also gives riparian owners for all time the right of building piers under certain restrictions, so that no application would be necessary on their part for legislative authority. The restriction referred to is that the Railway Company must *first obtain the authority in writing of the Minister of Public Works.*

" (Signed) " CROOKS, KINGSMILL & CATTANACH."

Messrs. Harrison, Osler & Moss say:—

"It is difficult to anticipate what rights of the Company are likely to be interfered with at the instance of the 'Port Whitby and Port Perry Railway Company,' unless it be to permit the Railway Company, owning land upon the shore of the harbour, to build piers into the waters of the harbour, &c.

"The Order in Council transferring the harbour to the Company, as you point out in your letter of the 26th ult., makes ample provisions for the construction of wharves by persons or bodies corporate having land on the shore of the harbour, and should it be an interference with the *navigation* of the harbour other than such as contemplated by the Order in Council transferring the harbour, I apprehend the Dominion Legislature only would have jurisdiction.

"I cannot, however, think that any special privileges would be granted to the Railway or any other Company at the expense of the Harbour Company by either Legislature, without full notice to the Harbour Company and full consideration of such arguments as may be addressed to the Legislature by the Harbour Company in opposition to any proposed legislation.

" (Signed) " R. A. HARRISON."

On the same point the Hon. E. Blake says:—

"The inclination of my mind is that the action of the Parliament of Canada would be necessary in order to authorize the Company to do anything which would interfere with the navigation either of the lake or harbour; whether building a pier out into 'high' or 'deep' water would do so is not a question for a lawyer.

" (Signed) " E. BLAKE."

These opinions you will observe all point to but one conclusion, viz., that the Provincial Governments have no jurisdiction, but notwithstanding a Bill did pass the Local House here by a majority of four (4), having for its object giving the Port Whitby and Port Perry Railway Company power to cross the property of the Harbour Company with "sidings", and to build either "on" or "without the said harbour." The meaning being simply this: that the Railway Company may first use the

property of the Harbour Company by the mysterious word "on", and having once crossed over to the outer or eastern breakwater, they can then commence and erect piers butting on the property of the Harbour Company, but really without the harbour, by virtue of the words, "or without the said harbour," and in this way it is proposed to take from the Harbour Company their vested rights. The Bill I refer to is Bill No. 83, to "amend the Act incorporating the Port Whitby and Port Perry Railway Company." The objectionable clause being Clause 11, or rather the objectional part being embodied in that clause.

The Harbour Company throw themselves entirely upon the protection of the Dominion Authorities, trusting that they will not allow any infringement upon their rights as vested in them by the Order in Council which has the force of law; but that all persons, bodies, bodies corporate, &c., shall *only be* allowed to build piers into the waters of the harbour under and by virtue of the reservation set out in the Order in Council by which the harbour was vested in its present owners.

I beg, therefore, to submit for your consideration, as to whether His Excellency the Governor General should not be advised to withhold his assent from that portion of the Bill which, by implication, assumes the Local Legislature to have jurisdiction "on the harbour" or "without the harbour," meaning "on" Lake Ontario on side *the breakwaters* or "on" the harbour within its limits.

I have, &.,

(Signed) C. DRAPER,
President, Port Whitby Harbor Co.

P.S. If necessary I will send down a formal petition for His Excellency, praying that the Bill may be disallowed.

(Signed) C. D.

To the Honourable the Minister of Justice,
Ottawa.

Mr. Chester Draper to the Deputy Minister of Justice.

OFFICE OF THE PORT WHITBY HARBOR COMPANY,

June, 1874.

SIR,—I had the honor some little time since of calling the attention of the Hon. the Minister of Justice and yourself to the Bill No. 65 of the Ontario Legislature, passed at its last Session, or rather that part of clause eleven (11) of said Bill, having for its object the granting of certain power to the Port Whitby and Port Perry Railway within the limits of the harbour, by allowing them to put down one or more sidings "on" or "in the harbour," as stated in my former letter to which I again call your attention; I am advised that it is beyond the competence of the Local Legislatures to interfere with public harbours, they being, by the British America Act, under the jurisdiction of the Parliament of Canada, and if this be so, the Bill in question should not receive the assent of His Excellency the Governor General.

The Order in Council transferring the harbour, as you are aware, gives ample powers to riparian owners whether corporations or individuals (see clause ninth) for building Piers into the waters of the Harbour. And as this Order has *the force of law* the Harbour Company contend that the Railway Company can only enter the harbour under the condition laid down, and to which they do not object. But that the Local Legislatures cannot give any power to the Railway Company whereby the general powers of the Railway Act can be made to apply to the land *covered by the waters of the harbour.*

Will you kindly give this matter your grave consideration as it is one deeply affecting the Harbour Company.

I have, &c.,

(Signed) C. DRAPER,
President, Port Whitby Harbor.

H. BERNARD, Esq.,
Deputy Minister of Justice,
Ottawa.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His
Excellency the Governor General in Council on the 1st April, 1875.

The Committee of Council have had under consideration the report hereunto annexed from the Honorable the Minister of Justice, having reference to an Act passed by the Legislature of the Province of Ontario, on the 24th March, 1874, intituled: "An Act to amend the Act incorporating the Port Whitby and Port Perry Railway Company," and they respectfully report their concurrence therein, and accordingly advise that the said Act be not disallowed.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 30th March, 1875.

The undersigned has the honor to report that an Act was passed by the Legislature of Ontario, in the 37th Victoria, chaptered 59, and intituled: "An Act to amend the Act incorporating the Port Whitby and Port Perry Railway Company."

Mr. Chester Draper, President of the Port Whitby Harbour Company, prays that this Act be disallowed on the ground that it intrenches on rights vested in the Harbor Company, and also that the Act is calculated to interfere with navigation.

The railway company was incorporated by the Legislature of Ontario in 1868, and power was given for the construction of a railway from such point within the limits of the town of Whitby, on the shore of Lake Ontario, or within the limits of the public harbour known as the Port Whitby Harbour, and now the property of the Port Whitby Harbour Company, as to the Directors of the Company may appear expedient.

There are various Acts amending this Act of 1868, but not affecting the present question, and the section referred to by the report of the Harbour Company is the 11th of the present Act, which provides that the Company shall have full power to extend their railway from some point at or near the town of Whitby, " * * * and also to build one or more sidings from some point or points in or near to the town of Whitby, to some point or points in or near the Whitby Harbour, or without the said harbour, so far as this Legislature has jurisdiction to grant such authority and right, but subject to the rights of the Crown and to the terms and conditions set out and contained in Order in Council of the late Province of Canada having reference to said harbour,"—and the section continues by giving the powers of the Railway Acts, and by the Railway Special Act, to every extension and siding, &c., but "subject to the rights of the Crown and the Order aforesaid."

The Order in Council to which reference is made in the Act is that of 1864, under which the harbour was transferred to the Port Whitby Harbour Company, and

contains a provision to the effect, "that any person or persons or any body or bodies, corporate now or hereafter holding any land in freehold, or for a term of years, bordering on the waters of the said harbour, and desirous of building any pier or wharf within the limits of the said harbour which, in the opinion of the Commissioner of Public Works of the said Province, will not obstruct the proper using of the said harbour, shall have the right to build such pier or wharf into the waters of the said harbour in front of such land, having first obtained the authority in writing of the said Commissioner so to do."

Exception is taken by Mr. Draper, on behalf of the Whitby Harbour Company, to the power given to the Railway to build sidings "on or near the Whitby Harbor or without the said Harbour," but it will be observed that the restriction is made "so far as the Legislature of Ontario has jurisdiction to grant such authority and right, but subject to the rights of the Crown and to the terms of the Order in Council."

Now, one of the provisions of the Order in Council referred to, is that no pier or wharf shall be built, which, in the opinion of the Commissioner of Public Works of the said Province (that is the now the Minister of Public Works of Canada) will obstruct the proper using of the Harbour.

The undersigned is of opinion that it is within the competence of the Legislature of Ontario to pass the Act, and that as the rights of the Crown in respect to navigation are reserved by the Order in Council, and by the wording of the *eleventh* clause of the Act in question, that Your Excellency should not be advised to exercise the right of disallowance of the Act.

(Signed)

H. BERNARD,

Deputy Minister of Justice.

I concur,

(Signed)

T. FOURNIER,

Minister of Justice.

Mr. Under-Secretary Langevin to Mr. Chester Draper.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 8th April, 1875.

SIR,—I am directed to inform you that His Excellency the Governor General has had under his consideration in Council your letter under date the 4th April, 1874, addressed to the Hon. the Minister of Justice, praying that the Act of the Ontario Legislature passed on the 24th March, 1874, intituled: "An Act to amend the Act incorporating the Port Whitby and Port Perry Railroad Company may be disallowed, "on the ground that it intrenches on the rights vested in the Port Whitby Harbour Company, and also that it is calculated to interfere with navigation."

His Excellency is advised that The Railway Company was incorporated by the Legislature of Ontario in 1868, and power was given for the construction of a Railway from such point within the limits of the Town of Whitby, on the shore of Lake Ontario, or within the limits of the Public Harbour known as the Port Whitby Harbour, and now the property of the Port Whitby Harbour Company, as to the Directors of the Company may appear expedient.

There are various Acts amending this Act of 1868, but not affecting the present question, and the section referred to by the Report of the Harbour Company is the 11th of the present Act, which provides that the Company shall have full power to extend their railway from some point at or near the Town of Whitby. * * * *
"and also to build one or more sidings from some point or points in or near to the Town of Whitby, to some other point or points in or near the Whitby Harbour, or without the said harbour so far as this Legislature has jurisdiction to grant such authority and right, but subject to the rights of the Crown, and to the terms and

conditions set out and contained in an Order in Council of the late Province of Canada, having reference to said harbour."

And the section continues by giving the powers of the Railway Acts and by the Railway Special Act to every extension and siding, &c., but "subject to the rights of the crown and the Order aforesaid."

The Order in Council to which reference is made in the Act is that of 1864, under which the harbour was transferred to the Port Whitby Harbour Company, and contains a provision to the effect "That any person or persons or any body or bodies corporate now or hereafter holding any land in freehold or for a term of years bordering on the waters of the said harbour and desirous of building any pier or wharf within the limits of the said harbour, which, in the opinion of the Commissioner of Public Works of the said Province, will not obstruct the proper using of the said harbour, shall have the right to build such pier or wharf into the waters of the said harbour in front of such land, having first obtained the authority in writing of the said Commissioners so to do."

Exception is taken by Mr. Draper, on behalf of the Whitby Harbour Company to the power given to the railway to build sidings "on or near the Whitby Harbor "or without the said harbour; but it will be observed that the restriction is made so "far as the Legislature of Ontario has jurisdiction to grant such authority and "right, but subject to the rights of the Crown and to the terms of the Order in Council."

Now one of the provisions of the Order in Council referred to, is that no pier or wharf shall be built which, in the opinion of the Commissioner of Public Works of the said Province (that is now the Minister of Public Works of Canada), will obstruct the proper using of the harbour.

His Excellency is therefore advised that it is within the competence of the Legislature of Ontario to pass the Act; and that as the rights of the Crown in respect to navigation are reserved by the Order in Council, and by the wording of the 11th clause of the Act, he should not exercise the right of disallowance.

I have, &c.,

(Signed) EDOUARD J. LANGEVIN,
Under Secretary of State.

CHESTER DRAPER, Esq.,
President Port Whitby Harbor Company,
Port Whitby, Ont.

Mr. Under-Secretary Langevin to the Lieutenant Governor of Ontario.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 8th April, 1875.

SIR,—With reference to my letter of the 5th inst., I am directed to transmit to you, for the information of your Government, an extract from a Report upon which His Excellency was advised not to exercise the right of disallowance in respect of the Act of the Ontario Legislature, intituled: "An Act to amend the Act incorporating the Port Whitby and Port Perry Railway Company."

I have, &c.,

(Signed) EDOUARD J. LANGEVIN,
Under-Secretary of State.

To His Honor
The Lieutenant Governor of Ontario,
Toronto.

EXTRACTS from a Report of the Honorable the Minister of Justice, dated 30th March, 1875.

The Railway Company was incorporated by the Legislature of Ontario, in 1868, and power was given for the construction of a railway from such point within the limits of the Town of Whitby, on the shore of Lake Ontario, or within the limits of the Public Harbour, known as the Port Whitby Harbour, and now the property of the Port Whitby Harbour Company, as to the Directors of the Company may appear expedient.

There are several Acts amending this Act of 1868, but not affecting the present question, and the section referred to by the Report of the Harbour Company, is the 11th of the present Act, which provides that the Company shall have full power to extend their railway from some point at or near the Town of Whitby * * * *
 "and also to build one or more sidings from some point or points on or near to the Town of Whitby, to some other point or points in or near the Whitby Harbour, or without the said harbour, so far as this Legislature has jurisdiction to grant such authority and right, but subject to the rights of the Crown, and to the terms and conditions set out and contained in Order in Council of the late Province of Canada, having reference to said harbour."

And the section continues by giving the powers of the Railway Acts, and by the Railway Special Act, to every extension and siding, &c., but "subject to the rights of the Crown and the Order aforesaid."

The Order in Council to which reference is made in the Act, is that of 1864, under which the harbour was transferred to the Port Whitby Harbour Company, and contains a provision to the effect: "That any person or persons, or any body or bodies corporate now or hereafter holding any land in freehold or for a term of years, bordering on the waters of the said harbour, and desirous of building any pier or wharf within the limits of the said harbour, which, in the opinion of the Commissioner of Public Works of the said Province, will not obstruct the proper using of the said harbour, shall have the right to build such pier or wharf into the waters of the said harbour, in front of such land, having first obtained the authority in writing of the said Commissioner so to do."

Exception is taken by Mr. Draper on behalf of the Whitby Harbor Company, to the power given to the railway to build sidings "on or near the Whitby Harbour, or without the said harbour;" but it will be observed "that the restriction is made so "far as the Legislature of Ontario has jurisdiction to grant such authority and right, "but subject to the rights of the Crown, and to the terms of the Order in Council."

Now, one of the provisions of the Order referred to is, that no pier or wharf shall be built which, in the opinion of the Commissioner of Public Works of the said Province (that is the now Minister of Public Works of Canada), will obstruct the proper using of the harbour.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 5th November, 1874.

The Committee of Council have had under consideration an Act intituled, "An Act to amend an Act intituled, the 'Prisons Act,'" passed by the Lieut.-Governor in Council of the North-West Territories on the 14th March, 1874, and on the recommendation of the Honorable the Minister of Justice, the Committee advise that the said Act be approved and left to its operation.

Certified.

(Signed)

W. A. HIMSWORTH,
 Clerk, Privy Council.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 7th September, 1874.

The Committee of the Privy Council have had under consideration the memorandum dated 3rd September, 1874, and hereunto annexed, from the Hon. the Minister of Justice, to whom was referred a certified copy of the Statutes passed by the Legislature of the Province of Nova Scotia, in the Session 36 Victoria, 1873, and they respectfully recommend that said Statutes be left to their operation, but that the attention of the Government of Nova Scotia be called to the several Acts or sections of Acts mentioned in the latter part of the said annexed memorandum.

Certified.

(Signed)

W. A. HIMSWORTH.
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 3rd September, 1874.

The undersigned to whom was referred a certified copy of the Statutes passed by the Legislature of Nova Scotia, in the Session 36 Victoria, 1873, has the honor to report, that after a careful examination of the undermentioned Statutes, he is of opinion that the same are unobjectionable, and he, therefore, recommends that they be left to their operation :

Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95.

With reference to the statutes not included in the above list, the undersigned has the honour to report as follows :—

Chapter 38.—“ An Act to incorporate the Whitehaven, New Glasgow and North Shore Railway.”

Section 6.—This Section appears to give power to the Railway Company for purchasing and holding within and without the Province, lands, buildings, &c., and all appurtenances of a railway, and to make such connections as they think proper with other railways and steamboat proprietors and companies within and without the Province, &c.

How far it may be wise to give such general powers to a railway company to be exercised within the Province may be questioned, but they would appear to be not beyond the jurisdiction of a Local Legislature; but the giving of the same powers to be exercised without the Province is, in the opinion of the undersigned, clearly in excess of the jurisdiction of a Local Government, and it is in fact legislation upon works and undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province, contrary to Section 92, sub-Section 10 of the British North American Act 1867, and the undersigned suggests that the Government of Nova Scotia should be requested to repeal the same.

Section 9 gives the Company power to construct their railway over and across any river, brook or stream.

This is also objectionable, in so far as it does not except the navigable waters from the operations of the Section.

In the Parliament of Canada, when Acts are passed of a similar nature to the present one, great care is taken to provide that the crossing of any navigable waters shall only be permitted by the Governor in Council, and after approval by him of the plans for such work.

The undersigned recommends that the Government of Nova Scotia should be requested to amend this Section.

Chapter 39.—"An Act to incorporate the Sydney and East Bay Railway Company."

Sections 9 and 12.—The remarks, made as to the preceding Act, also apply to this one.

Section 10.—The effect of this Section should be limited to Railways within the Province.

Chapter 40.—"An Act to incorporate the Nictaux and Atlantic Railway Company."

Sections 8, 11, 14.—The remarks made on Chapter 38 are applicable to this one.

(Signed)

T. FOURNIER,
Minister of Justice.

COPY of a Report of a Committee of the Honorable the Privy Council approved by His Excellency the Governor General in Council on the 7th September, 1874.

The Committee of the Privy Council have had under consideration the memorandum dated 2nd September, 1874, and hereunto annexed, from the Hon. the Minister of Justice, to whom was referred a certified copy of the Statutes passed by the Legislature of the Province of New Brunswick, in the Session thereof held in the 36th Victoria, A.D., 1873, and they respectfully advise the said Statutes be, as therein recommended, left to their operation; but that the attention of the Government of New Brunswick be called to the several Acts or sections of Acts referred to in the latter part of the said memorandum.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,

OTTAWA, 2nd September, 1874.

The undersigned, to whom is referred a certified copy of the Statutes passed by the Legislature of the Province of New Brunswick, in the Session thereof, held in the 36th Victoria, A.D., 1873, has the honor to report:—

That, after a careful examination of the Statutes, he is of opinion that the following are unobjectionable and he, therefore, recommends that they be left to their operation.

Chapters 1 to 12 inclusive, 14 to 28 inclusive, 30 to 85 inclusive, 87, 89, 90, 94, 95, 96, 97, 98, 99, 101 and 102.

With reference to the Acts not included in the above list, the undersigned has the honour to report as follows:

Chapter 13.—"An Act further relating to the several County Courts of New Brunswick."

Section 1, has reference to appeals from the conviction of a Justice of the County Court in its criminal competence. If this be so, it is a matter of criminal procedure and not within the competence of the Local Legislature.

The attention of the Government of New Brunswick is called thereto, with a suggestion that the clause should be repealed.

Chapter 29.—"An Act to establish certain Courts in the County of Madawaska."

Section 4.—The working of this section has been represented as being beyond the competence of the Local Legislature, as in effect an appointment by them of a Judge. Correspondence having been, however, had with the Government of New Brunswick on this point, an Act has been passed in the Session of 1874 in amendment of the same.

Chapter 86.—"An Act to incorporate the Saint George Red Granite Company, Limited."

Section 3, seems to contemplate the carrying on of a business by a Company in England and in the United States, and it may be doubted if this is not in excess of legislative competence.

It is suggested that the attention of the Government of New Brunswick should be called to it.

Chapter 88.—"An Act to incorporate the Lake George Railway Company."

Chapter 91.—"An Act to authorize David H. Budge and Samuel Stanton to erect a Boom across Eel River (near the mouth thereof) in the County of York, also side booms and piers in connection therewith."

Chapter 92.—"An Act to incorporate the North-West Boom Company."

Chapter 93.—"An Act to incorporate the Bay of Fundy Red Granite Company, Limited."

Chapter 100.—"An Act to incorporate the Back Creek Stream Driving Company."

In these different Statutes there are no words which shew the character of the streams, rivers or waters to be affected by the Companies incorporated under them, and whether such streams, rivers or waters are navigable or merely floatable.

In the absence of any clear enactment on this, it is difficult to say whether the same are or are not within the competence of the Legislature.

In any Acts of the Parliament of Canada having reference to the crossing or bridging of navigable streams or waters, provision is always inserted regarding the approval of the Governor in Council before such is carried into effect, and in many cases the plans for crossing or interfering in the same, must be submitted for the same approval.

When, therefore, such powers as are claimed by these Acts have been granted by the Parliament of Canada, they have been accompanied by restrictions and conditions calculated to protect a free navigation and the interests of the Dominion.

The enactments in the above mentioned Statutes are so unrestricted in their terms that they would appear to apply to all waters.

If, therefore, they would thus interfere with navigable waters, the subject is one suggested for the consideration of the Government of New Brunswick, as being one in which legislation should be had to define the rights intended to be granted by the Acts in question.

Chapter 103.—"An Act to incorporate certain Districts of the Parish of Saint Stephen, in the County of Charlotte, to be known as the Town of Milltown."

Section 42, sub-section 1.—Purports to confer on the Council of the Town of Milltown the right to make By-Laws.

First—The regulating weights and measures, &c.

This is a matter solely within the competence of the Parliament of Canada.

It is not out of place to remark here that the Act passed by the Dominion Parliament on this same subject will be shortly put into operation, as the standard of weights and measures ordered in England are now reaching Ottawa; and that as soon as they be verified, the law will be put into operation.

It is suggested that this section should be repealed.

Sections 4, 5 and 6.—It may be doubted whether, in the way in which these sub-sections are worded, they are not in restraint of, or purporting to regulate trade and commerce; and the consideration of the Government of New Brunswick should be drawn to this point.

(Signed)

T. FOURNIER,
Minister of Justice.

COPY of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council on the 7th September, 1874.

The Committee of Council have under consideration the annexed Report, dated August 21st, 1874, from the Hon. the Minister of Justice, reporting that the several Acts therein mentioned, passed in the Third Session of the First Legislature of the Province of Manitoba, should be left to their operation; and they respectfully advise that the said Report be approved, and the Acts therein mentioned be left to their operation, as recommended.

Certified

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 21st August, 1874.

The undersigned has the honour to report, that the following Acts were passed in the Third Session of the First Legislature of the Province of Manitoba:—

- Chapter 1.*—An Act for continuing the Legislature of Manitoba in case of the demise of the Crown.
- “ 3.—An Act to provide for oaths to witnesses being administered in certain cases for the purposes of the Legislative Council or Assembly.
- “ 4.—An Act to amend an Act, chap. 3, Vict. 35, of the Legislature of Manitoba to establish a Court of Queen’s Bench.
- “ 5.—An Act respecting the Judges, oaths of office and other matters.
- “ 6.—An Act to establish a County Court in the Province of Manitoba, and for other purposes.
- “ 7.—An Act respecting affidavits taken outside the Province to be used therein, and for other purposes.
- “ 8.—An Act dividing the County of Marquette for Court and registration purposes.
- “ 9.—An Act respecting the registration of voters.
- “ 10.—An Act to amend the Act regulating electoral divisions.
- “ 11.—An Act to establish a Consolidated Revenue Fund for the Province of Manitoba.
- “ 12.—An Act respecting the publication of an *Official Gazette*.
- “ 13.—An Act respecting registers of marriages, baptisms and burials, and vital statistics, in the Province of Manitoba.
- “ 14.—An Act providing for the appointment of Public Notaries.
- “ 15.—An Act to permit Administrators to dispose of property in their care to better advantage.
- “ 16.—An Act to provide for the holding of land on behalf of congregations of churches by trustees.
- “ 17.—An Act to authorize debtors to make legal tender in certain cases.
- “ 19.—An Act respecting arrest and imprisonment for debt.
- “ 20.—An Act to amend 35 Vic., cap. 15, of the Statutes of Manitoba, intituled: “An Act for the establishment of Agricultural and Arboricultural Societies in Manitoba.”
- “ 22.—An Act to amend the Act to establish a system of education in this Province.
- “ 23.—An Act to secure purchasers of real estate in certain cases.
- “ 25.—An Act to amend the Act respecting travelling on highways.
- “ 26.—An Act to provide for the proper making of ice-holes in the Red and Assiniboine Rivers.

- Chapter 27.*—An Act to encourage the planting of trees upon highways and elsewhere in this Province, and to give a right of property in such trees to the owners of the soil adjacent to such highways.
- “ 28.—An Act for the protection of sheep.
- “ 29.—An Act to amend the Acts 34 Vic., caps. 20 and 25, and to regulate the sale of intoxicating liquors and the granting of licenses in this Province.
- “ 30.—An Act to amend 34 Vic., cap. 23, intituled, “An Act in reference to certain animals going at large at certain seasons.”
- “ 31.—An Act to establish liens in favour of mechanics, machinists and others.
- “ 33.—An Act to incorporate the College of Manitoba.
- “ 34.—An Act to incorporate the Winnipeg Ladies’ School.
- “ 35.—An Act to incorporate Les Révérends Pères Oblats in the Province of Manitoba.
- “ 36.—“An Act to incorporate the city passenger and goods delivery Company.
- “ 37.—An Act to amend Cap. 42, Vict. 34, intituled, “An Act to incorporate the Manitoba Brick and Pottery Company.”
- “ 38.—An Act to incorporate the Winnipeg Gas Company.
- “ 39.—An Act to incorporate the Woollen Manufacturing Company.
- “ 40.—An Act to amend an Act 35 Vict., Cap. 25, of the Statutes of Manitoba, intituled, “An Act to incorporate the Winnipeg Water Works.”
- “ 41.—An Act to provide for defraying certain expenses of the Civil Government of this Province.”

The undersigned is of opinion that the above Statutes should be left to their operation.

(Signed) T. FOURNIER,
Minister of Justice.

GOVERNMENT HOUSE,
OTTAWA, Monday, 7th September, 1874.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas the Lieutenant-Governor of the Province of Manitoba with the Legislative Council and Legislative Assembly of the said Province did, on the 8th day of March, 1873, pass an Act which has been transmitted, intituled as follows, viz: “An Act to incorporate the Winnipeg Board of Trade;”

And whereas the said Act has been laid before the Governor General in Council, together with a Report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature to pass such Act, and therefore recommending that the said Act should not receive the confirmation of the Governor General;

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of his Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant-Governor of the Province of Manitoba, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

I, Frederick Temple Hamilton Blackwood, Earl of Dufferin, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Manitoba on the 8th day of March, 1873, intituled: "An Act to incorporate the Winnipeg Board of Trade," was received by me on the 22nd day of November, 1873.

Given under my hand and seal this 7th day of September, 1874.

(Signed) DUFFERIN.

DEPARTMENT OF JUSTICE,
1st September, 1874.

Upon an Act passed in the Third Session of the First Legislature of Manitoba intituled: "An Act to incorporate the Winnipeg Board of Trade;"

The undersigned has the honour to report that in 1873 this Act was passed by the Legislature of the Province of Manitoba, chaptered 32.

The undersigned is of opinion that the incorporation of Boards of Trade, not being for Provincial objects only, but treating of trade and commerce—a subject within the exclusive control of the Parliament of Canada only, rests with that Parliament.

In the Session of the Parliament of Canada lately held, provision was made by which persons, on application, can be incorporated as Boards of Trade.

The undersigned recommends, therefore, that this Act be disallowed.

(Signed) T. FOURNIER,
Minister of Justice.

Lieutenant-Governor Morris to the Secretary of State of Canada.

GOVERNMENT HOUSE,
FORT GARRY, MANITOBA, 10th October, 1874.

SIR,—I have the honour to inform you that I am in receipt of your despatch of the 7th ultimo, intimating that "An Act to incorporate the Winnipeg Board of Trade," passed on the 8th day of March, 1873, by the Legislature of Manitoba, had been disallowed on report of the Minister of Justice "that it was not competent for the Legislature to pass such Act."

Having laid your despatch before the Executive Council of Manitoba, I have been requested by the Council to apply to you for information as to the legal reasons upon which the Minister of Justice bases his opinion.

I am aware that the Parliament of the Dominion has incorporated a number of Boards of Trade, and, on recent receipt of the Statutes of last Session, I observe that a general Act has been passed by the Dominion for the incorporation of such bodies, but the Council think that there is serious question whether the incorporation of such bodies does not fall within the powers of the Local Legislatures, as being "companies with Provincial objects," under the British North America Act.

If, however, it is decided that all Acts of the Local Legislatures that may hereafter be passed to incorporate Boards of Trade shall be disallowed, and the exclusive right of the Dominion Parliament to incorporate such bodies is determined to be included under the powers conferred by the British North America Act on that Parliament, "for the regulation of trade and commerce," the Council have no desire to press the matter of this particular Act further; but they, nevertheless, wish to be in a position to satisfy the Legislature of the Province that there were good and sufficient reasons for the disallowance of the Act in question, especially as similar Acts have been passed by the Legislature of Ontario, and have been permitted, as they believe, to go into operation.

I refer to the Act of Ontario, Vict. 31, chap. 64, incorporating the Guelph Board of Trade, which was then evidently regarded as being within the competence of that Legislature, as in the next Session two clauses of it were repealed, the one dealing with criminal law, and the other with the inspection of articles of commerce, by the repealing Act 32 Vict. chap. 25, which dealt with that and other Acts, which in any way transcended the local powers, the said Act evidently having been passed, in conformity with a report of the Minister of Justice, on the several Acts, comprehended within its scope.

I also refer to the Act of Ontario, 35 Vict. chap. 73, which incorporated the Kingston Board of Trade, and I have no reason to believe was disallowed by the Governor in Council.

The subject of the jurisdiction with regard to this Act, to incorporate the Winnipeg Board of Trade, was discussed by the Executive Council at the time, and the fact of the passage of the two Acts in question largely influenced them in assenting to the adoption of the Act, which has now been disallowed, as they contend that the Legislature of Manitoba possesses equal legislative power with that of Ontario.

The disallowance of this Act leads me to suggest that it may be worthy of consideration whether in the event of the disallowance of an Act of a Local Legislature, the fact of the disallowance together with its cause, should not, in addition to the notice in the *Canada Gazette*, be communicated to the other Local Governments.

The newer Provinces of the Dominion are naturally led to avail themselves of the advantage of the legislation and experience of the older Provinces, and if the Governments were advised of such disallowances, difficulty might be avoided, arising from the adoption by a Legislature, of an Act which had been passed by another Parliament, but which had been disallowed by the Governor General in Council.

Soliciting an early reply.

I have, etc.,

(Signed)

ALEX. MORRIS,
Lieutenant-Governor.

Mr. Under-Secretary Langevin to Lieutenant-Governor Morris :—

DEPARTMENT OF SECRETARY OF STATE,
OTTAWA, 16th November, 1874.

SIR,—I have the honour to inform you that His Excellency the Governor General has had before him your despatch of the 10th ultimo, in reference to the disallowance by His Excellency in Council, of an Act of the Legislature of the Province of Manitoba, incorporating the Winnipeg Board of Trade, and in which you ask for information for your Executive Council as to the legal reasons for the disallowance of that Act.

I am now directed to state that His Excellency is advised that upon the passing by the Legislature of Ontario, in 1868, of the Act to incorporate the Board of Trade of Guelph, to which you make allusion, the then Minister of Justice reported "that it may be doubted," &c., (as in report down to Union Act.)

It would appear now that it has been generally conceded that, for the reasons before given, it is not within the competence of a Local Legislature to pass such a measure.

It will be observed by reference to the Statutes of the Parliament of Canada, that incorporation has been made of Boards of Trade in various Provinces, *e.g.*, that of St. John's, in the Province of Quebec, by 37 Vic., chap. 52. A provision has been made generally for the incorporation of various Boards of Trade in the Dominion by the Act of 1874 (37 Vic., chap. 51), which was introduced into the House of Commons by the Hon. Mr. Blake.

I am to add, with reference to your suggestion, that in the event of the disallowance of an Act of the Local Legislature, the fact of the disallowance, together with the

cause, should be communicated to the Local Governments, that His Excellency is advised that the suggestion may well be adopted in future.

I have, &c.,

(Signed)

EDOUARD J. LANGEVIN,
Under-Secretary of State.

To His Honor the Lieut. Governor of Manitoba,
Fort Garry.

GOVERNMENT HOUSE,
OTTAWA, Monday, 7th September, 1874.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas the Lieutenant Governor of the Province of Manitoba, with the Legislative Council and Assembly of the said Province did, on the 8th day of March, 1873, pass an Act which has been transmitted, entitled as follows, viz:—"An Act to define the privileges, immunities, and powers of the Legislative Council and Legislative Assembly of Manitoba, and to give summary protection to persons employed in the publication of Sessional papers;"

And whereas the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature to pass such Act, and therefore recommending that the said Act should not receive the confirmation of the Governor General;

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of his Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Manitoba, and all other persons whom it may concern, to take notice and govern themselves accordingly.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

I, Frederick Temple Hamilton Blackwood, Earl of Dufferin, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Manitoba, on the 8th day of March 1873, intituled: "An Act to define the privileges, immunities and powers of the Legislative Assembly of Manitoba, and to give summary protection to persons employed in the publication of Sessional papers," was received by me on the 22nd day of November 1873.

Given under my hand and seal this 7th day of September, 1874.

(Signed) DUFFERIN.

DEPARTMENT OF JUSTICE,

OTTAWA, August 21st, 1874.

The undersigned has the honour to report that in the Third Session of the First Legislature of Manitoba was passed an Act, Chaptered 2 and intituled: "An Act to define the privileges, immunities and powers of the Legislative Council, and of the Legislative of Assembly of Manitoba, and to give summary protection to persons employed in the publication of Sessional Papers."

The Act in question appears to be a transcript of the Act of the Province of Ontario of 1868, as to which the opinion of the Law Officers of the Crown in England was taken, and it was advised by them that it was not competent for the Legislature to pass such an Act; and that it was inconsistent with the Provisions of Sections 92, and 96 of the British North America Act of 1867.

The Act of Ontario was accordingly disallowed.

The Legislatures of Quebec and British Columbia fell into the same error.

The undersigned has, therefore, the honour to report that in his opinion the Act is objectionable; and he recommends that the same be disallowed.

(Signed) T. FOURNIER,
Minister of Justice.

Lieutenant-Governor Morris to the Secretary of State of Canada.

GOVERNMENT HOUSE,
FORT GARRY, MANITOBA, 10th October, 1874,

SIR,—I have the honour to acknowledge your despatch of the 14th September last, informing me, for the benefit of the Government, of the disallowance of the Act passed by the Legislature of Manitoba, on the 8th of March, 1873, defining the privileges and immunities of the Legislative Council and Legislative Assembly of Manitoba, and transmitting the Order in Council disallowing the same, on the ground that the Minister of Justice had reported "that he was of opinion that it was not competent for the Legislature to pass such an Act."

As the subject of the Act is one of importance, and materially effects the position of the Legislature, I have been requested by the Executive Council of Manitoba to apply to the Privy Council for information as to the reasons which led the Minister of Justice to report that the Act was beyond the powers of the Legislature, in order that another Bill within their powers may be submitted to the House at the approaching Session.

The Council feel that in this new community, with a Legislature composed, of necessity, of members untrained to Parliamentary practice, every support ought to be accorded to them by the Privy Council in the difficult work of legislating for the varied wants of this rising society, and the same consideration ought to be extended to their enactments as is shown to those passed by the more powerful Provinces of the Dominion.

I am requested by the Council to say, that they believed that the Act in question was within the powers of the Legislature, and that they had good reason so to believe is apparent from the facts, that the Legislature of Ontario had passed an Act of a similar character, 32 Vic., Cap. 3, which was assented to on the 19th December, 1868; that the Legislature of Quebec passed an Act of the same nature, 32 Vic., Cap. 4, which was assented to on the 5th April, 1869, and that the Legislature of British Columbia passed an analogous Act, 35 Vic., Cap. 4, which was assented to on the 11th April, 1872.

With these precedents before them, the Legislature were justified in passing the Act in question, and I felt that it was right for me to assent thereto, as I examined the Legislation of the other Provinces before doing so, and I was, and am not aware that any of the above mentioned Acts were disallowed by His Excellency the Governor General in Council; and, if such be the case, it is natural that the Executive Council should desire to be furnished with the reasons which induced the Minister of Justice to report that the Act in question was not competent for the Legislature to pass, especially as its disallowance places the Legislature in an exceptional and less favorable position as compared with the other Legislatures of Ontario, British Columbia and Quebec, if the Acts above alluded to were to go into operation; and

they therefore respectfully request that they may be supplied with full information on the subject, in order to guide the Legislature in dealing with so important a subject as to its privileges and immunities.

I would further call your attention to the fact, that the disallowed Act is, with the single exception of Clause One, which relates to the Legislative Council, a transcript of the Ontario Act, while that clause is to be found in the Quebec Act.

The Council desire me to express their regret that the Privy Council did not see fit to communicate with them before proceeding to the extreme step of disallowing the Act in question. A Session of the Legislature took place after the receipt of the Act in Ottawa, and if the objection of the Minister of Justice had been submitted to the Executive Council, it would have been in their power to have amended or repealed the Act.

I have, &c.,
(Signed)

ALEX. MORRIS,
Lieutenant-Governor.

The Honourable the
Secretary of State, Ottawa.

Mr. Under-Secretary Langevin to the Lieutenant-Governor of Manitoba.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 16th November, 1874.

SIR,—I have the honour to inform you that His Excellency the Governor General has had under consideration your despatch of the 10th ultimo, in reference to the disallowance by His Excellency in Council, of an Act of the Legislature of Manitoba, defining the privileges and immunities of the Legislative Council and Assembly of that Province, and urging that as a similar Act had been passed by the Legislatures of Ontario and British Columbia, you would be glad to know the reasons which had led to the disallowance of the Act in question, passed by the Legislature of Manitoba.

I am directed to state that His Excellency is advised that the Act of Ontario, to which allusion is made in your despatch, is the 32 Vic., cap. 3, (1868), and that the then Minister of Justice reported that "by the 18th clause of the 'British North America Act, 1867,' it is enacted that the privileges, immunities and powers to be held, enjoyed and exercised by the Senate and by the House of Commons of the Dominion of Canada shall be such as shall be from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those held, enjoyed and exercised at the passing of such Act, by the House of Commons of the United Kingdom.

"It is to be assumed that the power to pass an Act defining those privileges was conferred upon the Parliament of Canada on the ground that without such a provision the Parliament of Canada could not have passed any such Act.

"It is clear from the current of judicial decision in England that neither of the branches of a Colonial Legislature have any inherent right to the privileges of the Imperial Parliament.

"Perhaps, however, under the Legislative powers given to the Parliament of the Dominion by the 91st section of the Union Act to make laws for the peace, order and good government of Canada, it might have passed an Act without any enabling power from the paramount authority, establishing and defining the privileges of its two chambers. However this may be with respect to the general Parliament, it is to be observed that there is no clause in the Union Act similar to the 18th, giving to the Provincial Legislatures power to define or establish their privileges, and that no general power of legislation for the good government of the Provinces are given to their Legislatures. Their powers are strictly limited to those conferred by the 92nd, 93rd, 94th and 95th clauses of the 'Union Act.'

“By the Act in question it will be seen that the Legislature of Ontario has declared that the Legislative Assembly and its members shall enjoy the same privileges as those exercised by the House of Commons of Canada.

“It would seem, therefore, that this Act is in excess of the powers of the Provincial Legislature. If it has any power to legislate in the matter at all, it seems to follow that while the General Parliament can, under the 18th clause, confer no greater privileges than those enjoyed by the Imperial House of Commons, the Provincial Legislature, being bound by no such limitation, might, if it were so disposed, confer upon itself and its members privileges in excess of those belonging to the House of Commons of England.”

I am further to inform you that this statement upon which the Minister of Justice so reported was referred for the opinion of the Law Officers of the Crown in England, and that they gave their opinion that it was not competent for the Legislature of the Province of Ontario to pass the Act, and they considered it inconsistent with the provisions of Sections 92 and 96 of the British North America Act.

In consequence the Act in question was disallowed by the Governor General, as will be seen by reference to the *Canada Gazette* of the 4th December, 1869.

As to the Act of the Province of Quebec of the same tenor as that of Ontario, being 32 Vic., cap. 4, 1869, action was taken and it was disallowed, as will be seen by the *Canada Gazette* of the 4th December, 1869.

Reference is also made in your despatch to the Act of the Legislature of British Columbia of 35 Vic., cap. 4, based on that of Ontario before mentioned.

This Act was repealed by the Act of British Columbia of 1873, 36 Vic., cap. 35. They appear to have passed another Act on the same subject during the same Session, No. 42.

In making the above communication I am directed to add that the Government are anxious at all times to aid the Lieutenant Governor and Council of Manitoba in respect to the legislation of that Province, in so far as they can possibly do so.

I have, &c.,

(Signed) EDOUARD J. LANGEVIN,
Under-Secretary of State.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 7th September, 1874.

The Committee of the Privy Council have had under consideration the annexed Report, dated August 21st, 1874, from the hon. the Minister of Justice, having reference to certain Acts passed by the Legislature of the Province of Manitoba of the year 1873, 36 Vic., and they respectfully submit their concurrence in the said Report and advise that communication be had with the Lieutenant-Governor in Manitoba, with a view to the repeal of the sections of the said Acts which are reported by the Minister to be objectionable.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,

21st August, 1874.

The undersigned has the honour to report, in reference to certain Acts passed by the Legislature of Manitoba in the year 1873, as follows:—
36 Victoria, Chapter 18.—“An Act to amend the Act concerning the registration of deeds and to introduce a better system of registration.”

Section 53 provides that persons committing certain offences therein specified shall be held guilty of misdemeanour. This being criminal law is not within the competence of the Legislature of the Province.

The undersigned, therefore, recommends that communication of this report should be made to the Lieutenant-Governor of Manitoba, with the suggestion that the provision in question be repealed.

Chapter 21.—A Bill intituled, “An Act to make provision for enquiries concerning public matters.”

Section 2 provides that any false statement on oath before Commissions shall be misdemeanour, punishable in the same manner as wilful and corrupt perjury.

The remarks made on the preceding chapter are also applicable to this, and the undersigned has the honour therefore to recommend that communication be had with the Lieutenant-Governor of Manitoba, with a recommendation that the section be repealed.

Chapter 24.—“An Act respecting Municipalities.”

Section 16 provides that a person making a false declaration as to his right to vote shall be guilty of misdemeanour, and on a summary conviction thereof shall be sentenced to imprisonment or fine.

The same remarks apply to this as to Chapters 18 and 21, and the undersigned recommends that communication be had with the Lieutenant-Governor with a view to the repeal of the objectionable clause.

(Signed)

T. FOURNIER,
Minister of Justice.

Lieutenant-Governor Morris to the Secretary of State of Canada.

GOVERNMENT HOUSE,

FORT GAREY, MANITOBA, 10th October, 1874.

SIR,—I have the honour to acknowledge the receipt of your despatch of date the 12th ultimo, inclosing a report of the Minister of Justice with reference to suggested amendments in certain clauses of the Acts 36 Vic., cap. 18., cap. 21 and 24 of the Legislature of Manitoba, inasmuch as the same deal with criminal offences, and have to inform you that I submitted the same to the Executive Council, who have advised me that they concur in the criticisms of the Minister of Justice, and will be prepared to submit a measure to the next Session of the Legislature to repeal the clauses in question.

I have, &c.,

(Signed)

ALEX. MORRIS.

Honorable the Secretary of State,
Ottawa.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 11th January, 1875.

The Committee of Council have had under consideration the report hereunto annexed from the Honorable Minister of Justice, having reference to certain enactments contained in the Chapters 1, 8, 13 and 21 of the Acts passed by the General Assembly of the Province of Prince Edward Island, in the Session held in the year 1874; and they respectfully submit their concurrence in the said Report, and advise that a copy of it and of the present minute be transmitted to the Lieut.-Governor of that Province.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 29th January, 1875.

Upon the despatch of the Lieut.-Governor of Prince Edward Island of the 5th September, 1874, transmitting certain Acts of the General Assembly of that Province, enacted in the Session held in the year 1874, the undersigned has the honour to report as follows :—

Chapter 1.—An Act to amend the Act passed in the thirty-sixth year of the Reign of Her Majesty, Queen Victoria, intituled “An Act to establish County Courts of Judicature in this Island.”

Section 24 authorizes any County Court Judge to commit any person guilty of perjury before him or other officer of the Court, to direct such person to be prosecuted for perjury, and to commit him or take bail for his appearance.

The undersigned is of opinion that this is a matter of Criminal Law and Procedure, and as such not within the competence of the Legislature of Prince Edward Island. He suggests, therefore, that the Legislature of the Province should repeal the same.

A clause of a similar purport is to be found in the Statutes of Canada, 32 and 33 Vic. Cap. 23 sec. 6, which, when the Criminal Laws of Canada are made applicable to that Province, will answer the purpose intended by the 24th Section above mentioned and recommended to be repealed.

Chapter 8.—An Act to consolidate and amend the Laws enabling the Supreme Court of Judicature to order the examination of witnesses upon Interrogatories and otherwise.

Section 5 provides for the taking of examination upon oath of witnesses in matters of the Supreme Court of Judicature, but it proceeds further, and enacts that, if the evidence should be wilfully and corruptly given, every such person so offending shall be deemed guilty of perjury, and may be indicted as therein mentioned.

This Section, in the opinion of the undersigned, partakes of the nature of Criminal Law and procedure, and therefore, not within the legislative competence of the Legislature of that Province.

The undersigned, therefore, recommends that the Lieut.-Governor of Prince Edward Island should be invited to repeal the same.

A provision to the same effect is made by the Statute of Canada 32 and 33 Vic. Cap. 23, which, when made applicable to Prince Edward Island, will attain the object desired by this clause.

Chapter 13.—An Act to incorporate the Prince Edward Island Chamber of Commerce.”

This Act purports to establish an Incorporated Company, “The Chamber of Commerce” in Prince Edward Island; the objects of the same as defined by the 2nd clause, are for such purposes only as may be calculated to promote and extend the lawful trade and commerce of Prince Edward Island.

The question of incorporation of a company for such purpose was under the consideration of the Government in 1868, when the propriety of legislation of that Province in a similar manner was doubted, and since that time it has been generally conceded that as the regulation of trade and commerce is expressly committed to the Parliament of the Dominion of Canada by the British North America Act 1867, it is not within the competence of a Local Legislature to pass such a measure.

A provision has been made generally for the incorporation of various Boards of Trade in the Dominion by the Act of 1874, 37 Vict., cap. 51, and that Act being applicable to Prince Edward Island will enable the mercantile community of Prince Edward Island to obtain the incorporation desired.

The undersigned recommends, therefore, that the Government of Prince Edward Island should be invited to repeal this Act.

It may also be mentioned that Section 22 constitutes the crime of perjury. For the reasons given in a similar case above, the undersigned is of opinion that, being Criminal Law, it is not within the competence of a Local Legislature. This

point, however, is merged in the broader one above mentioned, upon which the repeal of this Act is suggested.

Chapter 21.—An Act for amending the law relating to controverted election of members to serve in the General Assembly of Prince Edward Island, and for providing, more effectually, for the prevention of corrupt practices at elections.

Section 36 provides as to the subpoenaing and swearing of witnesses, and adds that they “shall be subject to the same penalties for perjury.”

This clause is taken from the Controverted Election Act of Canada, 1874, 37 Vic., cap. 10, sec. 49, the provision in respect to perjury being within the competence of Parliament.

It is suggested, however, that the enactment which thus provides penalties as to perjury is Criminal Law and, therefore, not within the Legislative competence of a Local Legislature.

The undersigned suggests, therefore, the propriety of the words “and shall be subject to the same penalties for perjury” being repealed.

I concur,

(Signed) H. BERNARD,

(Signed) T. FOURNIER.

Deputy Minister Justice.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency in Council, on the 15th January, 1875.

On the recommendation of the Honorable the Minister of Justice, to whom was referred the despatch from the Lieut-Governor of Prince Edward Island transmitting the Acts of the General Assembly of that Province, enacted in the Session held in the year 1874, the Committee advise that the following Chapters of the said Acts, being unobjectionable, be left to their operation, that is to say, Chapters 2, 4, 5, 6, 7, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 22 and 23.

Certified.

(Signed)

W. A. HIMSWORTH,

Clerk, Privy Council.

DEPARTMENT OF JUSTICE,

OTTAWA, 2nd January, 1875.

Upon reference of a despatch from the Lieut-Governor of Prince Edward Island, and the Acts thereunder transmitted by him authenticated under the Provincial Seal, and being the Acts of the General Assembly of that Province enacted in the year 1874, the undersigned has the honour to report :

That the same appear to him unobjectionable, and he recommends, therefore, that the same respectively should be left to their operation.

Chapter 2.—“An Act for appropriating certain moneys therein mentioned for the service of the year of Our Lord one thousand eight hundred and seventy-four.”

Chapter 4.—“An Act to amend the Absent Debtor Act 1873.”

Chapter 5.—“An Act to prevent the running at large of horses, cattle and sheep in certain school districts in Queen’s County, in this Island.”

Chapter 6.—“An Act to amend an Act relating to Physicians and Surgeons.”

Chapter 7.—“An Act to amend the Common Law Procedure Act 1873.”

Chapter 9.—“An Act to repeal Section twelve of an Act intitled ‘An Act to amend the Law of Inheritance, and to regulate the distribution of the Estates of Intestates.’”

Chapter 10.—“ An Act respecting Official Securities.”

Chapter 11.—“ An Act to repeal Section Third of the Act Fiftieth George the Third, Chapter Three.”

Chapter 12.—“ An Act to facilitate the proof of Telegraph Messages, Letters and other written instruments.”

Chapter 14.—“ An Act to continue certain Acts therein mentioned.”

Chapter 15.—“ An Act to extend the authority of the Police Constables of Charlottetown.”

Chapter 16.—“ An Act to amend an Act relating to the settlement and distribution of the Estates of Intestates, and to regulate the practice of the Surrogate Court, and to repeal certain sections of certain Acts therein mentioned.”

Chapter 17.—“ An Act to further amend the Act of the Twenty-first Victoria, chapter seven.”

Chapter 18.—“ An Act to incorporate the Charlottetown Burial Ground Company.”

Chapter 19.—“ An Act to amend an Act for the better Government of certain rising Towns and Villages in this Island.”

Chapter 20.—“ An Act further to amend the Act of the General Assembly, Sixteenth Victoria, chapter nineteen, intituled ‘ An Act to incorporate the Charlottetown Gas Light Company.’ ”

Chapter 22.—“ An Act to incorporate the Minister and Trustees of the Presbyterian Church of Dundas.”

Chapter 23.—“ An Act to incorporate the Tignish Lime Company.”

(Signed)

H. BERNARD,

Deputy Minister Justice.

I concur.

(Signed) T. FOURNIER,

Copy of a Report of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 9th July, 1873.

On a memorandum dated 9th July, 1873, from the Hon. the Minister of Justice, reporting with reference to the Acts passed by the Legislature of the Province of Quebec, at the Second Session of the Second Legislature, in the 36th year of Her Majesty's reign, A.D. 1872;

That with the exception of chapters 13 and 16, which he reserves for further report; and with the further exception of chapters 52, 53 and 59, he considers all the Acts of that Session unobjectionable, and recommends that they be left to their operation.

That with regard to chapter 52, he is of opinion that the 4th section of that Act deals with the Criminal Law, inasmuch as it provides for the summary conviction before a Mayor or a Justice of the Peace of parties guilty of an assault on a constable or police officer. He therefore recommends that the attention of the Government of Quebec be called to the expediency of repealing this clause at the next Session of the Legislature.

The Minister observes that the same remarks will apply to the 46th section of chapter 53, and to the 53rd section of chapter 59.

He recommends, however, that these three last mentioned Acts be left to their operation, leaving it to any parties affected by the clauses objected to in this report to dispute their constitutionality before the legal tribunals.

The Committee concur in the report of the Minister of Justice, and submit the same for Your Excellency's approval.

Certified.

(Signed)

W. A. HIMSWORTH,

Clerk, Privy Council.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 16th April 1873.

The Committee of Council have had under consideration the memorandum, hereunto annexed, from the Honorable the Minister of Justice, to whom was referred a certified copy of the Statutes passed by the Legislature of the Province of Manitoba, in the Session held in the 35th year of Majesty's reign, and they respectfully report their concurrence in the opinions expressed in the said memorandum, and accordingly advise that the said Acts be left to their operation, and that a copy of the memorandum be transmitted to the Lieutenant-Governor of Manitoba by the hon. the Secretary of State for the Province.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,

OTTAWA, 14th April, 1873.

The undersigned to whom was referred a certified copy of the Statutes of Manitoba passed in the Session held in the thirty-fifth year of Her Majesty's reign has the honour to report as follows :

That the Act, Chapter 3, intituled : "An Act to amend an Act to establish a Supreme Court in the Province of Manitoba" provides in its 5th Section that no Chief Justice or Puisne Judge of the Supreme Court shall be appointed unless such person is able to speak both the English and French languages.

This provision, in the opinion of the undersigned, is *ultra vires*, as by reference to the "British North America Act, 1867," clause 97, it will be found that the only limit upon the discretion of the Governor General, in selecting such Judges for the several Provinces, is, that they shall be from the Bars of the Provinces respectively.

It would appear, therefore, that this provision is ineffectual as being beyond the jurisdiction of the Legislature of Manitoba.

That the Act (Chap. 6) intituled "An Act for the registration of the voters" provides in effect in its 21st and 22nd clauses, that any Judge refusing or neglecting to perform any duty imposed upon him by the Act shall be liable to a fine.

This, in the opinion of the undersigned, is objectionable, as it would seem to be inconsistent with the dignity of a Judge of a Superior Court that a pecuniary penalty should be imposed upon him for neglect of duty.

By the "British North America Act of 1867," clause 99, Judges of the Superior Courts hold office during good behaviour, but are removable by the Governor General, on address of the Senate and House of Commons. This clause provides fully the manner in which Judges can be called to account for neglect of duty, and, in the opinion of the undersigned, their position should not be otherwise affected by legislation such as is contained in the Act under consideration.

The undersigned does not, under the circumstances, recommend Your Excellency to disallow the two Acts above quoted, but would respectfully recommend that the attention of the Government of Manitoba be called to them, with a view to their amendment.

The Government of Manitoba should also, in the opinion of the undersigned, be given to understand that His Excellency the Governor General does not consent to the limitation of his power of selection of Judges contained in the Act (chapter 3rd), and will not feel bound by it in any appointments to the Bench.

He has, therefore, the honour to recommend that all the Acts passed by the

Legislature of Manitoba in the Session held in the 35th year of Her Majesty's reign be left to their operation,

All of which is respectfully submitted.

(Signed) JOHN A. MACDONALD.

TO COUNCIL—NOTE BY HIS EXCELLENCY.

SUBJECT:—*Manitoba Supreme Court.*

I conclude that the recommendation to be conveyed to the Lieutenant Governor is a sufficient security for the amendment of these Acts.

(Signed) D.

16th April, 1873.

Lieutenant-Governor Morris to the Secretary of State for the Provinces.

GOVERNMENT HOUSE,
FORT GARRY, 15th March, 1873.

SIR,—I have the honour to inform you that I reserved for signification of the pleasure of His Excellency the Governor General the following Bills:—

1st. An Act respecting the study and practice of the law. A similar Bill was passed last year and reserved by my predecessor, who was of opinion that no obstacles, in a new country, should be placed in the way of any person of good standing in any of the other Provinces being admitted to the practice of the law. I regret to say that the Bill, which was understood to have been framed by certain barristers here, was, as introduced in the House, of a character to show that the persons proposing to be incorporated wished to secure a practical monopoly of the practice of the profession for a period of two years, as the Bill provided that no barrister from the other Provinces could be received here until after service for two years in the office of a barrister in the Province, and this, although some of the persons to be incorporated had been made barristers by the Executive Council, having previously been attorneys at other Bars. The Assembly very properly struck out these clauses. The Act as it stands nominate fifteen Benchers, several of whom are not in practice, and others are of only a couple of years standing at the Bar and even less, and makes the Benchers a close body, vacancies being supplied by election of the Benchers, while in Ontario the system in question has been abandoned. The law now in the Statute-book provides for the admission of barristers or attorneys by the Lieutenant-Governor in Council.

With regard to this Act, it is simply a question whether the Province be sufficiently advanced, and whether there is a Bar here of sufficiently stable and settled a character to justify the placing the control of admission to the bar in the hands of the few practitioners who are resident here, and I therefore submit the Act for the consideration of the Governor General.

2nd. An Act relating to prairie fires.

I reserved this Act because there are two clauses in it which are of a novel character, and are, I believe, contrary to sound principles, and likely to prove injurious to the interests of the Dominion.

These clauses make surveyors, railway companies and contractors liable for the result of fires caused by any of their men, irrespective of the facts, whether there was negligence, or whether the men were at the time under the control of the employers, provisions which I would fear would seriously interfere with the survey of the Public Lands.

The Act itself is a useful one, but I must recommend that it be not assented to, in which event a similar Act, omitting the objectionable clauses, can be passed next Session.

3rd. An Act to impose a tax on wild lands.

I reserved this Bill, as I observed that a similar Act had been reserved in British Columbia. I think, however, that the Act is a proper one.

Large tracts of land in good sections of the Province have been purchased by speculators from abroad.

These lands will be unproductive, interfering with the progress of settlement, while the proprietors of them will share in the enhanced value of these lands, caused by the enterprise of the residents here, without contributing in any way to the advancement of the Province; and as the means at the disposal of the Legislature here are very limited, I think the Ministry were right in proposing the Act, and I therefore recommend that it be sanctioned without delay.

4. An Act respecting aliens.

This is an Act copied from the English Act of 1870, heretofore the titles to land in this Province have been long leases, but as henceforth titles to the soil will emanate from the Crown, and there are a few enterprising aliens resident in the Province, I think the legislation necessary. I reserved the Bill, as at first I entertained some doubts as to the power of the Legislature to deal with the subject.

Under the British North American Act the legislation with aliens is intrusted to the Dominion Parliament, while property and civil rights are under the control of the Provincial Legislature.

I have come to the conclusion that as the Act deals only with the holding of property by aliens, and declares the existing disqualification from serving as jurors, a question which has already arisen, and was decided by the then Chief Justice under the English laws in force here as now enacted, it is within the powers of the Legislature, and I therefore recommend that it be sanctioned forthwith.

5. The Half-Breed Land Grant Protection Act.

The subject of these grants attracts a good deal of attention, and a movement was on foot to obtain legislation to prevent such of these lands as fell to the heads of families, from being sold by them, in order that the lands might descend to the children.

This project was abandoned, and the present Bill was introduced and passed.

It seems that speculators have bought largely from Half-breeds their claims to allotments at low prices, ranging as low in some cases as \$15, the maximum being \$50. These sales, of course, only give the vendees a right of action, to enforce the contract when the vendor should become entitled to his land. The object of the Bill is to cancel all these sales, and give the vendee an action to recover back the price, which, if in goods, was to be charged at ordinary prices.

The consideration is made a lien on the land, which may be sold for the recovery of the price paid.

The objections to the Bill, the intention of which is, no doubt, good, are these :

1st. It is retroactive—dealing with existing contracts and cancelling them.

2nd. It opens a fruitful door for litigation—the prices charged for goods being opened up for examination in each case where those formed part of the consideration.

3rd. There is no machinery provided for carrying out the sale of the land on which the lien is established, but this, of course, could be remedied next Session.

I have no sympathy with those who may have purchased these claims to land at inconsiderable prices, or in an unfair manner, but as the law is novel and retroactive in its character, I feel compelled to reserve it for the signification of the pleasure of the Governor General; though it must be borne in mind also that, if the Act be sanctioned, it may be taken as a precedent for other restrictions with regard to the holding of these lands.

6. An Act to incorporate the Eastern Railway Company of Manitoba.

This railway is within the bounds of the Province, and is designed to carry wood

and stone, I understand. I reserved it as I found similar Bills had been disallowed last year on the ground of possible interference with the line of the Pacific Railway. There is an objectionable clause in the Bill making the shareholders partners, though limiting the liability to the amount of their shares; as this clause is very obscure, it should be understood that it should be amended if it be sanctioned.

If it is found that the Act does not interfere with the proposed Pacific Railway or its line, which I am led to believe it does not, I would recommend that it be sanctioned.

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

(Signed) ALEX. MORRIS,
Lieutenant-Governor.

P.S. Copies of the Bills will be forwarded.
The Hon.
the Secretary of State for the Provinces,
Ottawa.

Lieutenant-Governor Morris to the Secretary of State of Canada.

GOVERNMENT HOUSE,
FORT GARRY, 29th November, 1873.

SIR,—Referring to my despatch of the 17th of March last, enclosing certified copies of reserved Acts of the Third Session of the First Parliament of Manitoba, I have since procured printed copies of these Acts, and to facilitate the consideration of them, I enclose two printed copies of each of the said Acts.

In calling attention to my report contained in my despatch of the — March last, with regard to these Acts, I see no reason to modify the views therein expressed, unless it be to say, that with regard to the Act respecting the Study and Practice of the Law, I reserved it as a similar Act had been reserved in the previous Session and the Royal assent refused thereto.

As the Act is within the power of the Legislature, I think the better course would be to allow the Act to take effect, suggesting the amendment thereof, if any of its features be found objectionable.

I have the honour to, Sir,
Your obedient servant,

(Signed) ALEX. MORRIS,
Lieutenant-Governor.

The Honorable
The Secretary of State.

GOVERNMENT HOUSE,
OTTAWA, Friday, 27th day of February, 1874.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas by the British North American Act, 1867, it is amongst other things in effect enacted that a Bill reserved for the signification of the pleasure of the Governor General, shall not have any force unless and until within one year from the day on which it was presented to the Lieutenant-Governor for the Governor General's

assent, the Lieutenant-Governor signifies by speech or message to each of the Houses of the Legislature, or by proclamation, that it has received the assent of the Governor General in Council.

And whereas, on the eighth day of March, 1873, the Lieutenant-Governor of the Province of Manitoba reserved a certain Bill passed by the Legislative Council and Assembly of the said Province, intituled "The Half-Breed Land Grant Protection Act," for the signification of the Governor-General's pleasure thereon.

And whereas, the Bill so reserved as aforesaid has been laid before the Governor-General in Council, and it is expedient that the said Bill should be assented to by the Governor-General in Council.

Now, therefore, the Governor General, in pursuance of the said Act, and in the exercise of the powers thereby reserved to the Governor General, as aforesaid, doth by this present Order, by and with the advice of the Queen's Privy Council for Canada assent to the said Bill.

And the Secretary of State of Canada is to give the necessary directions herein accordingly.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

GOVERNMENT HOUSE,
OTTAWA, Friday, 27th February, 1874.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas, by the British North America Act, 1867, and for purposes connected therewith, it is amongst other things in effect enacted, that a Bill reserved for the signification of the pleasure of the Governor General, shall not have any force unless and until within one year from the day on which it was presented to the Lieutenant Governor for the Governor General's assent, the Lieutenant Governor signifies by speech or message to each of the Houses of the Legislature, or by proclamation that it has received the assent of the Governor General in Council ;

And whereas, on the eighth day of March, A.D. 1873, the Lieutenant Governor of the Province of Manitoba reserved a certain Bill passed by the Legislative Council and Assembly of the said Province, intituled: "An Act to impose a tax on wild lands," for the signification of the Governor General's pleasure thereon ;

And whereas the said Bill so reserved as aforesaid has been laid before the Governor General in Council, and it is expedient that the said Bill should be assented to by the Governor General in Council ;

Now, therefore, His Excellency the Governor General, in pursuance of the said Act, and in the exercise of the powers thereby reserved to the Governor General, as aforesaid, doth by this present Order, by and with the advice of the Queen's Privy Council for Canada, assent to the said Bill.

And the Secretary of State of Canada is to give the necessary directions herein accordingly.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

GOVERNMENT HOUSE,
OTTAWA, Friday, 27th February, 1874.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL, IN COUNCIL.

Whereas, by the British North American Act, 1869, it is amongst other things in effect enacted that a Bill reserved for the signification of the pleasure of the Governor General shall not have any force unless and until within one year from the day on which it was presented to the Lieutenant-Governor for the Governor General's assent, the Lieutenant-Governor signifies by speech or message to each of the Houses of the Legislature, or by proclamation, that it has received the assent of the Governor General in Council;

And whereas, on the eighth day of March, 1873, the Lieutenant-Governor of the Province of Manitoba, reserved a certain Bill passed by the Legislative Council and Assembly of the said Province intituled "An Act respecting aliens" for the signification "of the Governor General's pleasure thereon."

And whereas the said Bill so reserved as aforesaid has been laid before the Governor General in Council, and it is expedient that the said Bill be assented to by the Governor General in Council.

Now, therefore, His Excellency Governor General in pursuance of the said Act, and in the exercise of the powers thereby reserved to the Governor General as aforesaid, doth by this present Order, by and with the advice of the Queen's Privy Council for Canada, assent to the said Bill.

And the Secretary of State of Canada is to give the necessary directions herein accordingly.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

GOVERNMENT HOUSE,
OTTAWA, Friday, 27th February, 1874.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas, by the British North America Act, 1867, it is amongst other things in effect enacted, that a Bill reserved for the signification of the pleasure of the Governor General shall not have any force, unless and until within one year from the day on which it was presented to the Lieutenant-Governor for the Governor General's assent, the Lieutenant-Governor signifies by speech or message to each of the Houses of the Legislature, or by proclamation, that it has received the assent of the Governor-General in Council;

And whereas, on the eighth day of March, 1873, the Lieutenant-Governor of the Province of Manitoba, reserved a certain Bill passed by the Legislative Council and Assembly of the said Province intituled "An Act to incorporate the Eastern Railway Company of Manitoba," for the signification of the Governor-General's pleasure thereon;

And whereas the said Bill so reserved, as aforesaid has been laid before the Governor General in Council, and it is expedient that the said Bill should be assented to by the Governor General in Council;

Now, therefore, the Governor General in pursuance of the said Act, and in the exercise of the powers thereby reserved to the Governor General as aforesaid, doth by this present Order, by and with the advice of the Queen's Privy Council for Canada, assents to the said Bill.

And the Secretary of State of Canada is to give the necessary directions herein accordingly.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

Lieutenant-Governor Trutch to the Secretary of State for the Provinces.

No. 27.

BRITISH COLUMBIA,
GOVERNMENT HOUSE, 5th March, 1873.

SIR,—I have the honour to inclose herewith a Minute of the Executive Council expressing the opinion that it is advisable, in the interests of this Province, that the "Aliens Ordinance, 1867" of British Columbia should be so amended that Aliens may at any time, upon making a declaration before a Justice of the Peace, of their intention to become British subjects, be entitled to the privileges of citizenship, as far as availing themselves of the rights of pre-emption, under the land law of the Province, subject to the fulfilment subsequently of the requirement of the Act as to their taking the oath of allegiance in the Supreme Court of British Columbia, before a Crown Grant of any land pre-empted by them shall be issued; and requesting me to urge the Dominion Government to take steps towards the passage of such a measure by the Parliament of Canada.

I beg, therefore, that you will lay this despatch and its enclosure before His Excellency the Governor General, and commend the desire of this Government to His Excellency's favourable consideration.

I have, &c.,

(Signed)

JOSEPH W. TRUTCH.

The Hon. J. HOWE,
Secretary of State for the Provinces.

COPY of a Report of a Committee of the Honorable the Executive Council, approved by His Excellency the Lieutenant-Governor in Council, on the 28th February, 1873.

On a memorandum, dated 17th February, from the Honorable the Chief Commissioner of Lands and Works reporting that application is constantly being made by aliens now resident in other countries, for information as the terms upon which they can pre-empt land in British Columbia, and that the present law, compelling such parties to reside one year in the Province before allowing them to pre-empt virtually prohibits their settlement in this province; and recommending that His Excellency the Lieut.-Governor be requested to urge upon the Dominion Government the advisability of amending the present Alien Act of British Columbia, so that aliens who may signify their intention before a Justice of the Peace to become British subjects, may be able to pre-empt land within this Province, immediately after their having made such declaration.

The Committee advise that the recommendation be approved.

Certified.

(Signed)

JAS. JUDSON YOUNG,
Clerk, Executive Council.

To His Excellency
The Lieut.-Governor,
&c., &c., &c.

Telegram from Lieutenant-Governor Trutch to the Secretary of State.

VICTORIA, B. C., 22nd May, 1873.

To Secretary of State, Ottawa :

This Government urgently requests compliance with desires expressed in Minute of Council regarding aliens forwarded in despatch number twenty-seven, of fifth March last.

(Signed) JOSEPH W. TRUTCH.

Reply.

Your despatch respecting Aliens and County Court Judges before Privy Council. Your telegram of yesterday will be laid before them.

(Signed) E. A. MEREDITH,
Under-Secretary of State.

Lieutenant-Governor Trutch to the Secretary of State for the Provinces.

BRITISH COLUMBIA,

GOVERNMENT HOUSE, 23rd May, 1873.

No. 48.

SIR,—With reference to my telegraphic despatch to you of this day's date, a copy of which is appended hereto, requesting compliance with the desires expressed in the Minute of Executive Council of this Province, forwarded in my despatch, No. 27, of the 5th March last, regarding the Aliens Act of British Columbia, I have the honour to enclose a Minute of my Executive Council, in accordance with which that telegram was addressed to you.

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

(Signed) JOSEPH W. TRUTCH.

The Honourable

The Secretary of State for the Provinces.

Copy of a Report of a Committee of the Honorable the Executive Council, approved by His Excellency the Lieutenant-Governor on the 21st day of May, 1873.

On a memorandum, dated May 13th, 1873, from the Honorable the Chief Commissioner of Lands and Works, recommending that His Excellency the Lieutenant-Governor be respectfully requested to telegraph to the Honorable the Secretary of State for the Provinces, urging compliance on the part of the Dominion Government with the desire expressed by this Government, regarding the Aliens Act of British Columbia already forwarded to His Excellency.

The Committee advise that the recommendation be approved.

Certified.

(Signed)

W. J. ARMSTRONG,
Clerk, Executive Council.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 7th June, 1873.

On the despatch of the Lieutenant-Governor of British Columbia of 5th March, 1873, requesting that the Dominion Government would take steps for the passage of an Act by its Parliament amending and extending the Aliens Ordinance, 1867, of that Province;

The Honourable the Minister of Justice reports that by the terms of the British North America Act, 1867, as applied to British Columbia, the jurisdiction over property and civil rights is vested in the Provincial Legislature exclusively, who can determine the terms upon which Aliens may become entitled to "pre-empt" lands within the Province.

The right of legislating upon naturalization possessed by the Dominion Parliament extends only to conferring "Political Status."

The Committee concur in the above opinion, and desire that the substance of this report be communicated to the Government of British Columbia.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

Lieutenant-Governor Morris to the Secretary of State of Canada.

GOVERNMENT HOUSE,
FORT GARRY, 29th December, 1873.

SIR,—I have the honour to enclose ten printed copies in English of the following Acts passed at the first part of the Fourth Session of the First Legislature of the Province of Manitoba, and to which I assented on the 8th November, 1873, viz.:

- 1st. An Act to amend the Acts relating to the Court of Queen's Bench.
- 2nd. An Act to provide for the enlargement of the boundaries of Manitoba on equitable terms.
- 3rd. An Act to amend an Act intituled "An Act respecting municipalities."
- 4th. An Act to amend an Act respecting the office of Speaker of the Legislative Assembly,
- 5th. An Act to provide for a fair and equitable redistribution of the Electoral Division of the Province of Manitoba.
- 6th. An Act to amend the 36 Vict., cap. 6, of the Statutes of Manitoba.
- 7th. An Act to incorporate the City of Winnipeg.

I also forward, by this mail, certified copies in manuscript of these Acts. I transmit them in order to obtain the signification of His Excellency's pleasure with regard thereto. I do not think it necessary to comment upon any of them except with regard

1st. To the Act for the enlargement of the boundaries of the Province of Manitoba, and to state that it was passed as the result of a negotiation between the Executive Council and the Privy Council, and in terms of a despatch from you and an Order in Council enclosed therein.

2nd. With regard to the Act for the incorporation of the City of Winnipeg, I have only to state that it meets a pressing necessity. The Act is based on the Legislation of the other Provinces. I call attention to the 95th clause relating to weights and measures which may be and, if so, could be repealed.

I find, however, the same clause in the recent Municipalities Act of 1873, for Ontario, sub-section 98 is open to the same remark.

3rd. Respecting the Act for a fair and equitable re-distribution of the electoral districts of the Province of Manitoba, I have to observe that this is an important

measure. It was opposed at the second reading, not as regards its principle, but on the ground that the distribution should be postponed until after the enlargement of the boundaries of the Province.

It was carried by a majority in the Lower House, and passed the Legislative Council without division. As I felt that it was a matter of grave importance, requiring the serious consideration of the Legislature from many points of view, and, as the measure was one within the competency of the Legislature, I took the advice of the Executive Council with regard to it, and obtained information from them as to its objects and effects. As the Houses were about to adjourn till February, and there would, therefore, be ample time for its consideration in the interval, I assented to the Bill with the advice of the Council, who stated that, during the recess, they would materially consider the measure, and, on the re-assembling of the House, would be prepared as a Government, if it was found necessary, to submit a measure to correct any defects in the acts and to remedy any inequalities or injustices that might be found to exist with regard to any portion of the community. I adopted this course as it would enable the measure to be considered by the people, and would, moreover, secure action on ministerial responsibility, with regard thereto, if required.

The Council had been divided as to the merits of the Bill, and had made it an open question.

A careful examination of the measure has convinced me that the Act will require to be amended when the Houses resume their Session, as the measure is seriously defective owing to its framers not having fully understood that the settlement belt is not surveyed into townships, but that, with regard thereto, the original parishes and private holdings have been respected, the Bill having been framed on the bases of the township surveys.

I would, therefore, recommend that the action of the Legislature, at the resumption of the adjourned Session, be awaited before His Excellency arrives at any conclusion with regard to the Act in question.

I have, &c.,

(Signed) ALEXANDER MORRIS,
Lieutenant-Governor.

Copy of a Report of a Committee of the Honourable the Privy Council approved by His Excellency the Governor General in Council on the 11th January 1875.

The Committee of Council have had under consideration the annexed Report, dated 5th January, 1875, from the hon. the Minister of Justice, to whom were referred copies of the Statutes of the Legislature of Manitoba, passed in the first part of the fourth Session held in 1873, and in the 37th year of Her Majesty's reign, and respectfully advise as therein recommended, that Chapters 1, 2, 3, 4 and 6 of the said Statutes be left to their operation. That Chapter 5 be also left to its operation in so far as the same can have operated in views of its virtual repeal by an Act passed in a subsequent portion of the same Session; and, further, that, as regards Chapter 7, inasmuch as he, the Minister of Justice entertains doubts whether the Legislature of a Province can pass the enactments it contains, a copy of the said Report containing his views thereon be communicated to the Lieutenant-Governor for the consideration of his Ministers.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 5th January, 1875.

The undersigned to whom is referred copies of the Statutes of the Legislature of Manitoba, passed in the first part of the Fourth Session held in the year 1873, and in the 37th year of Her Majesty's reign, has the honour to report ;

That the following Acts appear unobjectionable, and he recommends that they be left to their operation, that is to say :

Chapter 1.—“ An Act to amend the Acts relating to the Court of Queen's Bench.”

Chapter 2.—“ An Act to provide for the enlargement of the boundaries of Manitoba on equitable terms.”

Chapter 3.—“ An Act to amend an Act intituled an Act respecting Municipalities.”

Chapter 4.—“ An Act to amend an Act respecting the office of Speaker of the Legislative Assembly.”

Chapter 6.—“ An Act to amend the 36th Vict., Chap. 6, of the Statutes of Manitoba.”

With reference to *Chapter 5*, intituled, “ An Act to provide for a fair and equitable redistribution of the Electoral Divisions of the Province :”—the Lieutenant-Governor remarks that a careful examination of the measure convinces him that the Act would require to be amended when the Legislature resumed its Session, as the measure was seriously defective owing to its framers not having fully understood that the settlement belt was not surveyed into Townships, but that in regard thereto the original parishes and private holdings have been respected, the Bill having been framed on the basis of the Township surveys.

The Lieutenant-Governor therefore recommended that the action of the Legislature at the resumption of the adjourned Session should be awaited before the Governor General arrived at any conclusion with regard to the Act in question.

It appears by the Acts passed in the subsequent portion of this Session, held in the 37th Victoria, that an Act with a similar title was assented to on the —April, 1874, by the Lieutenant-Governor, by which the Act immediately under consideration is virtually repealed and a new redistribution made.

The undersigned, therefore, recommends that the Act now under consideration be left to its operation, in so far as the same can have operated.

With reference to Chapter 7, intituled “ An Act to incorporate the City of Winnipeg,” the undersigned has the honor to report as follows :—

Section 1 gives power to the Corporation “ of giving or accepting any notes, bonds, obligations, judgments or other instruments or securities for the payment of any sum of money borrowed or loaned, or for the executing or guaranteeing the execution of any duty or thing whatsoever.”

This provision seems in its terms so broad and unrestricted as to entrench upon the subject of banking.

The usual provision inserted in the Acts of the Parliament of Canada upon a conformation similarly constituted is, that they may become parties to promissory notes for sums not less than \$100 ; but provided that nothing in the Act contained shall be construed to authorize the corporation to issue notes or bills of exchange payable to bearer or intended to be circulated as money, or as the notes or bills of a bank.

The undersigned suggests, therefore, that this section should be modified and restricted.

Section 16 provides that “ all constables and persons present at the election shall assist the Returning Officer or Justice of the Peace, on pain of being guilty of a misdemeanour.”

The undersigned is of opinion that the constituting of an offence a misdemeanor is a branch of criminal law, and, therefore, not within the legal competence of the Legislature of Manitoba.

He recommends, therefore, that the clause should be modified by omitting the

constituting of the offence as a misdemeanour, and providing some definite punishment therefor.

Section 90, Sub-Section 10 provides for prohibiting the sale by retail of spirituous, &c., liquors, in any inn or other house of entertainment, and prohibiting the sale thereof in shops and places other than houses of public entertainment, provided by the By-Law, before the final passing thereof has been duly approved by the electors of the city in the manner provided by the Act.

The undersigned entertains doubts whether it is within the Legislative competence of a Provincial Legislature to pass a law which absolutely prohibits the sale of liquors, and whether it is not an interference with the Parliamentary power of Canada to legislate in respect to the regulation of trade and commerce.

Section 95 provides for the passing by the Council of Winnipeg of By-Laws appointing Inspectors for visiting all places wherein weights and measures, steel-yards, or weighing machines of any description are used, and having seized and destroyed such as are not according to the standard, and for imposing and collecting penalties upon persons who are found in possession of unstamped or unjust weights, measures, steel-yards, or other weighing machines.

As by the British North American Act 1867, the subject of Legislation is left exclusively to the Legislative authority of the Parliament of Canada, the undersigned doubts whether the Legislature of a Province can pass any enactments on this subject.

The undersigned recommends that these views be communicated to the Lieutenant-Governor for the consideration of his Ministers.

(Signed) H. BERNARD,
Deputy Minister of Justice

I concur.
(Signed) T. FOURNIER,
Minister of Justice.

Mr. Under-Secretary Langevin to Lieutenant-Governor Morris.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 16th January, 1875.

SIR,—With reference to your despatch of the 29th December, 1873, I have the honour to inform you that the Statutes of the Legislature of the Province of Manitoba therein enclosed, have received the consideration of His Excellency the Governor General in Council.

I am now directed to inform you that His Excellency has been pleased to direct that the Acts chaptered 1, 2, 3, 4, and 6, be left to their operation, and that the Act Chaptered 5 be also left to its operation, in so far as the same can have operated in view of its virtual repeal by an Act passed in a subsequent portion of the same session.

With regard to the Act Chapter 7, I am directed to transmit to you an extract from a Report of the Honourable the Minister of Justice, approved by His Excellency in Council in which doubts are expressed as to whether the Legislature of a Province can pass the enactments it contains, and to request that you will have the goodness to bring the same under the notice of your Government.

I have, &c.,

(Signed) EDOUARD J. LANGEVIN,
Under-Secretary of State.

To His Honour
The Lieutenant-Governor of Manitoba,
Fort Garry.

Lieutenant-Governor Morris to the Secretary of State of Canada.

GOVERNMENT HOUSE,
FORT GARRY, MANITOBA, 23rd March, 1875.

SIR,—I have the honour to inform you that I have submitted to the Executive Council of Manitoba your despatch of the 16th of January last, with reference to certain statutes of the Parliament of Manitoba, and have been requested to state in reply that the Council concur in the views expressed by the Minister of Justice, in his report, with regard to the Acts Chap. 7, to incorporate the City of Winnipeg, and will submit to the Legislature at the approaching Session, a Bill to amend the said Act as suggested by the Minister of Justice.

I have, &c.,

(Signed) ALEXANDER MORRIS.
Lieutenant-Governor.

Hon. the Secretary of State,
Ottawa.

Sir Edward Thornton to the Governor General.

WASHINGTON, 20th December, 1873.

MY LORD,—I have the honour to enclose copy of a note from Mr. Fish, submitting a complaint made by citizens of the State of Maine, with regard to obstacles alleged to be placed in the way of the navigation of the River Meduxmekeag, which, rising in that State, falls into the River St. John; and I shall feel much obliged if Your Excellency will cause enquiries to be made whether there is any ground for the above mentioned complaint.

I have, &c.,

(Signed) EDWARD THORNTON.

His Excellency the Right Hon.
The EARL OF DUFFERIN, K.P., K.C.B.
&c., &c., &c.

Mr. Fish to Sir E. Thornton.

DEPARTMENT OF STATE,
WASHINGTON, 19th December, 1873.

SIR,—This Department has received, through Members of Congress, a memorial from the inhabitants of the State of Maine, engaged in the lumber trade on the Meduxmekeag River, representing that they have been materially injured in their business by the proceedings of a corporation chartered by the Legislature of H. M. Province of New Brunswick, which corporation has placed dams, booms and piers on that river at or near its mouth, claiming and exercising authority to collect tolls on lumber passing down the same. As the proceedings of the Corporation adverted to appear to be at variance with the stipulations in the 3rd article of the Ashburton Treaty, I will thank you to bring the subject to the attention of the proper authority, in order that measures may be adopted towards redressing the grievances complained of.

I have, &c.,
(Signed) HAMILTON FISH.

The Right Hon.
SIR EDWARD THORNTON, K. C. B.,
&c., &c., &c.,

Mr. Under-Secretary Langevin to the Lieutenant-Governor of New Brunswick.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 6th February, 1874.

SIR,—I am directed to transmit a copy of a despatch from Her Majesty's Minister at Washington, and of the despatch of the Secretary of State of the United States, therein referred to, relative to an alleged obstruction by a corporation chartered by the Legislature of the Province of New Brunswick, of the navigation of the River Meduxmekeag, in contravention of Article 3 of the Ashburton Treaty.

I am to request that you will have the goodness to cause all the necessary information on the subject to be obtained, and that you will transmit the same with a copy of the charter complained of, if such exists, to this Department, for the information of His Excellency the Governor General.

I have the honour to be, Sir,
Your obedient Servant,

(Signed) EDOUARD J. LANGEVIN,
Under-Secretary of State.

To His Honor
The Lieutenant-Governor of New Brunswick,
Fredericton.

Telegram to Lieutenant-Governor, Fredericton.

9th February, 1874.

Please send early reply to letter of 6th instant respecting Secretary of State at Washington's complaint as to obstruction on Meduxmekeag River.

(Signed) EDOUARD J. LANGEVIN,
Under-Secretary of State.

Lieutenant-Governor Tilley to the Secretary of State of Canada.

GOVERNMENT HOUSE,
FREDERICTON, 3rd March, 1874.

SIR,—I have the honour to transmit, for the information of His Excellency the Governor General, a copy of the report of my Attorney General in which he states that in his opinion the charter granted to the Meduxnakik Boom Company, does not interfere with the rights secured to American subjects under the Ashburton Treaty.

The Company referred to, are now seeking an extension of time for their charter from the Legislature. Should their application be complied with, which is possible, provided certain conditions asked for by United States citizens are inserted. I will reserve the Bill for the consideration of His Excellency.

A copy of the evidence taken before the Committee, and of their report will be forwarded for the information of the Governor General.

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

(Signed) S. L. TILLEY.

The Honorable
The Secretary of State for Canada.

Report of Mr. Attorney-General King.

ATTORNEY GENERAL'S OFFICE,
FREDERICTON, 28th Feb., 1874.

SIR,—I have the honour to have received your direction to report upon the matters referred to in the communication of the 6th inst., from the Department of the Secretary of State, forwarding copies of despatches from the Secretary of State of the United States to Her Majesty's Minister at Washington, and from Her Majesty's Minister to His Excellency the Governor General.

It is represented that inhabitants of the State of Maine have been materially injured in their business by the proceedings of a Corporation chartered by the Legislature of this Province.

I have the honour to submit herewith a copy of the several Acts relating to the Corporation, viz. :—

1. An Act to incorporate the Meduxnakik Boom Company, 8 Vict., chap. 49.
2. An Act to amend the Act to incorporate the Meduxnakik Boom Company, 10 Vict., chap. 80.
3. An Act to continue the several Acts relating to the Meduxnakik Boom Company, 13 Vict., chap. 12.
4. An Act to continue the several Acts relating to the Meduxnakik Boom Company, 20 Vict., chap. 31.
5. An Act to continue the several Acts relating to the Meduxnakik Boom Company, 23 Vict., chap. 16.
6. An Act to continue the several Acts relating to the Meduxnakik Boom Company, 31 Vict., chap. 55.

The Meduxnakik (Maduxnakeag) is a tributary of the St. John River; it rises in the State of Maine, but for a distance of about twelve miles from its junction with the St. John, it flows through the Province of New Brunswick.

I am of opinion that the Acts of the General Assembly above referred to cannot be deemed in violation of the stipulation of the 3rd Article of the Ashburton Treaty.

I have not been able to obtain information sufficient to state what has been the practical operation of the corporate power so granted, or whether or not the Corporation have exceeded such powers.

The facts are in dispute, and I have not thought it necessary at present to enter into the somewhat lengthened enquiry that would be necessary in order to obtain full and trustworthy information, inasmuch as (1st) The complaint referred to in the despatch of the Secretary of State of the United States is general, and seems to relate to the character of the Legislative Authority under which the Corporation act, and (2nd) The Corporation having made application to the Legislature now in session for an extension of their charter, a Committee of the Assembly are now engaged in taking evidence under oath, as well on behalf of the inhabitants of the State of Maine owning land on the head waters of the Meduxnakik, as on behalf of the Corporation.

The parties are severally represented by counsel. On the completion of the labors of the Committee, I shall lay before you a copy of the evidence.

In the event of the passage of the Bill, I would advise that it be reserved for the signification of the pleasure of the Governor General.

I have the honour to be

Your Honor's obedient servant,

(Signed)

G. E. KING,
Attorney-General.

His Honor
The Lieutenant-Governor.

Mr. Under-Secretary Langevin to the Lieutenant-Governor of New Brunswick.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 16th March, 1874.

SIR,—With reference to your despatch of the 3rd inst., on the subject of the charter of the Meduxnakik Boom Company, I am directed to request that any Bill which may be passed by the Legislature of the Province of New Brunswick, in any way relating to the charter of this Company, may, in accordance with the suggestion contained in your despatch, be reserved for the consideration of His Excellency the Governor-General.

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

(Signed) EDOUARD J. LANGEVIN,
Under-Secretary of State.

To His Honor
The Lieutenant-Governor of New Brunswick,
Fredericton.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 16th March, 1874.

SIR,—Referring to the despatch of Her Majesty's Minister at Washington, and its enclosures, No. 45, of the 20th December last, with regard to the obstacles alleged to be placed by a Company chartered by the Legislature of the Province of New Brunswick, in the way of the River Meduxnakik, I have the honour to acquaint you, for the information of His Excellency the Governor General, that copies of these documents were forwarded to His Honor the Lieutenant-Governor of New Brunswick, with a request that all the necessary information on the subject may be obtained, and communication with a copy of the charter complained of, if such existed, to this Department.

I have now to transmit to you, for His Excellency's information, a copy of a despatch from the Lieutenant-Governor, together with the report of the Attorney-General of New Brunswick, and its enclosures (4) therein referred to, giving the opinion of that officer with respect to the operations of the Company in question under their charter.

I have to add that the Lieutenant-Governor has been requested to reserve any Bill which may be passed by the Legislature of New Brunswick in any way relating to the charter of the Company for His Excellency's consideration.

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

(Signed) EDOUARD J. LANGEVIN,
Under-Secretary of State.

Lieutenant-Colonel FLETCHER,
Governor's Secretary.

Lieutenant Governor Tilley to the Secretary of State of Canada.

GOVERNMENT HOUSE,
FREDERICTON, 18th May, 1874.

SIR,—At the last Session of New Brunswick Legislature a Bill was submitted, to further continue the Act to incorporate the Meduxnakik Boom Company.

A protest against the passage of the Bill was forwarded from the Authorities at Washington to His Excellency the Governor General, alleging that in its operations it would deprive American citizens of the rights secured to them under the Ashburton Treaty.

The Bill as originally submitted has been materially changed by the Legislature, and several conditions added, calculated to secure the free navigation of the river to all manufacturers of lumber.

I deemed it best, however, to reserve the Bill; and now have the honour to inclose a certified copy for the signification of the pleasure of His Excellency the Governor General.

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

(Signed) S. L. TILLEY.

The Honorable
The Secretary of State for Canada.

GOVERNMENT HOUSE,
OTTAWA, 29th May, 1874.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas by the British North America Act, 1867, it is amongst other things in effect enacted, that a Bill reserved for the signification of the pleasure of the Governor General shall not have any force, unless and until within one year from the day on which it was presented to the Lieutenant-Governor for the Governor General's assent, the Lieutenant-Governor signifies by speech or message to each of the Houses of the Legislature, or by proclamation, that it has received the assent of the Governor General in Council;

And, whereas, on the 8th day of April, 1874, the Lieutenant Governor of the Province of New Brunswick reserved a certain Bill passed by the Legislative Council and Assembly of the said Province, intituled "A Bill to further continue and amend the Act to incorporate the Meduxnakik Boom Company," for the signification of the Governor General's pleasure thereon;

And, whereas, the said Bill so reserved as aforesaid has been laid before the Governor General in Council, and it is expedient that the said Bill should be assented to by the Governor General in Council;

Now, therefore, the Governor General, in pursuance of the said Act, and in the exercise of the powers thereby reserved to the Governor General as aforesaid, doth by this present Order, by and with the advice of the Queen's Privy Council for Canada, assent to the said Bill.

And the Secretary of State of Canada is to give the necessary directions herein accordingly.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 13th October, 1873.

On a memorandum, dated 25th September, 1873, from the Hon. the Minister of Justice, stating with reference to the Acts passed by the Council for the North-West Territories, passed at its meeting at Fort Garry in the month of March last, that he has the honor to report as follows:—"Act prohibiting the sale of Liquors."

That this subject has been dealt with by the Statute of Canada of 1873, 36 Vic., Cap. 39, by which spirits, strong waters, and spirituous liquors are prohibited from being imported into, or manufactured in Manitoba and the North-West Territories.

The Minister is therefore of opinion that this Act should not receive Your Excellency's approval.

"An Act prohibiting the importation of Strychnine or other poisons into the North-West Territories."

That this Act appears to be authorized by the Order in Council of the 12th February, 1873, which empowers the Council for the North-West Territories to make Ordinances for the good government of those Territories, and the Minister recommends, therefore, that it be approved by Your Excellency.

That the Act, however, provides that a penalty of £5 sterling may be imposed for any contravention thereof, but as the Canadian currency is a decimal one, the attention of the Council for the North-West should be drawn to the matter, with a view of amending the Act in this particular.

"An Act authorizing the appointment of Magistrate and Coroners."

That this Act recites the immediate appointment of Justices of the Peace to be of urgent importance; and Lieutenant Governor Morris incloses a list of gentlemen who had been appointed Justices of the Peace by the North-West Council, adding, however, that pending consideration of the Act by Your Excellency, no commissions will be issued.

The Minister is of opinion that it was within the power of the Council to pass this Act, but he considers that until the settlement of the country shall have reached a more advanced stage, it will be inexpedient to allow the Act to go into operation, and, for this reason, he recommends that the Act be not approved by Your Excellency.

The Minister states that Your Excellency will, however, be advised to issue a Supplementary Commission of the Peace in and for the North-West Territories, to the gentlemen named in the list transmitted by the Lieutenant Governor.

The Committee concur in the foregoing report of the Minister of Justice and submit the same for Your Excellency's approval.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

Lieutenant-Governor Trutch to the Secretary of State of Canada.

GOVERNMENT HOUSE, BRITISH COLUMBIA,
27th February, 1873.

SIR,—I have the honor to transmit herewith for such action as His Excellency the Governor General may be pleased to take in reference thereto, an authenticated copy of a Bill, intituled, "An Act to render children born out of lawful wedlock, whose parents now are, or may hereafter, under certain restrictions be married, which was passed by the Legislative Assembly during its recent Session, but has been reserved by me for the signification of His Excellency the Governor General's pleasure in regard thereto.

I also enclose for His Excellency's consideration, a copy of the report of my Attorney General on this Bill.

I have, &c.,

(Signed) JOSEPH W. TRUTCH.

The Honorable J. HOWE,
Secretary of State for the Provinces.

Attorney General Walkem to the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE,
21st February, 1873.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present session of the Legislature, intituled, "An Act to render legitimate children born out of lawful wedlock, whose parents now are, or may hereafter, under certain restrictions be married."

This Bill was passed last session, and was reserved for the consideration of His Excellency the Governor General.

His Excellency not having signified his assent to the Act, it is presumed that the objections urged against its adoption by the Attorney General, in his report to Your Excellency, bearing date the 8th day of May, 1872, have prevented its being assented to.

The Act being identical with one passed last year, the same objections apply, and I would, therefore, respectfully request Your Excellency to withhold your assent, and refer it for the consideration of His Excellency the Governor General.

I have, &c.,

(Signed) GEO. A. WALKEM,
Attorney General

Memo. No report appears to have been made on this despatch.

(Signed) H. J. M.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 13th March, 1874.

Upon the despatch of the Lieutenant Governor of British Columbia transmitting the Acts passed by the Legislature of that Province in its second Session, the Hon. the Minister of Justice, to whom said despatch with the Acts has been referred, reports upon the following Acts, as follows:—

Chapter 1. An Act to amend "The Land Ordinance, 1870."

Chapter 3. An Act to amend "The Mineral Ordinance, 1869."

Chapter 4. An Act to amend "The Gold Mining Ordinance, 1867," and "Gold Mining Amendment Act, 1872."

These Acts are respectively reserved as to their operation either by express enactment or in effect, until the 21st day of July, 1873, and that date is evidently fixed as being at the expiration of the period of two years by which, under the terms under which British Columbia entered the Union, lands were to be reserved by the Government of British Columbia from sale, with a view to setting apart such lands as are requisite for the Canada Pacific Railway. As such period of two years expired on the 21st July, 1873, the Province had the power to pass laws and make other arrangements for the sale of their lands, and there is, therefore, no objection

to the passage of these Acts, and Minister recommends, therefore, that they be left to their operation.

But he suggests that communication be had with the Lieutenant Governor of British Columbia, calling his attention to the practical inconvenience which must ensue to the Governments of Canada and British Columbia if land be sold by the Province on any portion of the line which may hereafter be selected as that of the Pacific Railway, and that his consideration be requested to the propriety of withholding from sale or rights of pre-emption, lands which, in so far as surveys have been heretofore made, can possibly be contiguous to the line of railway, if any one of such surveys be adopted.

The Committee recommend that the foregoing report of the Minister of Justice be approved and acted on.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

GOVERNMENT HOUSE, OTTAWA,
Friday, 13th day of March, 1874.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas, the Lieutenant Governor of the Province of British Columbia with the Legislative Assembly of that Province did, on the 21st day of February, A.D., 1873, pass an Act which has been transmitted, intituled, as follows, viz: "An Act to authorize one Justice of the Peace to do any act, matter or thing heretofore to be done by two Justices of the Peace, and to give an appeal to Courts of General or Quarter Sessions;"

And, whereas, the said Act has been laid before the Governor-General in Council, together with a Report from the Hon. Minister of Justice, setting forth that he is of opinion that the change of the law proposed in the said Act cannot be legally effected by an Act of the Provincial Legislature, and, therefore, recommending that the said Act should not receive the confirmation of the Governor General.

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of His Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof, the Lieutenant Governor of the Province of British Columbia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

I, Frederick Temple Hamilton Blackwood, Earl of Dufferin, Governor of Canada, do hereby certify that the Act passed by the Legislature of the Province of British Columbia, on the 21st day of February, 1873, intituled "An Act to authorize one Justice of the Peace to do any act, matter or thing heretofore to be done by two Justices of the Peace, and to give an appeal to Courts of General or Quarter Sessions" was received by me on the fourteenth day of March, 1873.

Given under my hand and seal this thirteenth day of March, 1874.

(Signed) DUFFERIN.

DEPARTMENT OF JUSTICE,
OTTAWA, 9th March, 1874.

Upon the despatch of the Lieutenant-Governor of British Columbia, dated 27th February, 1873, received by the Secretary of State on the 14th March, the undersigned has the honor to report, that the 2nd Chapter, intituled: "An Act to authorize one Justice of the Peace to do any act, matter or thing heretofore to be done by two Justices of the Peace, and to give an appeal to Courts of General or Quarter Sessions," provides that one Justice of the Peace may act in place of two, and also as to the validity of warrants; and that any person who shall feel himself aggrieved by the judgment of any Justice or Justices adjudicating, or before whom he was convicted, may appeal to the next Court of General or Quarter Sessions of the Peace.

The undersigned has the honor to state that this is legislation respecting the Law of Criminal Procedure, which appertains solely to the Parliament of the Dominion, and the undersigned recommends, therefore, that the Act in question be disallowed.

(Signed) A. A. DORION,
Minister of Justice.

Lieutenant-Governor Trutch to the Secretary of State of Canada.

BRITISH COLUMBIA,
GOVERNMENT HOUSE,
12th February, 1873.

SIR,—I have the honor to enclose herewith copies of an Address to me from the Legislative Assembly of this Province, and of the explanatory Report appended there, requesting me to recommend to the Government of the Dominion the passage of an Act of the Parliament of Canada, legalizing all sales of land in this Province since the 1st June, 1870. I also enclose a Minute of my Executive Council in reference to this Address and Report, and, in accordance with the advice of my Minister, I beg to submit, for the consideration of His Excellency the Governor General, the request of the Legislative Council preferred in the said Address, and which the grounds are set forth in the Report annexed thereto.

I have, &c.,

(Signed,) JOSEPH W. TRUTCH,
Lieutenant-Governor.

Hon. J. HOWE,
Secretary of State for the Provinces.

Address from the Legislative Assembly

To His Excellency The Honorable JOSEPH WILLIAM TRUTCH, Lieutenant Governor of the Province of British Columbia.

MAY IT PLEASE YOUR EXCELLENCY:—

We, Her Majesty's dutiful and loyal subjects, the Legislative Assembly of the Province of British Columbia, in Parliament assembled, beg leave to approach Your Excellency with our respectful request, that Your Excellency will be pleased to recommend the Dominion Government to pass an Act legalizing all sales of land in this Province since the 1st June, 1870.

Address from the Legislative Assembly

To His Excellency The Honorable JOSEPH WILLIAM TRUTCH, Lieutenant-Governor of the Province of British Columbia.

MAY IT PLEASE YOUR EXCELLENCY:—

We, Her Majesty's dutiful and loyal subjects, the Legislative Assembly of the Province of British Columbia, in Parliament assembled, beg leave to approach Your Excellency with our respectful request that Your Excellency will be pleased to forward the accompanying Report to the proper authorities at Ottawa, to be considered in connection with the address already presented to Your Excellency respecting the legalizing of sales of land.

10th February, 1873.

COPY of a Report of a Committee of the Honorable the Executive Council, approved by His Excellency the Lieutenant-Governor in Council on the 11th February, 1873.

On a memorandum dated 10th February, 1873, from the Honorable the President, reporting that an address passed the Legislative Assembly on January 28th, 1873, respecting the legalizing of sales of land by the Dominion Government, and requesting that a certain report annexed thereto concerning the same be forwarded to the Dominion Government; and recommending that His Excellency the Lieutenant-Governor be advised to forward the same;

The Committee advise that the recommendation be approved.

Certified.

(Signed)

JAS. JUDSON YOUNG,
Clerk, Executive Council.

To His Excellency
The Lieutenant-Governor,
&c., &c., &c.

Report of Select Committee appointed to draft an explanatory Address to His Excellency the Lieutenant-Governor in respect to legalizing Sales of Land in the Province since 1870.

The "Land Ordinance, 1865," of the former Colony of British Columbia, contained the following clause:—

"20. Any person in possession of 160 acres of land as aforesaid, may acquire the right to pre-empt and hold any further tract of unsurveyed and unoccupied land contiguous thereto not exceeding 480 acres (and no more either directly or indirectly, save with the express sanction in writing of the Governor in that behalf) over and above the quantity of 160 acres aforesaid, upon the payment to the Stipendiary Magistrate of the district of the sum of two shillings and one penny per acre for the same, as by way of instalment of the purchase money to be ultimately paid to the Government after the survey of the same land."

The "Land Ordinance, 1870," number 144 of the revised statutes of British Columbia repeals the above mentioned "Land Ordinance 1865," but contains the following provision in clause 2:—

"But such repeal shall not prejudice or effect any rights acquired or payments due or forfeitures or penalties incurred prior to the passing of this ordinance in respect of any land in this colony."

After the passage of the said Land Ordinance 1870 the several Assistant Commissioners of Lands and Works in British Columbia constructed the last above mentioned provision in clause 2 of the Land Ordinance 1870, as preserving the right of such persons as had pre-empted 160 acres under the Land Ordinance 1865, to purchase further tracts of contiguous lands (as mentioned in Section 20 of the said Ordinance of 1865) and accordingly, after the passage of the said Land Ordinance 1870, many persons who were in possession of land pre-empted under the Land Ordinance 1865, were permitted to purchase contiguous land and to enter into possession thereof.

Such purchasers were invariably required to pay, and did in fact pay 50 cents per acre to the Government of British Columbia, on account of the block of land contiguous to their pre-emption claims so purchased by them, and, in many instances, substantial and costly improvements have been made on the land so purchased by them.

On the 2nd day of July, 1872, the Attorney General of the Province gave the following opinion.—

OPINION of the Honorable the Attorney General with respect to Pre-emptors taking up Land, in addition to their pre-emptions, under the Land Laws prior to the Act of 1870.

I understand the question, upon which I am asked to advise, to be this:—

Whether a person who has pre-empted land under the "Land Ordinance, 1865," can, after the 20th October, 1870, (the date at which the "Land Ordinance 1870," came into force) invoke the assistance of the 20th Section of the former Ordinance, and, by payment of two shillings and one penny per acre, acquire the right to pre-empt and hold a further tract of unsurveyed and unoccupied land contiguous thereto, not exceeding 480 acres, &c., and I am of opinion that he has not that privilege.

As to such claims, if made since the 20th of July, 1871, I have already advised, having regard to the 11th Section of the Terms of Union, and I then had occasion to consider the present question, though it became unnecessary to give any decided opinion upon it.

With respect to the general question, it seems plain that such alleged privileges cannot continue after the 20th October, 1870, unless preserved in "The Land Ordinance, 1870," by the words but such repeal shall not prejudice "or affect any rights, acquire," &c., prior to "the passing of this Ordinance;" and the question arises whether such person had at that date, *acquired a right* within the meaning of those words, and of the 20th Section of the former Ordinance. The words of that section are: "any person in possession of 160 acres of land aforesaid may acquire the right to pre-empt and hold any further tract of unsurveyed and unoccupied land contiguous thereto, not exceeding 480 acres (and no more either directly or indirectly, save with the express sanction, in writing to the Governor in behalf) over and above the quantity of 160 acres aforesaid, upon the payment to the Stipendiary Magistrate of the District of the sum of two shillings and one penny per acre for the same, as by way of instalment of the purchase money to be ultimately paid to the Government, after the survey of the same land, and, the meaning of may acquire the right &c.," "upon the payment &c.," appears from decided cases, as well as the reason of the thing, to be that the acquirement of the right, and the payment of the money were to be concurrent acts, or that the pre-emptor might acquire the right upon the occasion of or at the time of payment, and not otherwise; and if this be the case, no such right can now exist, except when payments were made or tendered prior to the 20th October, 1870.

Not only does this appear to be the plain grammatical meaning of the words which we are bound to adopt, but an inspection of these two Ordinances, I think, shows that such was the intention of the Legislature.

The words "may acquire the right to pre-empt," are used in the 12th Section of "The Land Ordinance, 1865," where it also seems to be required that the applicant should previously, or at least contemporaneously with his pre-emption, perform certain conditions, and this construction was placed upon a very similar section in

the "Vancouver Island Proclamation 1862," by the Supreme Court of British Columbia, in D. Trimble's case.

Again, in the 10th Section of "The Land Ordinance, 1870," it is provided that "The Chief Commissioner of Lands and Works may," &c., "survey pre-emption claims or purchased lands previous to the date of this Ordinance," but there is silence as to such claims thereafter to be recorded under the 25th Section of "The Land Ordinance, 1865."

And, again, in the 25th Section of the Land Ordinance, 1870, it is provided that a person occupying a pre-emption claim to the eastward of the Cascade Range at the date of the framing of that ordinance, if less than 320 acres, may, with the permission of the Commissioner, pre-empt contiguous land so as to make the total amount of his claim to 320 acres, in language which seems to be scarcely reconcilable with the continuance of a right to pre-empt the additional 480 acres as prescribed by the said 20th section.

It is observable that the right contemplated by the said 20th section was, in the first instance, at most an inchoate right; it was, at any time before its exercise, liable to be defeated by the survey or occupation of the contiguous land; moreover, as the object of "The Land Ordinance, 1870," was to hand over the Crown Lands of Vancouver's Island to the Legislature, and to require of pre-emptors *bona fide* residence if the Legislature had intended that a pre-emptor under "The Land Ordinance, 1865," should continue to be entitled, after any lapse of time, to obtain, with the consent of the Governor, as much additional contiguous land as he wished, and that without personal residence, I think we should have found in the former Ordinance clear language to that effect.

It may be worthy of consideration, whether, inasmuch as a different construction appears to have been placed upon these Ordinances, relief should not be sought from the Legislature as regards cases where hardship is likely to ensue.

(Signed) J. F. McCREIGHT,
Attorney General.

Attorney General's Office, 2nd July, 1872.

Immediately after the said opinion was given the Provincial Government caused the before mentioned purchasers of land to be notified that they would be required to surrender the land purchased by them as aforesaid, and that the Government would refund to them the moneys paid by them therefor.

The Provincial Government holds itself disabled, by the 11th article of the terms of Union, to pass an Act legalizing the purchases made under the circumstances above set forth.

(Signed) A. ROCKE ROBERTSON,
Chairman.

Victoria, 23rd January, 1873.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 21st October, 1873.

On a memorandum dated 6th October, 1873, from the hon. the Minister of Justice reporting with reference to the despatch of His Honor the Lieutenant Governor of the Province of British Columbia, bearing date the 12th day of February last, and enclosing copies of an address from the Legislative Assembly of that Province.

That such address requests the Lieutenant Governor to recommend to the Government of the Dominion the passage of an Act by the Parliament of Canada,

legalizing all sales of lands in the Province of British Columbia since the 1st June, 1870.

That as the two years within which the Government of British Columbia were, by the terms of the union of that Province with Canada, prevented from making any conveyance of land, have expired, there does not seem to be anything now to prevent that Government from granting conveyances to parties who have purchased lands since the 1st June, 1870.

The Minister states that it is, therefore, unnecessary to submit any measure to the Parliament of Canada for that purpose.

The Committee submit the report of the Minister of Justice for Your Excellency's approval.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 10th January, 1873.

The Committee have had under consideration the annexed report, dated 6th January, 1873, from the hon. the Minister of Justice, having reference to the certified copies of the Acts passed in the Legislature of the Province of Ontario, in the Session held in the 35th year of Her Majesty's reign, and assented to by the Lieutenant Governor on the 2nd March, and for the reasons given in the said annexed Report, they respectfully advise that all of the said Acts, with the exception of chapters 13 and 36, be left to their operation, and that with respect to those two Acts, further communication from the Ontario Government will be waited for. They further advise that a copy of the said Report, and of this minute, be communicated to the Lieutenant-Governor of the Province of Ontario.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,

OTTAWA, 6th January, 1873.

The undersigned, to whom were referred certified copies of the Acts passed by the Legislature of the Province of Ontario, in the Session held in the 35th year of Her Majesty's reign, and assented to by the Lieutenant Governor on the 2nd March last, has the honor to report as follows:—

Chapter 13, intituled, "An Act to provide for the institution of suits against the Crown by petition of right, and respecting procedure in Crown suits."

With respect to this Act, the undersigned recommends that the attention of the Government of Ontario be called to the fact that it is so general in its terms that it may be held to apply to claims against the Government of the Dominion.

It is presumed that this is not the intention, as the second clause of the Act provides that the fiat for a petition of right must be granted by the Lieutenant Governor of the Province. Now, it is obvious that in case of claims against the Dominion, the fiat should be granted by the Governor General. The passing of a short Act removing the doubt is suggested.

Chapter 36, intituled, "An Act for the prevention of corrupt practices at municipal elections."

The 17th section of this Act appears, to the undersigned, to be objectionable, on the ground that it seems to deal with the evidence to be received in criminal proceedings, and is therefore beyond the competence of the Provincial Legislature. The attention of the Government of Ontario should be called to this, with a view to its amendment in the ensuing Session of their Legislature.

Chapter 37, intituled "An Act to establish Municipal Institutions in the Districts of Parry Sound, Muskoka, Nipissing and Thunder Bay."

While the undersigned recommends that this Act should be allowed to go into operation, he thinks it well that the 26th section should be brought under the notice of the Local Government. The undersigned doubts the power of the Provincial Legislature to give a Municipal Council power to pass By-laws limiting the number of licenses for the sale of intoxicating liquors. Such Legislature has the power of making laws respecting licenses in order to the *raising of a revenue*, and apparently for no other purpose. If it cannot itself limit the number of licenses to be issued, it would seem that it cannot confer that power on a Municipal Council.

With these exceptions, all the said Acts appear to be unobjectionable.

The undersigned has, therefore, the honor to recommend that all except chapters 13 and 36 be left to their operation, and that with respect to those two Acts, further communication from the Ontario Government will be waited for.

(Signed) JOHN A. MACDONALD.

(Memorandum).

The papers in this case (under Register Number 93, of 1874) cannot be found. They have been taken out of the Department and never returned. There is no trace of them in any of the Departments in the Eastern Departmental Building.

(Signed) H. J. M.

1st March, 1877.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 26th December, 1874.

The Committee of Council have had under consideration the annexed Report, dated 23rd December, 1874, from the Honorable the Minister of Justice, to whom was referred a Bill passed by the Legislature of the Province of Prince Edward Island at the Session thereof held in the early part of this present year, and intituled, "The Land Purchase Act, 1874," which Bill was reserved for the signification of Your Excellency's pleasure thereon.

The Committee, under the circumstances of the case as set forth in the said Report, submit their concurrence in the recommendation of the Minister of Justice, and advise that the Bill so reserved do not receive the assent of Your Excellency in Council.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 23rd December, 1874.

The undersigned has the honor to report that at the Session of the Legislature of Prince Edward Island, held in the early part of this present year, a Bill was passed by both Houses, intituled, "The Land Purchase Act, 1874," which was reserved by the Lieutenant Governor for the signification of Your Excellency's pleasure.

Its objects are foreshadowed in the recitals thereto, which are:—

First: "That the leasehold tenures of this Island have long been a subject of contemplation, and have proved seriously detrimental to the prosperity of this Province and to the contentment and happiness of its people."

Secondly: "That it appears from correspondence which has recently taken place between the Government of this Island and certain proprietors, that there is no reasonable hope of the latter voluntarily selling their Township lands to the Government at moderate prices."

Thirdly: "That it is very desirable to convert the leasehold tenures into freehold estates on terms just and equitable to the tenants as well as to the proprietors."

It provides that the Colonial Secretary shall notify any Proprietor owning five hundred acres of land, or upwards, that the Government of the Province intend to purchase his land under the provisions of the Act, after which the Government and Proprietor shall each nominate a Commissioner to award the amount of money, and they are jointly to nominate a third Commissioner.

The Act provides the necessary machinery for carrying such arbitration into effect, and provides further, as follows:—

Section 23.—"After hearing the evidence adduced before them, the Commissioners, or any two of them, shall award the sum due to such proprietors as compensation or price, to which he shall be entitled by reason of his being divested of his lands and all interests therein and thereto."

Section 24.—"The fact of the purchase or sale of the lands of any proprietors being compulsory, and not voluntary, shall not entitle any such proprietor to any compensation by reason of such compulsory purchase or sale, the object of this Act being to pay every proprietor a fair indemnity or equivalent for the value of his interest, and no more;" and by the 25th Section are regulated the circumstances which are to be taken into consideration by the Commissioners in estimating the amount of compensation to be paid to the proprietors.

Under the 29th Section the Lieutenant Governor in Council is to nominate a public trustee, who, when the purchase money of the property shall have been paid into the treasury, is to execute a conveyance of the estate of the proprietor to the Commissioner of Public Lands, which shall thereby vest in the Commissioner of Public Lands an absolute and indefeasible estate of fee simple, free from all incumbrances of every description, and shall be held and disposed of by him as public lands, and shall also vest in the Commissioner of Public Lands all arrears of rent due upon the said lands.

It further provides:

Section 34.—"When the full sum for any lands shall have been paid into the Treasury, and the conveyance executed by the Public Trustee to the Commissioner of Public Lands, the Government shall be absolutely exonerated from all liability to any person or persons whomsoever, who may claim any estate so conveyed as aforesaid, or any interest therein, except as is mentioned in the next section."

Section 44.—"After the passing of this Act, no action at law shall be maintained by any proprietor for the recovery of more than the current and subsequent years' rent, and in case any such action is brought against any such tenant by any proprietor, such tenant may plead this Act in bar of such action, nor shall any execution issue on any judgment recovered or to be recovered for rent by any proprietor against any tenant in this Island, excepting the current and subsequent accruing years' rent, and in case any such execution is issued the Supreme Court or a Judge thereof shall, on application, stay any such execution until the award of the said Commissioners shall be made."

2. In transmitting this reserved Bill the Lieutenant Governor forwards therewith certain documents.

The reasons which induced the Lieutenant Governor to reserve the Bill are given by him as follows:—

"The Act in question, affecting private rights, by enforcing a compulsory sale by proprietors of five hundred acres of land, or upwards, at prices to be determined

under a system of arbitration, to which they are thereby compelled to be parties, I deemed it to be my duty to reserve it for the consideration of His Excellency the Governor General.

“For upwards of half a century ‘The Land Question,’ so called, has agitated the minds of the people of this Province, and repeated attempts have been, from time to time, made by the Local Legislature to get rid of the leasehold system prevalent here, and the aid of the Imperial Government has been frequently invoked for that purpose, by endeavouring to obtain its sanction to the establishment of a Court of Escheat, on the ground of the non-fulfilment by the Grantees of the conditions of their grants from the Crown, but to which Her Majesty’s Government invariably refused to accede.

“In 1860 three Commissioners were appointed to enquire into and adjust “the differences between landlord and tenant.” The then proprietors, or a major part of them, were assenting parties to this Commission. One Commissioner was selected by the Secretary of State for the Colonies; a second by the proprietors, and a third by the Local Legislature. Their report and award, characterized by the late Duke of Newcastle, then Secretary of State for the Colonies, as ‘able and impartial,’ was set aside because the Commissioners thereby devolved the duty of assigning the value of township lands, which they should have performed themselves, upon other parties not recognized by the submission. A copy of the Commissioners’ Report and Award accompanies the reasons of the Attorney General, marked No. 1, and to this I beg to refer His Excellency the Governor General, affording, as it does, a complete history of the land question from the year 1767 to the date of the report.

“The desire finally to extinguish the leasehold system so far as relates to lands still in the hands of the proprietors, continues unabated; in fact it has received a fresh impetus since Confederation, in view of the sum of eight hundred thousand dollars, appropriated by the Dominion Government for the purchase of the proprietary rights in this Province.”

The report of Mr. Attorney General Brecken briefly referring to the same matters as mentioned in the despatch of the Lieutenant Governor, quotes particularly from the despatch of the 13th March, 1869, from the then Secretary of State for the Colonies to the effect that, if Confederation of Prince Edward Island with Canada were to ensue, the land question should be left as far as possible for the decision of those who under the altered circumstances of the Colony would have to carry into execution any measures connected with it.

The Attorney General further adds that the Local Government is led to believe that there is no reasonable prospect of some of the owners of township lands voluntarily disposing of their estates at moderate prices, and that others of them are not at all desirous of permitting their tenants to become freeholders.

Impelled by the peculiar circumstances of the case, and strengthened by the despatch of Earl Granville above alluded to, the Legislature had passed the Act with the hope that it might be the means of settling forever this long agitated question on terms just and liberal as well to the proprietors as to the tenants.

The Lieutenant Governor also transmits copies of correspondence between the Local Government and certain proprietors of lands and their agents on this subject.

The views of the different proprietors as to parting with the property vary, but the tenor shows generally an indisposition on the part of the proprietors to dispose of their properties, whilst in some instances they ask that a definite offer should be made to them.

There is also a statement submitted showing the names of the proprietors, their residences and number of acres owned by each, and the quantity of land owned by small freeholders, the former being 381,720 acres, and the latter 221,000 acres.

There is also a statement showing the quantity of land already purchased under the authority of a previous Local Act, being in the aggregate 457,270 acres, at an aggregate amount of \$517,951; and a further purchase under an Act passed 28th Vict., of nearly 7,000 acres. These purchases, however, appear to have been all made with the assent of the proprietors.

With the Lieutenant Governor's despatch are certain memorials of proprietors, prying that the Act may not be allowed.

These have been since supplemented by memorials furnished either to the Secretary of State for the Colonies and transmitted by him, or direct to Your Excellency.

3. The documents transmitted by Mr. Attorney General Brecken show the transmission by the Duke of Newcastle in February 1862, to the Lieutenant-Governor of a copy of a Report of the Commissioners appointed to inquire into the land tenures of Prince Edward Island, together with the copy of the report which embraces a very full consideration of the whole circumstances, the same bearing date 18th July, 1861.

As before mentioned, however, nothing was done upon this report.

In 1864 a deputation from the Government of Prince Edward Island proceeded to England, when certain correspondence ensued between the Duke of Newcastle and themselves, and it appear that Sir Samuel Cunard proposed terms and submitted a draft bill which he thought would bear out the matter.

These, however, equally led to the absence of any result.

In 1868 the matter was again brought forward by the Lieutenant Governor submitting a minute of the Executive Council, and praying the sanction of the Secretary of State to the measure which might obtain a settlement of this question; in reply to which the Duke of Buckingham and Chandos stated that he "fully recognized the propriety of the course which the Executive Council have taken in seeking to obtain the sanction of the Secretary of State, before introducing a measure, which would naturally tend to raise in the minds of the people, expectations with which, in the result, it might be deemed inexpedient to comply."

"I make the recognition the more fully, because, after a careful consideration of the whole case, and of the grounds now put forward by the Executive Council in support of a law for the compulsory sale of the land of those proprietors, who were not parties to the Act of 1864, I am not prepared to advise Her Majesty to sanction such a measure.

"The views of former Secretaries of State upon the subject, and the grounds upon which such views were based, have been so clearly explained in prior correspondence, that it appears to me unnecessary to do more now, than to state that I find no special reason assigned on the minute of Council, which, in my opinion, would justify, on the ground of public policy, the proposed direct appropriation of private property."

In February, 1869, correspondence was renewed between the Lieutenant-Governor of Prince Edward Island and the Imperial Government, which led to the remarks of Lord Granville previously quoted, to the effect that decision as to the land question should be left to those who, under the altered circumstances of the Colony by Confederation, if it were carried out, would have to carry into execution any measures connected with it.

4. Several petitions are presented against the allowance of this Bill; some, as above stated, having been sent to the Secretary of State for the Colonies and others direct to your Excellency.

In transmitting one presented in England, Lord Carnvarnon requests the careful consideration of your Excellency's Ministers in respect to it.

They submit that the proposed Act is subversive of the rights of property and that it will prove most ruinous to proprietors in this Colony and a dangerous precedent to establish as a mode of allaying popular agitation. After entering upon details of the past, they submit that the Act is without a precedent in the history of legislation, and that even if it were called for, as constitutional as respects its objects, the mode of procedure adopted by it would prove most ruinous and harrassing to the owners of property in that Island. They allege that the Government, which is practically irresponsible, as it cannot be sued in a Court of Law, might hold this Act over the unfortunate proprietor who cannot force on the proceedings when once commenced, nor obtain compensation or costs when such proceedings have been aban-

done; and they dispute the recitals to the Act and pray for the disallowance of the same.

The other petitions allege various reasons in respect to which they, as proprietors and British subjects, would be much injured and damnified if the Act passed.

The allegations in these petitions are very forcibly urged, and represent features which cannot but be regarded as contrary to the principles of legislation in respect to private rights and property.

The undersigned is of opinion that the Act is objectionable in that it does not provide for an impartial arbitration, in which the proprietors would have a representation, for arriving at a decision on the nature of the rights and the value of the property involved, and also for securing a speedy determination and settlement of the matters in dispute.

Under all the circumstances of the case, the undersigned has the honor to recommend that the Bill so reserved, intituled, "The Land Purchase Act, 1874," do not receive the assent of Your Excellency in Council.

(Signed)

H. BERNARD,
Deputy Minister of Justice.

I concur.

(Signed) T. FOURNIER,
Minister of Justice.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 12th December, 1874.

The Committee of the Privy Council have had under consideration the memorandum dated 4th December, 1874, thereunto annexed, from the Honorable the Minister of Justice, to whom was referred copy of the Statutes passed by the Legislature of the Province of Nova Scotia, in the Session, 37 Victoria, 1874, and they concur in the recommendation that the Statutes mentioned in said memorandum be left to their operation.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,

OTTAWA, 4th December, 1874.

The undersigned, to whom was referred a certified copy of the Statutes passed by the Legislature of the Province of Nova Scotia, in the Session 37th Victoria, 1874, has the honor to report, that after a careful examination of the under-mentioned Statutes, he is of opinion that the same is unobjectionable, and he therefore recommends that they be left to their operation.

Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 64, 65, 66, 67, 70, 71, 72, 73, 75, 76, 77, 78, 79, 80, 81, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103.

(Signed)

H. BERNARD,
Deputy Minister of Justice.

I concur in the above report.

(Signed) T. FOURNIER,
Minister of Justice.

Mr. Under Secretary Langevin to Lieut. Governor Archibald.

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA,
OTTAWA, 17th December, 1874.

SIR,—I am directed to transmit to you, for the information of your Government, a copy of an Order of His Excellency the Governor General in Council and of the memorandum of the Hon. the Minister of Justice therein referred to, on the subject of certain clauses in Chapters 18, 62, 63, 68 and 69 of the Acts passed by the Legislature of the Province of Nova Scotia, during its last Session.

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

(Signed) EDOUARD J. LANGEVIN,
Under Secretary of State.

To His Honor the Lieut. Governor of Nova Scotia,
Halifax.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 12th December, 1874.

The Committee of the Privy Council have had under consideration the Report hereunto annexed, from the Hon. the Minister of Justice, having reference to certain clauses in Chapters 18, 62, 63, 68 and 69 of the Acts passed by the Legislature of the Province of Nova Scotia in the thirty-seventh Victoria, 1874, and to which objections exist, and in accordance with the recommendation submitted in the said Report, they advise that the said Acts be left to their operation, but that the attention of the Government of Nova Scotia be called to the clauses in question, with a view to future Legislation on the subjects to which they relate.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 7th December, 1874.

Upon the undermentioned Acts of the Legislature of the Province of Nova Scotia, passed in the 37th Victoria, 1874, the undersigned has the honor to report as follows:—

Chapter 18.—“An Act to establish County Courts.”

By Section 3 it is provided that one Judge shall be appointed for each County Court District, and further that “every such Judge shall be a Barrister of the “Supreme Court of this Province of not less than seven years standing.”

In respect to this latter limitation, the undersigned thinks it well to refer to the British North America Act, 1867,” Section 97, by which the only limit to the discretion of the Governor General in selecting such Judges from the several Provinces is that they shall be selected from the Bars of those Provinces.

The undersigned does not desire to express any definite opinion whether having reference to the Imperial Statute, it is within the power of a Local Legislature to pass the clause above alluded to.

He suggests the subject to the consideration of the Government of Nova Scotia, and recommends that the Act be left to its operation.

Chapter 62.—"An Act to incorporate the Eastern Counties Railroad Company."

Section 10.—Authorizes the Company to purchase and hold within or without the Province, lands, houses and materials, &c., to make such connections as they may think proper with other railway or steamboat companies within or without the Province, either by leasing their road to other corporations, &c. or by consolidating the stock of their road with that of any other railway companies, &c. This provision seems to be beyond the power of legislation of Nova Scotia, which in this respect is confined by Section 92, sub-section 10, to local work and undertaking, except lines of steamships. Railways, &c. connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province.

Nor does it seem to be under the terms as laid down in sub-section 11 of that Section. The "incorporation of Companies with Provincial objects."

It is suggested that this clause be repealed, and their powers limited.

Section 13. Empowers the Company to construct its railroad over, under and across any harbor, cove, river, brook or stream.

This clause is one of frequent occurrence in private Acts, and it appears desirable in all cases to make a direct reservation regarding navigation and its rights as reserved to the Parliament of Canada.

It is true that the absence of any reference to navigation cannot prejudice the powers of the Parliament of Canada, or the action of the Government of Canada in respect to the same, but it is suggested that parties would be more thoroughly cognizant of their position in such respect if direct reference were made to the rights of navigation.

Chapter 63.—"An Act to incorporate the Inverness Railway Company," sec. 14.

"Chap. 68.—"An Act to incorporate the Styles Mining Company, limited," sec. 10.

"Chap. 69.—"An Act relating to the General Mining Association, limited," sec. 2.

The remarks made in reference to navigation apply also to these sections.

The undersigned recommends, however, that the Acts be left to their operation, the subject being brought under the notice of the Government of Nova Scotia, with reference to these clauses and future legislation on these subjects.

(Signed) H. BERNARD,
Deputy Minister of Justice.

I concur,

(Signed) T. FOURNIER,
Minister of Justice.

Lieutenant Governor Archibald to the Secretary of State of Canada.

No. 76.

GOVERNMENT HOUSE,
HALIFAX, N. S., 22nd Dec., 1874.

SIR,—I have the honor to acknowledge the receipt of Mr. Under Secretary Langevin's despatch of the 17th inst., No. 2146, enclosing copy of an Order of His Excellency the Governor General in Council, and of the memorandum of the hon. the Minister of Justice therein referred to, on the subject of certain clauses in chapters 18, 62, 63, 68 and 69 of the Acts passed by the Legislature of the Province of Nova Scotia, during its last Session, and shall at an early date lay the same before my Council, with a view to action being taken upon the suggestion contained in the Report, and to prevent the recurrence of similar clauses in future legislation.

I have, &c.,

(Signed) ADAMS G. ARCHIBALD,
Lieut. Governor.

The Hon. the Secretary of State.
Ottawa.

GOVERNMENT HOUSE,
OTTAWA, Wednesday, 31st March, 1875.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL, IN COUNCIL.

Whereas, the Lieutenant Governor of the Province of Nova Scotia, with the Legislative Council and Assembly of said Province, did, on the 7th day of May, 1874, pass an Act which has been transmitted, intituled as follows, viz: "An Act to incorporate the Eastern Steamship Company;"

And, whereas, the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature to pass such Act, and therefore recommending that the said Act should not receive the confirmation of the Governor General;

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of his Privy Council, to declare the disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Nova Scotia, and all other other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

I, Frederick Temple Hamilton Blackwood, Earl of Dufferin, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Nova Scotia, on the 7th day of May, 1874, intituled: "An Act to incorporate the Eastern Steamship Company," was received by me on the 22nd day of August, 1874.

Given under my hand and seal this thirty-first day of March, 1875.

(Signed) DUFFERIN.

DEPARTMENT OF JUSTICE,
OTTAWA, March 25th, 1875.

Upon the undermentioned Act, passed by the Legislature of the Province of Nova Scotia, in the year 1874, the undersigned has the honor to report,—
Chapter 82.—"An Act to incorporate the Eastern Steamship Company."

This Act purports to incorporate certain persons under the above name for the purpose of running steamers on the coast of this Province and elsewhere.

There is no limit therefore to its operation within the Province of Nova Scotia, on the contrary it speaks of "elsewhere."

The undersigned, is of opinion, therefore that the Company comes within one of the clauses mentioned in the British North America Act, 1867, Section 92, Sub-Section 10, Clause A.

The undersigned has the honor, therefore, to advise that this Act is not within the competence of a Local Legislature, and would recommend that this Act be disallowed by Your Excellency.

(Signed) H. BERNARD,
Deputy Minister of Justice.

I concur.

(Signed) T. FOURNIER,
Minister of Justice.

DEPARTMENT OF JUSTICE,

OTTAWA, March 25th, 1875.

Upon the undermentioned Acts passed by the Legislature of the Province of Nova Scotia in the year 1874, the undersigned has the honor to report,—

Chapter 14.—“An Act to amend the Chapter of the revised Statutes ‘of Licenses for the sale of intoxicating Liquors.’”

Chapter 15.—“An Act to prevent the sale of intoxicating Liquors at Camp Meetings.”

These Acts purport to restrain and prohibit, under certain circumstances, the sale of intoxicating liquors.

However desirable the objects sought to be attained may be, the undersigned suggests for the consideration of the Lieutenant Governor of the Province of Nova Scotia, whether the same may not be in restraint of trade.

The undersigned recommends that Your Excellency do not exercise the right of disallowance in respect of these two Acts, but that the above suggestion be made to the Lieutenant Governor.

(Signed) H. BERNARD.
Deputy Minister of Justice.

I concur,

(Signed) T. FOURNIER,
Minister of Justice.

GOVERNMENT HOUSE,
OTTAWA, Saturday, 12th December, 1874.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL, IN COUNCIL.

Whereas, the Lieutenant Governor of the Province of New Scotia, with the Legislative Council and Assembly of the said Province, did, on the 7th day of May, 1874, pass an Act which has been transmitted, intituled as follows, viz. :—“An Act to incorporate the Halifax Company, limited ;”

And, whereas, the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature to pass such Act, and therefore recommending that the said Act should not receive the confirmation of the Governor General ;

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of his Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof, the Lieutenant Governor of the Province of Nova Scotia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

I, Frederick Temple Hamilton Blackwood, Earl of Dufferin, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Nova Scotia, on the 7th day of May, 1874, intituled : “An Act to incorporate the Halifax Company, limited,” was received by me on the 22nd day of August, 1874.

Given under my hand and seal, this 12th day of December, 1874.

(Signed) DUFFERIN.

DEPARTMENT OF JUSTICE,
OTTAWA, 4th December, 1874.

The undersigned has the honor to report, that an Act was passed by the Legislature of Nova Scotia in the Session 37th Victoria, 1874, being chaptered 74, and intituled, "An Act to incorporate the Halifax Company, limited."

The objects of this Company are very extended, but, except as after mentioned, do not, on the face of them, appear to contemplate business out of the Province; but the undersigned is of opinion that attention must be given to sec. 1, sub. sec. 7, which gives power to the Company to acquire * * * * any steam or other ships, barges or vessels for the purpose of conveying goods, whether belonging to the Company or not, or of conveying persons, and between any places whatever, and maintaining and running the same.

Also sub. sec. 9—Confers power on them to acquire * * * * for or in any connection with all or any of the purposes hereby authorized, any buildings, plants, machinery, stock in trade, goods, chattels, or effects in any part of the world.

Sub. sec. 10—"To acquire by grant, purchase, license, or otherwise, any patents, *brevets d'invention*, patent rights or copyrights, which may be desirable for the purposes of the Company."

Sub. sec. 15—"To procure the Company to be constituted or incorporated as a corporation or anonymous society in any colony or foreign country."

Sub. sec. 16—"To procure, obtain, accept, and observe the terms and conditions of any decrees, concessions, powers or privileges made or granted now or hereafter by any Government or other authorities."

Sub. sec. 17—"To purchase, take over and adopt all or any part of the good-will, assets and liabilities of any other Company or person carrying on all or any branches of the business mentioned herein, and to buy, hold or sell any of the shares of the same Company, and to liquidate and wind up its business and affairs."

Sub. sec. 18—"To make and carry into effect any arrangements with respect to the union of interests or amalgamation with any other company, corporation or person carrying on any business similar to that of this Company, &c."

Sec. 6—Also gives power to the "Company to make and construct any roads, railroad, &c., * * * * over, under and across any road, railroad, tramroad, or river, brook or stream," without any reference to the rights of navigation.

Whilst these rights cannot be affected by any local legislation, it would seem advisable that in such cases as the present, some mention should be made of them.

As to the Act itself, and the points previously alluded to, it appears by Section 7 that "the Halifax Company, limited, is a Company incorporated in England under the Imperial Acts, 'The Companies Act, 1862,' and 'The Companies Act, 1867.'"

When the powers conferred by the Act are taken together, and in connection especially, with the sub-sections which have been alluded to, it appears obvious that the incorporation of the Company is for objects beyond the powers and control of a Local Legislature. It cannot be said that it is for purely local works or undertakings, nor is it an incorporation of a Company with Provincial objects, or of a merely local or private nature in the Province.

The undersigned, therefore, recommends that the Act in question should be disallowed.

(Signed) H. BERNARD,
Deputy Minister of Justice.

I concur.

(Signed) T. FOURNIER,
Minister of Justice.

GOVERNMENT HOUSE, OTTAWA,
Saturday, 12th day of December, 1864.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL, IN COUNCIL.

Whereas, the Lieutenant Governor of the Province of Nova Scotia, with the Legislative Council and Assembly of the said Province, did, on the 7th day of May, 1874, pass an Act, which has been transmitted, intituled as follows, viz: "An Act to incorporate the Anglo-French Steamship Company;"

And, whereas, the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature to pass such Act, and, therefore, recommending that the said Act should not receive the confirmation of the Governor General;

His Excellency the Governor General has, thereupon, this day been pleased, by and with the advice of His Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Nova Scotia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

I, Frederick Temple Hamilton Blackwood, Earl of Dufferin, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Nova Scotia, on the 7th day of May, 1874, intituled: "An Act to incorporate the Anglo-French Steamship Company," was received by me on the 22nd day of August, 1874.

Given under my hand and seal this 12th day of December, 1874.

(Signed) DUFFERIN.

DEPARTMENT OF JUSTICE,
OTTAWA, 4th December 1874.

Upon the undermentioned Act, passed by the Legislature of Nova Scotia, 1874, the undersigned has the honor to report "An Act to incorporate the Anglo-French Steamship Company."

This Act proposes to incorporate certain persons under the above name for the purpose of running a steamer or steamers to and from Ports in Nova Scotia, the Island of St. Pierre Miquelon and Newfoundland.

On the face of this Act it is shown to be for a line of steamships extending beyond the limits of the Province, and being between the Province and a British, as also a foreign country, and it obviously, therefore, comes within one of the classes mentioned in the British North America Act, Sec. 92, sub-section 10, clauses *a* and *b*.

The undersigned has the honor to advise that this Act is not within the competence of a Provincial Legislature, and to recommend therefore that this Act be disallowed by Your Excellency.

(Signed) H. BERNARD,
Deputy Minister of Justice.

I concur.

(Signed) T. FOURNIER,
Minister of Justice.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 27th November, 1874.

On a Report, hereunto annexed, dated 18th November, 1874, from the Hon. the Minister of Justice, stating that in the Session of the Legislature of the Province of Ontario, held in the thirty-seventh year of Her Majesty's reign, on the twenty-fourth March, 1874, was passed an Act (chapter 8), intituled: "An Act to amend the law respecting Escheats and Forfeitures," and recommending, for the reasons set forth in said Report, that communication be had with the Lieutenant Governor of Ontario, suggesting that the Act in question is beyond the legislative competence of the Legislature of Ontario, and that the same should, therefore, be repealed.

The Committee concur in the above recommendation, and submit the same for Your Excellency's approval.

They also advise that a copy of the Report of the Minister of Justice be transmitted to the Lieutenant Governor of Ontario.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 18th November, 1874.

The undersigned has the honour to report, that in the Session of the Legislature of the Province of Ontario, held in the 37th year of Her Majesty's reign, on the 24th March, 1874, was passed an Act, chapter 8, intituled: "An Act to amend the law respecting Escheats and Forfeitures."

The Act provides in effect that whenever lands, &c., situate in Ontario have (1) escheated to the Crown by reason of intestacy without lawful heirs, or have (2) become forfeited, whether for treason or felony or any other cause, the Attorney General may cause possession of such lands, &c., to be taken in the name of the Crown.

It also provides that the Lieutenant Governor in Council may grant lands which may be so escheated or become forfeited, with a view of restoration to any of the family of the person to whom it had belonged, and the same, without entry or inquest of office being found.

The Act also provides that the Lieutenant Governor in Council may make any assignment of personal property to which the Crown is entitled (1) by reason of the person last entitled thereto having died intestate, without kin or other persons entitled to succeed thereto, or (2) by reason of forfeiture of the same to the Crown; and further, that the Lieutenant Governor may waive or release the right of the Crown in such property.

The undersigned is strongly inclined to entertain the opinion that this Law is not within the competence of a Local Legislature, upon the following grounds, viz:—

First, as to Escheats.

The Law of England (except in so far as the same may have been affected in England by Statute law, not applicable to Canada) prevails in the Province of Ontario.

The practice prior to Confederation was for the issue under the Great Seal of the late Province of Canada of Her Majesty's writ to Commissioners requiring them to summon a jury to ascertain the particulars of the estate and its escheat to the Crown, and upon inquisition held and return thereof the same was fyled in the Court of Queen's Bench of Upper Canada (now Ontario).

The question is, whether circumstances are now varied, and whether escheat being a prerogative of the Crown, anything is to be found in the British North America Act, by which the same is devolved upon the Government of a Province. Unless, therefore, any such power is, by that Statute conferred upon the Local Government, the exercise of Her Majesty's prerogative would rest with the Governor General of Canada as Her representative.

The undersigned is not aware of any grounds upon which the Legislature of a Province can assume a right to legislate as to the prerogative right of escheat, unless it be claimed under;

(a) Section 92, Sub-Section 13, "property and civil rights in the Province," or;

(b) Section 109, which provides that, "all lands belonging to the several Provinces of Canada at the date of the Union are to belong to the several Provinces of Ontario * * * * in which the same are situate."

As to the first point, concerning "property and civil rights" in the Province, it appears to the undersigned that so long as lands escheat to the Crown by reason of failure of issue (or from any other cause, if such there be as distinct from forfeiture) the Legislature of a Province under the powers guaranteed to it in respect to property and civil rights by the 92nd Section of the British North America Act, 1867, cannot legislate or take any action in derogation of the rights of Her Majesty.

No prerogative rights of the Crown are vested in the Lieut. Governor of a Province unless it be under the British North America Act; nor does his commission, issued by the Governor General under the Great Seal of Canada, confer on him the right of using or exercising any prerogative.

There would, therefore, be no authority in the Lieutenant Governor to exercise the prerogative of the Crown in respect to escheat, nor would the Legislature have competence to deal with such right or to confer any powers on the Lieutenant Governor in respect thereof; nor would the Queen be bound by any acts of a Local Legislature in "respect to property and civil rights" arising in regard to Her Crown. If, however, they lay claim under the 109th Section of the British North America Act, 1867, the latter cannot apply, inasmuch as that section has reference alone to lands belonging to the Province of Canada * * * * at the date of the Union, and, in such case the Section would give no power to Ontario to deal with such lands as might become escheated to the Crown since the date of the Union, 1st July, 1867.

Moreover, if the 109th Section of the British North America Act is relied upon, it must be remembered that such has reference to what are known as "Crown Lands" as distinguished from (B.N.A. Act, Schedule 3, Sec. 9.) Ordinance Lands, and (B.N.A. Act Sec. 91, Sub-Sec. 24.) Indian lands, and that the Act could not, if it applied to any lands, apply to the two latter classes.

Second, as to Forfeitures.

The Act of Ontario provides (1) that whenever any lands have become forfeited, whether for treason or felony, or for any other cause, the Attorney General may cause possession to be taken in the name of the Crown, &c., and that the Lieutenant Governor in Council may make any grant of forfeited lands or any assignment of personal property to which the Crown is entitled (1) by reason of the person last entitled thereto having died intestate and without leaving any kin, or (2) by reason of the same having become forfeited to the Crown.

The forfeiture of lands or personal property for treason or felony (or for other cause than forfeiture for want of heirs) is also a matter of prerogative right of the Crown, the power of granting the same after the forfeiture has accrued to the Crown has not by the British North America Act been conferred upon a Province or its Lieutenant Governor, and it must still therefore continue to be administered by the Governor General of Canada as Her Majesty's representative.

The Act of Ontario tends to confer power on the Lieutenant Governor in Council to restore lands or personal property forfeited for crime to the family of the person

to whom the same had belonged. This is in effect giving the power to exercise an attribute of pardon, in the prerogative of mercy.

Moreover, forfeiture is to be regarded as a matter of Criminal Law and Criminal procedure,—subjects which, by section 91 of the British North America Act, Sub-Section 27, are within the exclusive Legislative jurisdiction of the Parliament of Canada.

It should also be mentioned that the subject of forfeiture by corruption of blood has been already partially dealt with by the Act of Canada of 1869, 32 and 33 Vict., chap. 29, Sections 55 and 56. These Sections provide that, except for certain offences, the attainer shall not disinherit the heir; but only the right of the offender during his natural life.

The Act of Ontario will be found to be in conflict with this provision of the Act of Canada.

In either view, therefore, whether as affecting Her Majesty's prerogative or as entrenching upon the Criminal Law or Criminal procedure, the undersigned is of opinion that the Legislature of a Province has no power to legislate in respect to forfeitures to the Crown of land or personal property.

But the Statute deals also with forfeiture of personal property by reason of want of kin or other person entitled to succeed thereto.

The views expressed above in reference to escheats are in a great measure applicable to this point.

The undersigned is equally of opinion that under the head of "property and civil rights," no Provincial Legislature can exercise authority in respect to the right to the Crown to the personal property of an intestate leaving no persons capable of inheriting.

The undersigned recommends that communication should be had with the Lieutenant Governor of Ontario to the above effect, suggesting that the Act in question is beyond the legislative competence of the Legislature of Ontario, and that the same should therefore be repealed.

(Signed) H. BEKNARD,
Deputy Minister of Justice.

I concur.

(Signed) T. FOURNIER,
Minister of Justice.

Lieutenant Governor Crawford to the Secretary of State of Canada.

GOVERNMENT HOUSE,
TORONTO, 22nd February, 1875.

SIR,—With further reference to your despatch of the 28th November last, respecting the disallowance of the Act passed by the Ontario Legislature in reference to "Escheats and Forfeitures," I have now the honor to transmit, for the consideration of His Excellency the Governor General in Council, copy of an Order in Council, approved of by me, 22nd of February, 1875, together with copy of report on the subject by the Honorable the Attorney General of this Province.

I have, &c.,

(Signed) JOHN CRAWFORD.

The Honorable
The Secretary of State, Canada,
Ottawa.

Copy of an Order in Council, approved by His Honor the Lieutenant Governor, the 22nd day of February, A.D., 1875.

The Committee of Council have had under consideration the annexed Report of the Honorable the Attorney General, with reference to an Order of His Excellency the Governor General in Council, dated 27th November, 1874, on the subject of the Act of the Legislature of this Province, 37 Vic., cap. 8, intituled, "An Act to amend the law respecting Escheats and Forfeitures."

The Committee concur in the said Report of the Attorney General and submit the same for Your Excellency's approval, and advise that a copy thereof be transmitted to His Excellency the Governor General.

Certified.

(Signed) T. G. SCOTT,
Clerk, Executive Council, Ontario.

The Honorable
The Provincial Secretary.

Report of Mr. Attorney General Mowat.

The undersigned has had under consideration the Report of the Deputy Minister of Justice, dated 18th November, 1874, with reference to the Act to amend the Law respecting Escheats and Forfeitures, passed 24th March, 1874, which Report was concurred in by the Minister of Justice and approved by an Order of the Privy Council dated 27th November.

Copies of these papers having been received here during the late Session of the Ontario Legislature, it was impossible for the undersigned to give to them immediate attention.

The undersigned trusts that after the Minister of Justice has had an opportunity of reading and considering what the undersigned has now to submit in support of the Act of the Ontario Legislature, he will not hesitate to withdraw the concurrence which, in the absence of any statement of the provincial view, he was led to express in the forcibly stated but *ex parte* opinion and recommendation of his Deputy. The undersigned ventures to affirm (notwithstanding the arguments of his Deputy Minister of Justice to the contrary) that the Act in question was not *ultra vires*, but was entirely within the authority of the Legislature to pass, and that, if this is not clear, the proper course will appear to be, confirmatory legislation on the part of the Dominion Parliament, and not the disallowance of the Act or its enforced repeal.

The matter is not likely to be very important to the Dominion or Provincial Exchequer, but is important for the principal on which the recommendation of the report is based. Property escheated or forfeited in the Dominion for crime is too small for any contention about it, even if the custom were for such property to be applied to public uses; and property escheated for want of heirs or next of kin has also amounted hitherto to very little. The undersigned is aware of but one estate of any considerable amount which is supposed to have escheated for want of heirs; and this estate is now in litigation in chancery, and is confidently claimed by several persons as being the legal heirs of the deceased. But, when escheats and forfeitures occur, it has not been usual for the Crown in England or this country to take advantage of them for the benefit of the Crown or the public. The course, according to British usage, is stated in the books to be, that, upon a memorial being presented, "the Crown will often make a grant of escheated property to persons having moral claims upon the intestate; as, for instance, illegitimate children to whom the property has been given by an invalid will," &c., &c.; "and in the same manner, it is stated, that in practice the goods of felons are rarely if ever seized to the Crown's use." That where "a grant must be procured in order to make a title, either to the convict's

forfeited or escheated estates in land or to his leaseholds, money in Court or in the hands of parties requiring a valid discharge for it." The practice is for the convict's relatives, who conceive that they are fit objects, to memorialize the treasury, setting forth the facts relating to the property and any circumstances favorable to the application, such as the indigence and good character of the memorialists, and on such memorial the desired grant is generally made.

All this, so far as regards lands, appears to be done in England under the authority of an Imperial Statute, 39 and 40 George III, cap. 3, which is not in force in Canada; and that statute was the basis on which the 4th, 6th and 7th sections of the Ontario Act were framed. In this respect our Act but brings the law of the province into harmony with what has been the law of Great Britain for three-quarters of a century.

The other sections of the Act (viz. the 1st 2nd and 4th) have for their object the abolition of a preliminary process which had its origin in a state of society that has happily passed away even in England; a process which is cumbrous, expensive and of no practical utility at the present day. These provisions were framed in order to place the Crown in the same relation to escheated or forfeited property, as in analogous cases, private individuals occupy in regard to property in general.

1. With regard to the right to such property, and to the jurisdiction to legislate respecting it, it is to be remembered that, while property of this kind in the British North America Provinces before confederation was in the Queen's name, as all other public property was, and is, it did not belong to Her Majesty personally, and for her private use; nor did it belong to the empire at large. On the contrary, such property, like ungranted and unappropriated wild lands, belonged to the provinces. And the provinces have still all former rights which have not been taken from them, or which they have not themselves parted with.

The Confederation Act contains no clause repealing the old constitutional Acts which governed the provinces, or declaring that all unenumerated rights founded upon, or derived under the former Acts, or otherwise possessed by the Provinces, were to lease, or were to vest in the Dominion; and it is not pretended that the Act contains any provision which would give this property in the Dominion, if a provision for that purpose is necessary.

Either, therefore, escheated and forfeited property belongs still to the Provinces, or the Crown at Confederation resumed all provincial rights which the Confederation Act did not deal with, an alternative which is wholly unsupportable, and which the undersigned trusts that the authorities of the Dominion, as well as those of all the Provinces, will at all times unite in repudiating. The undersigned assumes it to be undeniable, that all rights of the Provinces as they existed before Confederation have by the Confederation Act been divided between the Dominion and the Provinces, and that whatever has not been given to the former is retained by the latter.

The undersigned submits that these considerations (not touched upon by the report of the Deputy Minister of Justice) are absolutely conclusive on the present question, for if escheated and forfeited property belongs to the Provinces, the Provincial Legislatures have certainly a right to deal with it as falling under the head of "Property and civil rights in the Province."

2. But the express language of the British North America Act happens to contain enough to establish the same view affirmatively from the Act itself. "Lands, mines, minerals, royalties and other "public property," (an expression which in English law includes personal property as well as real) theretofore belonging to each Province, are, by the 109th and 117th sections, declared to continue to belong to such Province, will, however, being and continuing to be in Her Majesty's name, but having long before, by express recognizance or tacit argument, become to all intents and purposes the property of the Provinces to be used and administered by the Provincial authorities, for the use and advantage of the Provinces, so that such property, in the view of the Imperial Parliament, "belonged" to the Provinces before the passing of the British North America Act. Such was the right of the Provinces, not only with

regard to lands which had never been the subject of grant by the Crown, but to lands also which had been sold by the Crown, but not patented; and to lands which had once been granted, but had subsequently been surrendered for Provincial use, and to lands in respect to which Her Majesty had any sort of right or interest in trust for the Provinces. The lands and other public property thus undoubtedly belonging to the Provinces amount to many thousand times more in extent and value than all the escheated and forfeited property which will come into existence in half a century.

Now escheat is one of the few remaining incidents of the feudal tenure, and arose under the old feudal system *per defectum sanguinis* from the want of a tenant to perform the services to the Lord of whom the land was held or *per defectum tenentis* by corruption of blood by attainder, the escheat was not to the Crown unless the Crown happened to be also the lord of whom the land was held; and many of the lands in England were held of mesne lords, and not of the Crown.

This right of escheat was called by the old writers a species of reversion.

All the lands in Ontario are held of the Crown, and not of a mesne lord, and the Crown retains in them (though limited by modern legislation) this right of escheat.

On ordinary principles of construction the right so retained must be taken to have been included, and was included, like a reversion after a grant heretofore made for life or years, in the general words of the 109th and 117th sections of the British North America Act. It is impossible to suppose (and nobody does, in fact, suppose) that the Imperial Parliament meant to except such a right from the operation of these sections, and what Parliament must be taken to have meant, is the test of what any enactment legally signifies.

The doctrine of the Report would deprive all the Maritime Provinces of *maritima incrementa*, and of lands become *derelict* by the sudden desertion of the sea. These belong to the Queen by her prerogative, but, under our system of Confederation, the trust would surely be for the Provinces, and not for the Dominion; and if the trust is for the Provinces, the Provinces have a right to legislate and deal with such lands to the same extent, and in the same way, as they deal with other Crown lands which belong to the Provinces.

The undersigned agrees with the report that the Ontario Act cannot apply, nor was it designed to apply, to Indian lands or Ordnance lands. These lands were expressly reserved by the British North America Act to the Dominion; and while they remain ungranted they cannot possibly be liable to escheat or forfeiture.

3. Were the considerations thus advanced less conclusive than they are, an additional argument might be drawn for the Provincial claim, from the position of the Provinces with reference to the administration of justice.

The Confederation Act assigns to the Provincial Legislatures power to make laws in relation to the "Administration of justice in the Province, including the constitution, maintenance and organization of Provincial Courts, both of civil and criminal jurisdiction, and including procedure in civil matters in those Courts." But it has always been presumed that the Provinces not only have jurisdiction to make laws in relation to the administration of justice, but that on the Provinces, under Confederation, is imposed the executive duty, which the Provinces had before, of administering justice in the Queen's name, and of bearing the expense of such administration, and the Province of Ontario being under this obligation, it has been admitted that the fees payable to the Crown on our legal proceedings since Confederation should of right, and do, belong to the Province; and that the labor of Ontario criminals who do not go to the Dominion Penitentiary should also belong to the Province. Surely the occasional forfeitures which take place for crime may, with equal reason, be construed and implied to go to the Province, as incident to the administration of justice.

It is impossible to draw any appreciable line of distinction; and, if it were possible, there is no just reason or good object for drawing a distinction between the right to the Crown fees, which occur on almost every proceeding, and the profits of criminal labor, on the one hand, and the right to the Crown forfeitures on the other hand.

4. A further argument in favor of the jurisdiction, is to be drawn from the express authority of Provincial Legislatures to make laws in relation to all matters of merely "private and local nature."

5. Public convenience is obviously in favor of such property being dealt with by the Province, where the question arises, and of such property being or becoming the property of the Province for this purpose; and a policy recognizing that convenience would favor all the Provinces equally, and contravene no interest of the Dominion. Even when such cases arise in Ontario they may be far more conveniently dealt with by the Province than by the Executive Authority at Ottawa, but, where such cases occur in the more distant Provinces of the Dominion, say in British Columbia, on the one side, and Prince Edward Island on the other, the conveyance of Provincial instead of Dominion action in dealing with them is too palpable for anybody to question it. Without local officers to attend to such matters, the Dominion interest in them would be a shadow and the duty of investigating and deciding from so great a distance the moral or legal claims of third persons would be costly and often impracticable. It need hardly be observed that, in doubtful questions on the construction of statutes, the argument *ab inconvenienti* is a recognized canon of interpretation. *Argumentum ab inconvenienti, plurimum valet in lege*, indeed Lord Coke laid down the rule more strongly, asserting frequently that *nihil quod est inconveniens est licitum*.

If there were any technical answer to these arguments as to our right, property escheated or forfeited after Confederation would be a *casus omissus*; would be a class of property not thought of when the Act was framed, and, therefore, not provided for; and, in dealing fairly and honestly with the Act, such property should, in that case as matter of mutual agreement and just obligation, be treated by all parties as it may be presumed that the Act would have provided, had the case been present to the minds of those who settled or accepted the Act as our constitutional charter.

The Report of the Deputy Minister of Justice makes several objections to the Act in question, and the undersigned will now remark on those. One objection is that the Act is in conflict with the Dominion Statute, which confines forfeiture of lands to the life of the convict. This objection seems to refer to the third section of the Ontario Act, which provides for the granting of escheated and forfeited lands; but the fact is overlooked that the third section refers to lands escheated for want of heirs, as well as to lands escheated or forfeited for crime, and does not assume, as the Deputy Minister of Justice seems to do, that the estate to be granted is necessarily a fee, or more than a life estate; but, on the contrary, provides for any interest being granted. The section must be read, *reddendo singula singulis*.

The Report of the Deputy Minister of Justice objects to the provision which authorizes the Lieutenant Governor in Council to transfer escheated or forfeited property to any one or more of the family of the person to whom the same had belonged, the report suggesting that this provision is, in effect, giving to the Lieutenant Governor the power to exercise an attribute of pardon on the prerogative of mercy. The undersigned has already mentioned that the enactment corresponds with an Imperial enactment which has for many years been in force in England, and the objection to its adoption by the Legislature of Ontario may be answered by a reference to social consideration.

1. So far as regards the "legal" claims to which the Act refers, the right of the Crown or public in forfeited property is subject to such claims independently of the Act; and, as to the "moral" claims, to which, also, the Act refers, if the property is ours, we must have the right of dealing with it as we choose.

2. The power contained in the Act is not to give forfeited property back to the criminal, while a pardon, where it affects the property at all, restores it to the criminal, and he may thenceforward dispose of it regardless of all moral claims.

3. Another satisfactory answer may be drawn from those enactments of the Parliament of Canada before Confederation, which gave to municipalities or informers the fines and forfeitures that Parliament imposed for violations of duty. As this parliamentary disposition of fines and forfeitures had often taken place, there can be

nothing unreasonable in holding that other forfeitures continue since Confederation to go to the Provincial Governments.

The argument that the Act enables the party entitled to the forfeiture to forego part of the punishment which the laws had assigned to the offence, would be at least as applicable to the fines which go to municipalities or informers, as to the forfeitures which the Act in question assumes to go to the Provinces; and, if the objection is good at all, it is, beyond all comparison, stronger as applied to the former than as applied to the latter.

The Deputy Minister of Justice thinks that the circumstances of the right to escheats and forfeitures being a prerogative right, affords an argument against the Ontario Act.

The undersigned disputes this notion. The recognized modern doctrine is, that all prerogative rights are trusts for the benefit of the people; and it is easy to demonstrate that, far more of what is prerogative falls within the acknowledged authority of the Provinces than within the authority assigned to the Dominion, and that many prerogative duties and rights devolve upon the Lieutenant-Governor, not by the express terms of "The British North America Act," but from the nature of the office which he holds. Thus, grants from Provincial Governments continue of necessity to be made in the Queen's name; and all proceedings in the Provinces for the administration of Justice, which, before Confederation, were in the Queen's name, continue of necessity to be in the Queen's name still.

In practice the Provincial Statutes also are expressed to be by Her Majesty, with the advice and consent of the Legislative Assembly; and the Lieutenant-Governor, before proroguing Parliament, assents, in the Queen's name, to the Bills which have been passed. If one thing more than another is matter of prerogative, it is the administration of justice. The Sovereign is said, by legal and constitutional writers, to be the "fountain of justice," and to have an "inherent right" inseparable from the Crown, to distribute "justice" amongst His or Her subjects. So it is said to be the Sovereign prerogative "to see to the execution of the laws;" and by the 9th Section of the Confederation Act "the Executive Government and authority of and over Canada is declared to continue and be vested in the Queen." This plainly includes the Executive Government and authority of the Province as well as of the Dominion; the executive authority under the Act being executed partly by the Governor General, and partly by the Lieutenant-Governors. When the British North America Act commences to set out the provisional constitutions, the first subject treated of is under the head of "Executive Power." The Lieutenant-Governor, or any one discharging the duty of the Lieutenant Governor, is called in the 62nd Section "the Chief Executive Officer;" the 63rd Section provides for an "Executive Council" in Ontario and Quebec, the 64th Section declares that "the constitution of the Executive authority in Nova Scotia and New Brunswick shall, subject to the provisions of the Act, continue as it existed at the Union, until altered under the authority of the Act;" the 65th Section provides that, all powers, authorities and functions which, under any Imperial or Provincial Act were, at the Union, "vested in, or exercisable by the respective Governors or Lieutenant Governors" shall, as far as the same are capable of being exercised after the Union, in relation to the Governments of Ontario and Quebec, respectively, be vested in and exercised by the Lieutenant-Governors under the new system; and by the 82nd Section it is directed that the Lieutenant-Governors of Ontario and Quebec shall, "from time to time, in the Queen's name, * * * summon and call together the Legislative Assembly of the Province." The Act gives no full enumeration or general statement of the duties of the Lieutenant-Governor. To a large extent his duties and authorities are left to be implied and inferred from his character as Lieutenant-Governor or "Chief Executive Officer," and from the known constitutional rights and duties, theretofore, belonging to the office of a Lieutenant-Governor, so far as relates to the Government and Legislation of the Provinces.

A further illustration of the same argument may be drawn from other consider-

ations. Thus, the soil in our local Roads is vested in the Queen, so also is the bed of our navigable streams and rivers. Nobody has hitherto gainsaid our right to legislate for changing our roads and disposing of those which we abandon; or for building bridges, or authorizing ferries to cross the rivers and streams of the Province, though we thus deal with what are technically matters of prerogative. Military roads alone are the property of Canada (3rd Schedule); and the only ferries with which the Dominion has to do are "ferries between said Province and any British or foreign country or between two Provinces."

So, also another prerogative of the Sovereign, according to English law, is the care of the persons and property of minors, lunatics and idiots; it has not hitherto been doubted (and the undersigned apprehends there is no reason for doubting), that Provincial Legislatures have their property under their control; and since Confederation various provincial Acts have from time to time been passed with respect to them, which the Dominion authorities never questioned on this ground, and which our Courts have recognized and acted upon as valued laws. There is nothing in the "British North America Act" devolving this prerogative upon the Governor or Legislature of the Province, unless it is to be found in some of those general provisions which the undersigned has already quoted.

These considerations show that there is no reason for presuming against a claim of the Provinces, though the subject may be what is technically, matter of prerogative, and has not been expressly assigned to the Lieutenant Governors.

The undersigned may add, that on coming into office he found that the Governments of the late Mr. Sandfield Macdonald and Mr. Blake had regarded escheated and forfeited property as belonging to the Province, and as within provincial jurisdiction, and had acted on that view.

The Surrogate Court here, and the Court of Chancery also, have assumed the jurisdiction to be provincial, and acted accordingly.

It thus appears that the jurisdiction of a Provincial Legislature and Executive to deal with such matters rests on the strongest grounds, and that none of the objections suggested to the Act are sustainable; and the undersigned has considerable confidence that the Minister of Justice and his Deputy will on consideration coincide in this conclusion.

If, in view of the whole matter, the Minister of Justice is not prepared at present to yield to the argument of strict constitutional or legal right in the Provinces, the undersigned cannot doubt that he will think it both expedient and just to recommend to the Dominion Parliament to pass at its present Session an Act confirming what has been done in Ontario; and, either expressly giving escheated and forfeited property to the Provinces, or distinctly recognizing by a declaratory enactment their right to such property, unless he should be content with advising non-interference by the Dominion authorities. Any such course would be in accordance with much that has been done in dealing with Provincial legislation hitherto. By a report of the Minister of Justice to the Privy Council, dated 8th June, 1868, printed in the Ontario Sessional Papers (Vol. 1, No. 19), it was justly laid down to be "of importance that the course of Local Legislation should be interfered with as little as possible, and the power (of disallowance) exercised with great caution, and only in cases where the law and general interests of the Dominion imperatively required it."

In the same report it was recommended "that where a measure is considered only partially defective, or where objectionable as being prejudicial to the general interests of the Dominion, or as clashing with its legislation, communication should be had with the Provincial Government with respect to such measure, and that in such case the Act should not be disallowed, if the general interests permit such a course, until the Local Government has an opportunity of considering and discussing the objections taken, and the Local Legislature has also an opportunity of remedying the defects found to exist." The same Minister, in accordance with the principles he so enunciated, declined on various grounds, recommending the disallow-

ance of several Provincial Statutes containing provisions which he regarded as *ultra vires*: Sometimes recommending confirmatory legislation to be submitted to the Dominion Parliament, and sometimes leaving to the Courts to decide the question of the validity if it should ever be raised.

All which is respectfully submitted.

(Signed) O. MOWAT.

17th February, 1875.

Mr. Assistant-Secretary Eckhart to the Secretary of State of Canada.

TORONTO, 3rd June, 1876.

SIR,—I am directed to acknowledge the receipt of your despatch of 22nd ultimo., together with a copy of an Order of His Excellency the Governor General in Council on the subject of the Act of the Legislature of this Province respecting Escheats and Forfeitures, and the correspondence in reference to that Act.

I am further directed to intimate that the Honorable the Attorney General has been instructed to make such preliminary arrangements as are required to be made in order to have the contention of the Province with reference to the questions mentioned in the report of the Committee of Council supported before the Supreme Court by counsel for the Province.

I have, &c.,

(Signed) J. R. ECKHART,
Assistant-Secretary.

The Honorable
The Secretary of State for Canada,
Ottawa.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 1st April, 1875.

The Committee have had under consideration the Report hereunto annexed from the Hon. the Minister of Justice, having reference to an Act passed by the Legislature of the Province of Ontario on the 24th March, 1874, intituled: "An Act respecting Escheats and Forfeitures." and for the reasons therein given they advise that the said Act be disallowed, and that a copy of the said report be transmitted by the Secretary of State for the information of the Government of Ontario.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,

OTTAWA, 26th March, 1875.

The undersigned has had under consideration the Report of the Executive Council of the Province of Ontario, upon the report of the Attorney General of that Province, on the Act. passed on the 24th March, 1874, respecting Escheats and forfeitures.

The report of the Attorney General differs with the view expressed in the Order of the Privy Council of the 27th November, 1874, and affirms:—

1. That the Act in question is not *ultra vires*, but is entirely within the authority of the Legislature to pass; and,

2. That if this is not clear the proper course will appear to be confirmatory legislation on the part of the Dominion Parliament, and not the disallowance of the Act, or its enforced repeal.

The undersigned quite concurs with the Attorney General that the matter is important, not as effecting the Exchequer, but as to the principle; and that property escheated or forfeited, whether for crime or for want of heirs, has amounted to but little, and that the Crown has, in Canada, never sought to retain the same for its own benefit or that of the public; but has given it to the parties, who, but for the escheat, would have been entitled thereto.

The course of British usage in this particular, and set forth by the Attorney General in the third page of the Order of the Executive Council, is that which has been strictly followed in Canada.

On all these preliminary subjects, the undersigned is quite in accord with the views expressed by the Executive Council.

With reference, however, to the paragraphs which refer to the right of property and the jurisdiction to legislate respecting it, the undersigned has the honor to remark as follows:

As to the first paragraph; this suggests:

1. That all property which was in the Queen's name prior to Confederation, belongs to the Provinces; and,

2. That all rights of the Provinces as they existed before Confederation, have by the Confederation Act been divided between the Dominion and the Provinces; and that whatever has not been given to the former is retained by the latter.

As to the first point, that is settled by the 108th and 117th Sections, but is apparently thereby confined to property in the Queen's name at the date of the Union.

As to the second point, it is submitted that the view represented is hardly correct; but that, on the contrary, whatever right has not been given to the Provinces is vested in the Dominion. This is peculiarly observable in the 91st and 92nd Sections as to legislation. The former confers powers on the Queen by and with the advice and consent of the House of Commons, in relation to all matters not coming within the classes of subjects by that Act assigned exclusively to the Legislatures of the Provinces; and,

2. It gives exclusive Legislative authority in certain matters by classes; and

3. Provides, in conclusion, that any matter coming within any of the classes of those subjects shall not be deemed to come within the class of matters of a local or private nature assigned exclusively to Provincial Legislatures.

On the other hand, the Legislature, which is defined to consist, as regards Ontario, of the Lieutenant-Governor and of one House, styled "The Legislative Assembly of Ontario," has exclusive legislative competency in relation to matters of which the classes are specially defined.

Therefore, as the undersigned believes, escheats to be a matter of prerogative, and not a question of "property and civil rights," there seems no reason to depart from the view expressed in the Order of the Privy Council, that no prerogative rights of the Crown are vested in the Lieutenant-Governor of a Province, unless under the Confederation Act, and that unless that Act can be found strictly to confer upon the Lieutenant-Governor, or the Legislature of a Province, an express right to deal with any matter of prerogative, such power is not vested in either the one or the other authority.

It may not be out of place here on this point, to quote from the despatch of Her Majesty's Secretary of State for the Colonies, of the 7th January, 1875, to the Governor General, in reference to the sentence passed in Manitoba upon one Lepine. It is as follows:

"The Lieutenant-Governors of the Provinces of the Dominion, however impor-

tant locally their functions may be, are a part of the Colonial administrative staff, and are more immediately responsible to the Governor General in Council. They do not hold commissions from the Crown, and neither in power nor privilege resemble those Governors of Colonies to whom, after special consideration of their personal fitness, the Queen, under the Great Seal, and Her own hand and Signet, delegates portions of her prerogatives, and issues Her own instructions."

It is to be remembered, also, how great a difference exists in reference, not only to the legislative powers of a Parliament or Legislature, but the very distinct difference as to the component parts of each of those bodies.

The Parliament of Canada is defined to consist of the Queen, the Senate and the House of Commons, and the mode of legislation by the Parliament is defined to be that of the Queen by and with the advice and consent of the Senate and House of Commons.

On the other hand, the Legislature of each Province has a different definition. Taking that of Ontario, for instance, it is found to consist of the Lieutenant Governor and of one House styled "The Legislative Assembly of Ontario."

It is true that the Legislatures of the different Provinces in enacting laws have used the terms "Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province" (or, in respect of Ontario, of the Legislative Assembly of Ontario alone), and it may have been thought expedient to adopt that formula; yet, little doubt can be entertained that the same is incorrect; that the enacting party should be, under Section 92, "The Legislature" of the Province, and that a Lieut. Governor has no power to assent to any laws of a Legislature in the Queen's name, inasmuch as the Queen herself has not that power, and cannot, therefore, depute it.

The only instance in which, to the knowledge of the undersigned, there is an express delegation to a Lieut. Governor of privileges of the Crown, is in the commission to the Governor General, the 6th Section of which is thus worded: "And we do further authorize and empower you to exercise, from time to time, as you may judge necessary, all powers lawfully belonging to us, in respect of assembling or proroguing the Senate or the House of Commons of our said Dominion, and of dissolving the said House of Commons, and we do hereby give the like authority to the several Lieutenant Governors for the time being, of the Provinces of our said Dominion, with respect to the Legislative Councils, or the Legislative or General Assemblies of those Provinces respectively."

In practice, the Lieutenant Governor of Ontario appears to have exercised this right, in so far as assembling or dissolving the Legislative Assembly; but in respect to the proroguing, the Journals of that Legislature shew that it is done in the name of the Lieutenant Governor.

These allusions are made as supporting the view already expressed, that the Parliament of Canada, to which the Queen is an actual party by name, and the actual enacting power by and with the advice and consent of the two Houses of Parliament, is the only Legislative power which can operate in matters not left to the Provincial Legislatures; and that the Queen, not being in any way an enacting party or power of such a Legislature Her Majesty's name is improperly used in Provincial Legislation, and even if so used, such user cannot justify any abandonment of prerogative or privilege which is not vested in the Provincial Legislature by the 92nd section.

As to the *second* paragraph, the undersigned repeats that Sections 109 and 117 allude merely to lands and public property belonging to the Provinces at the time of the union, and that if property escheated, whether for want of heirs or for crime, subsequently to the date of Confederation, it cannot be included as lands or property belonging to the Provinces at the time of the Union.

As to lands sold by the Crown prior to Confederation, but not patented, the fee, so to speak, still remains in the Crown for the Provinces; but under the 109th section the Provinces took such lands, subject to the trust of carrying out the sale

whenever the purchaser complied with the terms thereof—similarly as to lands which had once been granted, but which had subsequently been surrendered for Provincial use; and also to lands in respect to which Her Majesty had, on the 1st July, 1867, no sort of right or interest but in trust for the Provinces.

As to the *third* paragraph,—It does not seem to controvert the point that escheat is not within the jurisdiction of a Local Legislature; and as to the *fourth* paragraph, it can hardly be contended that escheat is a matter of a merely private and local nature.

The *fifth* paragraph remarks that public convenience is obviously in favour of such property being dealt with by the Province where the question arises.

This is a question of expediency, and it is very possible that the arguments urged in the Order of the Executive Council are entitled to weight. It cannot, however, affect in any way the question of Legislative competency, which is the one question with which the undersigned proposes to deal.

Upon a reconsideration of the case, the undersigned is unable to arrive at any other conclusion than the following :—

Firstly,—That escheat is a matter of prerogative which is not by the British North America Act, 1867, vested in a Provincial Government or Legislature.

Secondly,—That it is not one of the subjects coming within the enumeration of subjects left exclusively to Provincial Legislatures.

Thirdly,—That a Provincial Legislature, by its very statutable composition, has no power to deal with prerogatives of the Crown.

Fourthly,—That the Lieutenant-Governor has not under the Statute, or by his commission, any power to deal with prerogatives of the Crown; and not being empowered to assent in the Queen's name to any law of a Provincial Legislature, he cannot bind Her Majesty's prerogative rights.

Fifthly,—That the 109th and 117th sections of the British North America Act, 1867, refer only to lands and public property of the several Provinces at the date of the union, subject to the reservations in Section 108, and schedule 3.

Sixthly,—That escheat cannot be dealt with under Section 92, sub-section 5, in respect to the management and sale of the public lands belonging to the Province; or sub-section 13, as to property and civil rights in the Province; or sub-section 16, as being a matter of a merely local or private nature in the Province.

Seventhly,—That forfeiture for want of heirs is virtually escheat, and that forfeiture for crime and corruption of blood is a matter of criminal procedure.

The Report further submits that if in view of the whole matter it is not considered proper at present to yield to the argument of strict constitutional or legal right in the Provinces, the Executive Council cannot doubt that it will be just to recommend to the Dominion Parliament to pass an Act confirming what has been done in Ontario; and either expressly giving escheated and forfeited property to the Provinces or distinctly recognizing by a declaratory enactment their right to such property, or by a non-interference on the part of the Dominion authorities.

The undersigned is not prepared to say whether Parliament can confer on a Provincial Legislature the power to legislate in respect to a matter of Royal Prerogative; or to recognize the right of a Province to Escheated property; nor does he feel justified in suggesting that the Act in question should be allowed to go into operation.

He, therefore, feels it incumbent to advise that the Act of the Legislature of the Province of Ontario, passed on the 24th day of March, 1874, entitled:

“An Act to amend the Law respecting Escheats and Forfeitures” be disallowed by Your Excellency in Council.

(Signed) T. FOURNIER,
Minister of Justice.

GOVERNMENT HOUSE, OTTAWA,
THURSDAY, 1st day of April, 1875.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas, the Lieutenant Governor of the Province of Ontario, with the Legislative Assembly of the said Province did, on the 24th day of March, 1874, pass an Act which has been transmitted, entitled as follows, viz: "An Act to amend the Law respecting Escheats and Forfeitures ;"

And whereas, the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature to pass such Act, and, therefore, recommending that the said Act should not receive the confirmation of the Governor General ;

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of his Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Ontario and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

I, Frederick Temple Hamilton Blackwood, Earl of Dufferin, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Ontario on the 24th day of March, 1874, intituled "An Act to amend the Law respecting Escheats and Forfeitures" was received by me on the 2nd day of April, 1874.

Given under my hand and seal this 1st day of April, 1875.

[L.S.]

(Signed) DUFFERIN.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 19th May, 1876.

The Committee of Council have had under consideration the Report dated 18th May, 1876, from the Hon. the Minister of Justice in which he refers to the several Reports of his predecessors upon the subject of the Act of the Province of Ontario, passed on the 24th March, 1874, intituled "An Act to amend the Act respecting Escheats and Forfeitures," and to the despatches from the Lieutenant-Governor of Ontario with reference to that Act.

The Minister states that differences of opinion having arisen between the two Governments upon the legal questions involved in this correspondence, and the Act referred to having been disallowed as beyond the competence of the Provincial Legislature it appears to him important that these questions should be determined, and that he has reason to believe that the Government of Ontario is prepared to assent to their submission under the 52nd clause of the Supreme and Exchequer Court Act to the Supreme Court for hearing and consideration.

The Minister accordingly recommends that the following questions be referred under the said clause to Supreme Court for hearing and consideration, i.e. :—

1. Whether, since 1st July, 1867, any and which of the following subjects be the property of the Crown for the Province of Ontario, or that of the Crown for the Dominion of Canada.

(a.) Lands in Ontario escheated to the Crown by reason of intestacy without lawful heirs.

(b.) Personal property in Ontario forfeited to the Crown by reason of intestacy and want of kin or other persons entitled to succeed, or—

(c.) Land or personal property in Ontario forfeited to the Crown for treason or felony or for any other cause.

2. Whether in case the escheat or forfeiture took place before 1st July, 1867, the same or different, and if so, what rules apply.

3. Whether the laws relating to any and which of these subjects be within the competence of the Legislature of Ontario.

The Minister further recommends that copy of this minute be transmitted to the Lieutenant-Governor of Ontario, with a view to the necessary preliminary arrangements for the argument.

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

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 25th October, 1876.

The Committee of Council have had under consideration the memorandum, hereunto annexed, from the Honorable the Minister of Justice, having reference to the Order in Council of the 19th May last, upon the subjects of escheats and forfeitures, and to the various reports thereon; and they respectfully recommend that the plan proposed by the Minister, of dealing with the question be approved, and the recommendations submitted in the said memorandum be acted on.

Certified.

(Signed) W. A. HIMSWORTH
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 18th October, 1876.

The undersigned begs to refer to the Order in Council of 19th May, 1876, upon the subject of escheats and forfeitures, and to the various reports upon the same subject. In the report on which that order was founded, the undersigned recommended a reference to the Supreme Court, with the consent of the Province of Ontario, of certain questions, with a view of disposing of the legal point involved.

The undersigned was led to recommend this course, for the following reasons:

1st. With reference to forfeitures for treason, or other like cause, it was, as it is, the opinion of the undersigned that such forfeitures appertain exclusively to Canada.

2nd. With reference to escheats and forfeitures of land and personal property for want of heirs and representatives, although the opinion of the undersigned was adverse to the pretensions of Canada, yet the views entertained by his predecessors on this subject, and the course of action which had been pursued by the Government, seemed to him to render it improper that he should recommend the abandonment of the position, theretofore, taken without a solemn, judicial decision. The undersigned was not insensible of some inconvenience which might arise from the presentation of

the question in the manner proposed, but it seemed, at that time, to be, upon the whole, the best mode of reaching a solution. Since that time, however, a judgment, which had been obtained in the Superior Court of Quebec, in favour of the rights of Canada has been appealed, and by the unanimous judgment of the Court of Queen's Bench, Appeal side, of Quebec, composed of Mr. Chief Justice Dorion, Mr. Justice Monck, Mr. Justice Ramsay, Mr. Justice Sanborn and Mr. Justice Tessier, reversed.

The undersigned refers to a copy of this judgment, which he appends to this report. It appears to the undersigned that the more correct mode of obtaining the decision of the Supreme Court would be by prosecuting an appeal from that judgment; but independent of a question which arises as to the practicability of appealing, the undersigned is disposed to attach much weight to the unanimous judgment to which he has referred, and he is of opinion that it has so altered the circumstances as to render proper the adoption of a different course by the Government of Canada.

The undersigned has reason to believe that the Government of Ontario is prepared to assent to the plan which he is about to propose. The undersigned recommends that the Order in Council of 19th May be rescinded, and—

1. That for the future unless there should be a judicial decision overruling that to which he has referred the Government should act upon the assumption that lands and personal property in any Province escheated or forfeited by reason of intestacy without lawful heirs or next of kin, or other persons entitled to succeed, are subjects appertaining to the Province, and within its legislative competence, and that the Government of Canada should decline to interfere in such matters.

2. That for the future as in the past, unless there should be a judicial decision establishing the contrary view, the Government of Canada should act upon the assumption that lands and personal property forfeited to the Crown for treason, felony or other like cause, are subjects appertaining to Canada and within its legislative competence.

3. That in pursuance of this policy the Government should leave to their operation Provincial statutes otherwise unobjectionable, dealing with the first of these subjects, but should disallow Provincial statutes dealing with the second of them.

The undersigned recommends that a copy of the Order in Council based on this report be transmitted to the Lieutenant-Governors of the several Provinces; and that the various persons who have applied to the Government of Canada to act in matters arising out of the first of these subjects, should be informed that having regard to the judicial decision referred to the Government declines to interfere.

(Signed)

EDWARD BLAKE.

COURT OF QUEEN'S BENCH.

CANADA, Province of Quebec, District of Quebec.	}	(Appeal Side).
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Quebec, Friday the eighth day of September, one thousand eight hundred and seventy-six.

Present :

The Honorable A. A. DORION, Chief Justice.

“	Mr. Justice MONCK
“	“ RAMSAY
“	“ SANBORN
“	“ TESSIER

No. 67.

The Attorney General for the Province of Quebec, (Plaintiff in the Court below),

Appellant, and Damase Caron, of the Parish of St. Patrice de la Rivière du Loup, Burgess, (Defendant in the Court below), and the Attorney-General for the Dominion of Canada, (Intervening party in the Court below,) Respondent.

The Court of Our Lady the Queen now here, having heard the Appellant and Respondent, by their Counsel respectively, examined as well the record and proceedings had in the Court below as the reasons of appeal filed by the Appellant, and the answers thereto and mature deliberation on the whole being had; considering that by the admissions of the parties to the issue raised upon the intervention filed by the Hon. Attorney General for the Dominion of Canada, acting in this behalf for Her Majesty the Queen, that the late Edward Fraser whose estate is claimed by the Hon. Attorney General for the Province of Quebec, acting also in this behalf for Her Majesty, the Queen, died at Rivière du Loup, in the Province of Quebec, about the second day of February, one thousand eight hundred and seventy-four, without heirs and intestate, and according to the pretensions of both parties, he left an estate which hath escheated to the Crown. And considering this is one of the sources of revenue which, as a minor prerogation of the Crown, was yielded up to the respective Provinces now confederated into the Dominion of Canada, prior to the Union of the Provinces of Canada, Nova Scotia and New Brunswick, and that such escheat prior to the said Union formed part of the revenues of respective Provinces where they arose.

And considering that by the British North America Act of 1867 such revenues as were subject to the appropriation of the respective Legislatures of Canada, Nova Scotia and New Brunswick, and which are revised by the several Provinces since the Union, in accordance with the special powers conferred upon them by that Act belong to said Provinces. And considering as having jurisdiction over the law of descents by virtue of its Jurisdiction over property and civil rights in the Province under said Act, the Legislature of the Province of Quebec is invested with power to appropriate this casual revenue to itself.

And considering that amongst other things, it is declared by the said British North America Act of 1867, that all royalties belonging to the several Provinces of Canada, Nova Scotia and New Brunswick, at the union, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, in which the same are situated or arise, and that escheats such as the one in question are royalties.

And considering that such estate is composed of real as well as personal property, and that all territorial Crown rights and privileges possessed by the late Provinces of Canada, Nova Scotia, and New Brunswick, before the union thereof into the Dominion of Canada, have been at the Union given to the several Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, and the law of escheats by reason of want of heirs is of feudal origin, and cognate with the law of tenures.

And considering that by the general tenor of the Act of union and the division of assets and revenues, it is manifest that a casual local revenue like the one in question was intended to be left to the local Province.

And, therefore, considering that there is error in the judgment rendered in this cause in the Superior Court at Kamouraska, in the 29th day of January, 1876, and now in appeal in maintaining the intervention of the Hon. the Attorney-General for the Dominion of Canada claiming said estate of the said late Edward Fraser as belonging to the Dominion of Canada, and not the Province of Quebec, doth reverse the said judgment, and proceeding to render the judgment which the Court below ought to have rendered, doth maintain the appeal of the Attorney-General for the Province of Quebec in this cause, and doth reject the petition in intervention of said Attorney-General for the Dominion of Canada.

And it is further ordered that the record be remitted to the Superior Court at Kamouraska.

A true copy.
(Signed) F. LANGELIER.

Mr. Assistant-Secretary Eckhart to the Secretary of State of Canada.

TORONTO, 2nd December, 1876.

SIR,—I am directed to transmit to you, herewith, a copy of an Order of His Honor the Lieutenant Governor in Council and of the report of the Honorable the Attorney General therein referred to, on the subject of escheats and forfeitures and to request that the same may be laid before His Excellency the Governor General for the information of his Government.

I have, &c.,

(Signed) J. C. ECKHART,
Assistant-Secretary.

The Honorable the Secretary of State,
Ottawa.

Copy of an Order in Council approved by His Honor the Lieutenant Governor the 24th day of November, A. D. 1876.

The Committee of Council have had under consideration the annexed report of the Honorable the Attorney General, having reference to an Order of His Excellency the Governor General in Council, dated the 25th October, 1876, upon the subject of escheats and forfeitures, and the Committee advise that the said report of the Attorney General be approved of by your Honor.

Certified.

(Signed) J. G. SCOTT,
Clerk Executive Council, Ontario.

26th November, 1876.

Report of Mr. Attorney-General Mowat.

TORONTO, 18th November, 1876.

With reference to an Order of His Excellency the Governor General in Council, dated 15th October, 1876, on the subject of escheats and forfeitures, a copy whereof has been transmitted to this Government, the undersigned has the honor to report as follows:—

That the report of the Minister of Justice upon which the said Order is founded, refers to a recent decision of the Court of Queen's Bench (Appeal side) of Quebec, affirming the right of that Province to escheats within Quebec, and contains, amongst others, the following recommendations:—

1. That for the future, unless there should be a judicial decision overruling that to which he has referred, the Government of Canada should act upon the assumption that lands and personal property in any Province escheated or forfeited by reason of intestacy without lawful heirs or next of kin, or other persons entitled to succeed are subjects appertaining to the Province, and within its legislative competence; and that the Government of Canada should decline to interfere in such matters.

2. That for the future, as in the past, unless there should be a judicial decision establishing the contrary view, the Government of Canada should Act upon the assumption that lands and personal property forfeited to the Crown for treason, felony or other like cause, are subjects appertaining to Canada and within its legislative competence.

That the recommendations of the Minister of Justice were approved by the said Order in Council, and now constitute the rule by which the Government of the Dominion will be guided in dealing with escheats and forfeitures.

The undersigned has already, in former reports, fully treated of the matters in dispute between this Government and the Dominion with reference to this subject, and he is of opinion that the plan of action adopted by the said Order, as, upon the whole, a fair settlement of the matters in dispute, and he, therefore, recommends that, until a judicial decision be given establishing the contrary to be the law, this Government acts upon the assumptions adopted by the said Order in Council for the guidance of the Dominion Government hereinbefore fully set out.

(Signed) O. MOWAT.

The Honorable
The Provincial Secretary.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 25th October, 1876.

The Committee of Council have had under consideration the report, hereunto annexed, dated 16th of October, 1876, from the Honorable the Minister of Justice, have reference to the Acts of the Legislature of New Brunswick, passed in the year 1876 (39th Victoria); and they concur in the recommendations contained in said report, and submit the same for Your Excellency's approval.

Certified.

(Signed) W. A. HIMSWORTH
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 16th October, 1876.

With reference to the Acts of the Legislature of New Brunswick, passed in the year 1876 (39th Victoria), the undersigned begs to report as follows:—

He recommends that the following Acts be left to their operation, namely;—
Chapters 1 to 50 inclusive, Chapters 53 to 62 inclusive, and Chapters 64, 65, 66, 67 and 68.

Chapter 51, "An Act to incorporate the New Brunswick Red Granite Company (Limited.)"

Chapter 50.—"An Act to incorporate the Lepreaux Red Granite and Freestone Company."

These Acts contain provisions similar to those contained in Chapters 116, 118 and 133 of the Acts of the former Session, the observations upon which are applicable to these Acts.

Chapter 63.—"An Act to incorporate the Pollit River Log-Driving Company."

The undersigned refers to his observations already made upon similar Acts passed in the previous Session of the Legislature of the Province.

The undersigned recommends that the attention of the Lieutenant-Governor be called to these Acts, but that they be left to their operation.

(Signed) EDWARD BLAKE.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 25th October, 1876.]

The Committee of Council have had under consideration the report hereunto annexed, dated 18th October, 1876, from the Honorable the Minister of Justice, upon

the Statutes of the Legislature of the Province of Manitoba, 39 Victoria (1876), and they concur in the recommendations and suggestions contained in said report, and submit the same for Your Excellency's approval.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 18th October, 1876.

Upon the statutes of the Legislature of Manitoba, 39 Victoria, (1876) the undersigned begs to report as follows, viz.:

The undersigned does not recommend that the power of disallowance be exercised with reference to the following Acts:—

Chapters 2, 4, 6, 13 to 29 both inclusive.

With reference to Chapter 1, "An Act to amend the School Acts of Manitoba, so as to meet the special requirements of incorporated Cities and Towns."

Section 35.—The provision in this section with reference to indecent behaviour, may trench upon the criminal law. This, however, the same as is contained in an Act of another Provincial Legislature not objected to, and the undersigned does not recommend any interference with the clause.

Chapter 3 "An Act respecting Jurors and Juries."

Many of the provisions of this Act appear to trench upon criminal procedure, but it is to be observed that an Act substantially the same, passed by the Legislature of Quebec in the year 1869, was left to its operation, being reported as free from objection, and that the Criminal Procedure Act of Canada, 1869, Section 44, passed apparently with a view to confirm the provisions of the Quebec Act, is general in its terms, and removes many of the doubts which might otherwise be entertained as to the Act in question. However, the latter contains certain provisions with reference to the selection of French and English speaking jurors, upon which subject special provision is made by the 40th Section of the Canada Criminal Procedure Act for the Province of Quebec only, and in this, as well as in the some other particulars, it may be proper to consider whether confirmatory legislation should not be had.

Chapter 5.—"An Act to provide for the appointment of a Fire Commissioner for the Cities and Towns in Manitoba, and to define his powers and duties."

Section 9 appears to trench upon criminal procedure, and the attention of the Lieutenant-Governor should be called to the difficulty.

Chapter 7.—"An Act to make better provision for the securing of order at municipal elections and for other purposes."

Sections 1, 2, 4 and 5 appear to trench upon Criminal Law and Procedure, but similar provisions have been left to their operation in other cases, and the undersigned merely recommends that the attention of the Lieutenant Governor should be called to them.

Chapter 8.—"An Act to provide for the Incorporation of Mutual Fire Insurance Companies in the Province of Manitoba."

This act does not, as clearly as might be wished in terms, confine the business within the range permissible to Provincial companies, and, though the implication from the various provisions is, perhaps, sufficiently strong, yet it might be better that express language should be used limiting the business to a Provincial business.

Section 71.—This section applies the previous section to every Fire Insurance Company, by whatever authority incorporated, and now, or at any time hereafter, transacting Fire Insurance business in the Province.

The previous section requires companies affected by it to give very full returns of various matters affecting its business, and, further, when required to make prompt

and explicit answer in reply to any enquiries in relation to its transactions which may be required by the Lieutenant-Governor in Council.

The undersigned submits for the consideration of Council how far it is proper that the Companies incorporated under the authority of the Legislature of Canada, should be subjected to these regulations; and he recommends that the attention of the Lieutenant Governor should be called to this point.

Section 72.—This appears objectionable, as being in effect a provision for a declaration of the Insolvency of the company and for the winding up of its affairs. The attention of the Lieutenant Governor should be directed to the Act with a view to its amendment during the ensuing Session before the time for disallowance is reached.

Chapter 9.—“An Act respecting the Public Works of Manitoba.”

Section 8 places under the Provincial Department of Public Works, amongst other things, works for improving the navigation of any water, and other similar subjects. It excludes, however, such as may be under the control of the Dominion Government, and this phrase, though not strictly accurate, probably obviates the necessity of objection to the clause.

Section 31 provides that, whenever it is ascertained that there exists or has been constructed across any river, &c., any boom, mill-dam, embankment or obstruction, obstructing the navigation of the river, the Minister shall have power to stop the obstruction.

It would be well that this power should be so limited as not to trench upon the authority of Canada.

The undersigned suggests that the attention of the Lieutenant Governor should be called to the section in this view.

Chapter 10.—“An Act concerning the opening of certain public roads.”

The undersigned defers for the present his report on this Act.

Chapter 11.—“An Act respecting the Bureau of Agriculture and Statistics.”

This Act creates a Bureau of Statistics.

Observation has been made on former occasions upon the infringement by Provincial Legislation on the subject of Statistics, but that infringement having been repeatedly permitted, the undersigned recommends that the same course should be pursued on this occasion.

Chapter 12.—“An Act respecting the Legislative Assembly.”

The undersigned appends a copy of his report upon a similar Act recently passed by the Legislature of Ontario, which report is applicable to the Statute now under consideration.

(Signed) EDWARD BLAKE.

— — —
Ontario Statute.

Chapter 9.—“An Act respecting the Legislative Assembly.”

This Act contains various clauses conferring privileges upon the Assembly and its members.

The exact range of the powers of Local Legislatures, in this particular, has been the subject of discussion in more than one case.

Besides other clauses open to question, the 11th Section provides that the Assembly shall have all the rights and privileges of a Court of Record for the purpose of summarily enquiring into and punishing, as breaches of privilege, or as contempt of Court, (without prejudice to the liability of the offenders to prosecution and punishment, criminally or otherwise, according to law, independently of the Act) several acts, matters and things: amongst them are assaults on Members of the Assembly, not merely during the Session, but also for twenty days before and after the same; giving false evidence before the Assembly or a Committee thereof;

presenting to the Assembly forged or falsified documents with an intent to deceive; forging, falsifying or unlawfully altering papers, and certain other matter which appear to be clearly within the Criminal Law. The section declares that the Assembly possesses the power and jurisdiction to provide by statute as may be necessary or expedient for enquiring into, judging and pronouncing upon the commission or doing of any such acts, matters or things, and awarding and carrying into execution the punishment thereof provided by the Act. The 12th Section provides that any person guilty, shall be liable, in addition to any other penalty or punishment to which he is by law subject, to imprisonment for such time during the Session of the Legislative Assembly then being held, as may be determined by the Legislative Assembly.

The 13th Section provides that if any person is declared to be guilty of contempt for any of the acts, matters and things in Section 11 set forth, is directed to be taken into custody or to be imprisoned, the Speaker shall issue his warrant to the Sergeant-at-Arms attending the House, or to the Keeper or Governor of the common gaol in the County of York, to take such person into custody and to keep and detain him in custody in accordance with the order of the Assembly.

The 14th Section declares that the determination of the Assembly upon any proceeding under the Act within the authority of the Province shall be final and conclusive.

It appears to the undersigned that several of these provisions are open to very serious question as being *ultra vires* of a Local Legislature, but almost all of them are contained in an Act of the Legislature of Quebec, upon the same subject which was left to its operation. There are, indeed, some new provisions, but it would not be advisable upon the principle upon which the Quebec Act was allowed to advise the disallowance of this Act by reason of the insertion of these provisions, and the undersigned feels bound to recommend that, following the precedent referred to, the Act should be left to its operation; it being quite possible for those who may object to its constitutionality to raise their objections in the Courts.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 9th November, 1876.

On the recommendation of the Honorable the Minister of Justice, and for the reasons stated in his report, dated 4th November, 1876, the Committee advise that the power of disallowance be not exercised with reference to chapter 10 of the Acts of the Legislature of Manitoba, 39 Victoria, 1876, intituled: "An Act concerning the opening of certain public roads."

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 4th November, 1876.

With reference to Chapter 10 of the Acts of the Legislature of Manitoba, 39 Victoria, 1876, intituled: "An Act concerning the opening of certain public roads," the undersigned begs to report that this Act concerns the opening of certain public roads and provides for the opening of roads between the surveyed townships and any great highways, or any great rivers.

The undersigned has caused inquiry to be made of the Minister of the Interior, as to whether there is, in his opinion, any objection to leaving this Statute to its

operation. The opinion of the Minister is, that there is no such objection, and the undersigned recommends that the power of disallowance be not exercised.

(Signed) EDWARD BLAKE,
Minister of Justice.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 16th November, 1876.

The Committee of Council have had under consideration the Report dated 13th November, 1876, from the Hon. the Minister of Justice, with reference to the Statutes of the Legislature of the Province of Nova Scotia, passed in the year 1876, 39th Victoria, and they concur in the observations and suggestions therein submitted, and recommend that the same be approved and acted on.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council

DEPARTMENT OF JUSTICE,
OTTAWA, 13th November, 1876.

With reference to the Statutes of the Legislature of Nova Scotia, passed in the year 1876, 39th Victoria, the undersigned begs to report as follows:—

Chapters 2 to 21, inclusive, 23, 25 to 41 inclusive, 44, 45, 46, 47, 48, 50 to 87, inclusive, 89 to 91 inclusive, 93, 94, 95, 96, 97, 98 and 99 do not appear to call for special observation, as for the exercise of the power of disallowance.

Chapter 1—"An Act to alter and amend chapter 75 of the Revised Statutes of Licenses for the sale of Intoxicating Liquors, and the Acts in amendment thereof."

This Act contains some provisions restrictive of the sale of intoxicating liquors. Similar legislation has been in many cases left to its operation, and the same course is recommended on this occasion.

In the Act the word "offence" is several times used to describe breaches of the law. It has been remarked, on former occasions that this word is hardly a proper description of a breach of the Provincial law, being rather descriptive of a Criminal Act.

The attention of the Lieutenant Governor may be directed to the suggestion.

Chapter 22—"An Act respecting the Legislature of Nova Scotia."

By the 2nd section of this Act the Legislative Council of Nova Scotia, and its Committees and members respectively, are given such and the like privileges, immunities and powers as are for the time enjoyed by the Senate of Canada, its Committees and members; and the House of Assembly of Nova Scotia and the Committees and members thereof respectively, are given the like privileges, immunities and powers as are for the time enjoyed by the House of Commons of Canada, and its Committees and members.

The Senate and House of Commons enjoy all the privileges, immunities and powers of the House of Commons of the United Kingdom.

Acts purporting to confer upon the Legislatures of Ontario and Quebec such privileges, immunities and powers were objected to, and in the case of Ontario the Act was disallowed while in that of Quebec it was repealed.

The undersigned begs to refer to the reports upon these Acts, inasmuch as the second section of the Act under consideration professes to give in the case of Nova Scotia the powers which it was decided that the Legislatures of Ontario and Quebec should not assume.

It is true that in the 23rd Section it is provided that nothing in the Act shall be construed to contravene or conflict with any legislation *ultra vires* of the Parliament of Canada, or with any enactment of the Imperial Parliament in force in the Province, but by the 2nd Section there is an express assertion of a right to legislate in excess of what has been decided to be the legislative power of the Province.

The undersigned recommends that the attention of the Lieutenant-Governor should be called to the objection with a view to the repeal of this section before the time within which the Act can be disallowed shall have expired. With reference to the other provisions of this Act, the bulk of them are contained in the Act of the Province of Ontario upon the same subject, which has been left to its operation.

The undersigned refers to his report upon that Act, and for the reasons therein given he does not recommend interference with such of the provisions of this Statute as are therein contained, but he observes amongst the supplementary provisions some to which he is bound to call attention. Among the prohibited matters which are to be deemed infractions of this Act, and which are to be adjudged on and punished by the House is Section 14, Sub-Section 3, the refusal or failure of any member or officer of either House, or other person to obey any rule, order or resolution of such House. Whatever view may be taken of so much of this sub-section as applies to members or officers of the House, it seems obvious that its application to the subject in general would be to put the subject at the mercy of either House, no matter what might be the nature of the rule, order or resolution which it passed.

The last paragraph of the 17th Section provides that all rules of either House not inconsistent with the Act shall have the force of law until altered, amended or repealed by such House.

These provisions give in the opinion of the undersigned objectionable powers to each House, and he recommends that the attention of the Lieutenant-Governor should be called to them with a view to their being repealed before the time within which the question of disallowance may be determined.

Chapter 24.—“An Act to amend Chapter 25 of the Revised Statutes, 4th Series, of the Church of England.”

This Act repeals the Act cited in the title which was a statute containing various provisions for the management of the affairs of members of the Church of England.

The substituted sections are in the main similar to those of the repealed Act but several provisions are introduced, among which are some giving greater powers to the lay members of the Church.

It is to be presumed as well from the constitution of the church as the character of these provisions, that they are based upon and carry out the views of its synod.

With reference to some of them, had the legislation been entirely novel, it might be necessary to consider how far it was proper under our political system to make such enactments, but the circumstances to which the undersigned has referred lead him to the conclusion that this is not a question, which can be fitly raised with reference to this Act, and he recommends that it be left to its operation.

Chapter 42.—“An Act respecting the Lower Chezzetcooke Dyke, in the County of Halifax.”

The 4th Section of this Act uses the term “offence,” the objection to which has already been the subject of remark.

Chapter 43.—“An Act to provide for supplying the town of Dartmouth with water.”

The 21st Section gives power to the Council to make By-laws, &c., amongst other things, to prevent frauds being practiced, and under it the observance of the By-laws, &c., may be enforced by attaching penalties not exceeding forty dollars or three months imprisonment at hard labor in the County Gaol.

The wording of the clause is wide enough to embrace breaches of the Criminal Law, and the power of the Provincial Legislature to inflict a punishment of imprisonment at hard labor may be questioned.

The attention of the Lieutenant Governor should be called to this Section with a view to the amendment of the Act.

Chapter 49.—“An Act to amend the Act to incorporate the Town of Truro.”

Sections 8 and 10.—It may be questioned whether some of the provisions of these sections do not trench upon the Criminal Law and procedure, but the undersigned does not recommend that the Act be disallowed on that ground.

Chapter 88.—“An Act to amend the Act to incorporate the Colchester Lumber Driving and Manufacturing Company.”

The undersigned refers in connection with this Act to his observations made upon the original Act.

Chapter 92.—“An Act to incorporate the Nova Scotia Fishing Company, Limited.”

By this Act certain persons are constituted a body corporate for the purpose of fishing, and for acquiring, equipping and managing boats and vessels and other property, and conducting all necessary business in connection with the same.

There is no provision whatever as to the place or places at which the business is to be carried on, or as to the range of the powers of the Company, which therefore may under the unlimited language of the Act, do a business beyond the range permissible to a Company incorporated under a Provincial Statute.

The attention of the Lieutenant Governor should be called to this objection with a view to the amendment of the Act.

(Signed) EDWARD BLAKE,
Minister of Justice.

Lieutenant-Governor Archibald to the Secretary of State of Canada.

No. 51

GOVERNMENT HOUSE,
HALIFAX, November, 1876.

SIR,—I have the honor to acknowledge the receipt of your despatch, No. ~~2411~~, under date of the 20th instant, transmitting, for the information of my Government, a copy of an order of His Excellency the Governor General in Council, and of the Honorable the Minister of Justice therein referred to, on the subject of the legislation of the Province of Nova Scotia, passed in the year 1876.

In reply, I have the honor to state that I have brought the several objections, taken by the Honorable the Minister of Justice, to the notice of my Cabinet, with a view to such action as may be required in the same.

As regards the expressions and phrases in some of the Acts, which, though considered objectionable by the Minister of Justice, are not assumed to be of sufficient importance to induce him to recommend a disallowance of the Acts containing them. I shall endeavour to prevent the recurrence, in future legislation, of expressions open to the same objections.

In reference to Chapter 22, and to the objections to the second section thereof, which confers certain powers on the Legislative Council, its Committees and Members, and on the Assembly, its Committees and Members, the Honorable the Minister of Justice refers to the report made by him on similar provisions in an Act of Ontario, which he recommended to be disallowed, and in an Act of Quebec which was repealed, as containing the reasons for his objections to the section in question. My Government, being anxious to be informed of the precise grounds and extent of the objections to this legislation, would be glad to be furnished with copies of the reports to which the Minister refers. I shall be obliged, therefore, if you will give directions to have a copy of the same transmitted to me.

I have, &c.,

(Signed) ADAMS G. ARCHIBALD,
Lieutenant-Governor.

The Honorable the Secretary of State,
Ottawa.

Mr. Secretary Scott to Lieutenant-Governor Archibald.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 13th December, 1876.

SIR,—I have the honor to acknowledge the receipt of your despatch, No. 51, of the.....ultimo, and in reference to the request therein contained that you may be furnished, for the information of your Government, with copies of the reports of the Minister of Justice, referred to in my communication of the 10 ult., upon which statutes passed by the Legislatures of Ontario and Quebec, relative to the privileges and immunities of the members of the Legislatures of those Provinces, were said to have been disallowed or repealed, I have to refer you to the return in the Journals of the House of Commons for the year 1870, containing the correspondence with reference to those Acts.

I have to remark that the observations on these Acts were not, as you suppose, made by the present, but by the previous Minister of Justice, and that it has been ascertained, since the date of the report of the Minister of Justice, of which a copy was enclosed to you in my letter of the 20th ult., that the Act of Quebec, which was supposed to have been repealed, was in fact disallowed.

I transmit to you, herewith, in accordance with request, an extract from a report of the Minister of Justice, dated the 13th October last, upon the recent Act of Ontario on a similar subject for the information of your Government.

I have, &c.,

(Signed) R. W. SCOTT.
Secretary of State.

His Honor the Lieutenant-Governor of Nova Scotia,
Halifax.

Extract from a Report of the Hon. the Minister of Justice, dated 13th October, 1876.

Chapter 9.—“An Act respecting the Legislative Assembly.”

This Act contains various clauses conferring privileges upon the Assembly and its members.

The exact range of the powers of Local Legislatures in this particular has been the subject of discussion in more than one case. Besides other clauses open to question the 11th Section provides that the Assembly shall have all the rights and privileges of a Court of Record for the purpose of summarily enquiring into and punishing as breaches of privilege or as contempt of Court (without prejudice to the liability of the offenders to prosecution and punished criminally or otherwise according to law independently of the Act) several acts, matters and things, amongst them are assaults on members of the Assembly not merely during the Session, but also for twenty days before and after the same, giving false evidence before the Assembly, or a Committee there, presenting to the Assembly forged or falsified documents with an intent to deceive, forging, falsifying, unlawfully altering papers and certain other matters which appear to be clearly within the Criminal Law. The section declares that the Assembly possesses the power and jurisdiction to provide by statute, as may be necessary or expedient, for enquiring into, judging and pronouncing upon the commission or doing of any such acts, matters or things, and awarding and carrying into execution the punishments thereof provided by the Act.

The 12th section provides that any person guilty shall be liable, in addition to any other penalty or punishment to which he is by law subject, to imprisonment for such time, during the Session of the Legislative Assembly then being held, as may be determined by the Legislative Assembly.

The 13th Section provides that if any person is declared to be guilty of contempt

for any of the acts, matters and things in Section 11, set forth, is directed to be taken into custody or to be imprisoned, the Speaker shall issue his warrant to the Sergeant-at-Arms attending the House, or to the keeper or governor of the common gaol in County of York, to take such person into custody, and to keep and detain him in the custody in accordance with the order of the Assembly.

The 14th Section declares that the determination of the Assembly upon any proceeding under the Act within the authority of the Province shall be final and conclusive.

It appears to the undersigned that several of these provisions are open to very serious question has been *ultra vires* of a Local Legislature, but almost all of them are contained in an Act of the Legislature of Quebec, upon the same subject, which was left to its operation.

There are, indeed, some new provisions, but it would not be advisable upon the principle upon which the Quebec Act was allowed to advise the disallowance of this Act by reason of the insertion of these provisions, and the undersigned feels bound to recommend that, following the precedent referred to, the Act should be left to its operation, it being quite possible for those who may object to its constitutionality to raise their objections in the Courts.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 21st November, 1876.

The Committee of Council have had under consideration the memorandum hereunto annexed from the Hon. the Minister of Justice having reference to certain Acts passed by the Legislature of the Province of Quebec, and which were the subject of the Order in Council of the 25th October last, and they respectfully advise that for the reasons given in the said memorandum the said Acts be left to their operation.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 20th November, 1876.

With reference to the Minute of Council of 25th October, 1876, upon the subject of certain of the Quebec Statutes, 38 Victoria, 1875, the undersigned begs to report that no communication beyond a formal acknowledgment having been received from the Lieutenant Governor of Quebec, with reference to the observations made in the report of the undersigned approved by the said Minute, a telegram was, on the 15th instant, despatched by the Secretary of State to the Administrator of Quebec, as follows:—

“Please inform me, for information of His Excellency, whether it is proposed, with reference to Order in Council of 25th October, 1876, relative to the Provincial Acts of 1875, to promote amendatory legislation with respect to the Acts objected to, particularly Chapters 79 and 81. Please reply by telegraph.”

To which was received on the next day the following reply:—

“In answer to your telegram of yesterday I beg to state, for the information of His Excellency, that a reply to Order in Council of twenty-fifth of October last, relating to Acts of Province of Quebec passed in 1876, is in course of preparation, and will shortly be forwarded.

“Amendments to chapters 79 and 81 will be proposed and pressed during present Session.”

Thereupon the following telegram was despatched by the Secretary of State to the Administrator:—

“Reply referred to in your telegram to-day, should be forwarded at earliest moment, so that His Excellency may consider it before time for dealing with Act expires. His Excellency trusts reply will be mailed to-morrow.”

And this day has been received a despatch from the Administrator, repeating the information contained in the telegram, that it was the intention of the Government of the Province of Quebec to submit to the Legislature Bills with a view to amending Chapters 79 and 81 of the Acts referred to.

No communication has been made as to the intention of the Government with reference to some other Acts objected to, and the time within which disallowance can take place expires so shortly, that it is necessary to deal at once with the matter.

It would have been more satisfactory had fuller information been conveyed to His Excellency as to the intentions of the Provincial Government with reference to the several Acts objected to, but having regard to the communications which have been received, and to the nature of the objections, the undersigned recommends, in reliance upon the assurances contained in these communications, that the several Acts should be left to their operation.

It is proper to add that, although in the telegraph communication to the Administrator special attention was called to two of the Statutes in consequence of the character of the objections taken to them, these are not the only Acts objected to, and it is hoped that the attention of the Government will be also directed to the other Acts objected to.

The undersigned recommends that the result of this report be communicated to the Lieutenant-Governor of Quebec.

(Signed) EDWARD BLAKE,
Minister of Justice.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 21st November, 1876.

The Committee of Council have had under consideration the report hereunto annexed, dated, 17th November, 1876, from the Hon. the Minister of Justice, with reference to Chapter 60 of the Acts passed by the Legislature of the Province of Quebec, 39 Victoria (1875), intituled: “An Act to incorporate the Patriotic Insurance Company of Canada,” and they concur in the views and recommendations therein submitted, and advise that the same be approved and acted on.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council,

DEPARTMENT OF JUSTICE,
OTTAWA, 17th November, 1876.

With reference to Chapter 60 of the Acts passed by the Legislature of the Province of Quebec, 39 Vict. 1875 the undersigned begs to observe that in his report, dated 22nd September, 1876, in which this Act, among others, was reported upon, he inadvertently omitted to call attention to the use of the word “Canada” in the name of the Company incorporated, namely, “The Patriotic Insurance Company of Canada.”

In a report of the undersigned, dated 16th November, 1875, upon the several Acts of the Legislature of the Province of Ontario, the undersigned commented upon the use of the word "Canada" in the name of "The Canada Fire and Marine Insurance Company," incorporated by Chapter 67 of the Statutes of Ontario, 1874, pointing out that this was of itself indicative of more than Provincial powers, and it appears to him that the word should be applied only to companies incorporated by the Dominion; and by a report of the undersigned, dated 23rd December, 1875, with reference, among others, to an Act amending the Act, Chapter 67, above referred to, the undersigned mentioned that the Attorney General of Ontario was prepared to promote further legislation with a view to substitute some other word for the word "Canada" in the title of the Company incorporated, and by the Act Chapter 91 of the Statutes of Ontario, 39 Vict., 1876, the name of the Company was changed from "The Canadian Fire and Marine Insurance Company" to the Hamilton Fire and Marine Insurance Company.

The undersigned recommends that the attention of the Lieutenant-Governor of the Province of Quebec be called to the use of the word "Canada" in the name of the Company incorporated by Chapter 60 above-mentioned, in order that his Government may consider the propriety of proposing the necessary amendments with a view to substituting some other word therefor, before the period arrives for determining as to whether or not the Act should be disallowed.

(Signed) EDWARD BLAKE,
Minister of Justice.

The Administrator of the Government of Quebec to the Secretary of State of Canada.

GOVERNMENT HOUSE,
QUEBEC, 27th November, 1876.

SIR.—The Government of the Province of Quebec, is prepared to submit to the Legislative, a Bill to amend the Provincial Act 39 Vict., chap. 60, referred to in the order of the Honorable The Privy Council, of the 21st November, instant.

Nevertheless inasmuch as the Act in question relates to a Company who obtained their incorporation by means of a Private Bill, and who might suffer serious inconvenience through the change of name, I would respectfully represent to His Excellency that it would be only right that the Provincial Government should advise this Company of the proposed amendment, in order that the Directors may suggest another name agreeable to them, or themselves petition the Honorable The Privy Council, for the retention of the title of their Company.

The desired amendment will be brought forward during this Session of the Quebec Legislature, unless an order to the contrary issues from the Honorable the Privy Council.

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

(Signed) A. A. DORION,
Administrator.

To the Honorable
The Secretary of State,
Ottawa.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 1st December, 1876.

The Committee have had under consideration the Report hereunto annexed from the Hon. Minister of Justice in reference to a despatch from the Administrator of the Province of Quebec, referring to the Order in Council of the 21st November 1876, objecting to the use of the word "Canada" in the name of the "Patriotic Insurance Company of Canada," incorporated by Chap. 60 of the Quebec Acts 39 Vic., 1875, and they respectfully submit their concurrence in the said Report, and advise that a copy thereof, and of this minute, be transmitted for the information of the Administrator of Quebec.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 30th November 1876.

Upon the despatch of the Administrator of the Province of Quebec of the 27th November instant, referring to the Order in Council of the 21st November, 1876, passed upon the report of the undersigned, with reference to the use of the word "Canada" in the name of the "Patriotic Insurance Company of Canada," incorporated by Chap. 60 of the Quebec Acts, 39 Vic., 1875, the undersigned observes that the Administrator states that the Government of Quebec is disposed to submit a Bill to amend this Act, but adds that, having regard to the fact that the question relates to a Company whose incorporation has been obtained by means of a private Bill, and that great inconvenience might result from a change in the name, it would be proper that the Provincial Government should warn the Company of the proposed amendment in order to permit the Directors to suggest another name which might suit them, or to petition the Privy Council to be allowed to retain their present title.

The Administrator adds that the desired amendment will be proposed during the present Session of the Legislature, unless there be an opposite order of the Privy Council.

The course proposed by the Administrator with reference to the Provincial action appears to be reasonable, but the undersigned thinks it right to point out for his information that the Privy Council having, in the case of a company incorporated in another Province, taken such steps as resulted in the alteration by Provincial Legislation, of a similar title, it would seem impossible for the Council to take a different course upon this occasion.

The natural anxiety entertained by the undersigned to render as little inconvenience as possible the operation of the decisions of Council on these subjects, leads him to refer, for the information of the Administrator, to the course taken in an analogous case.

The Legislature of Ontario, by 38 Vic., ch. 67, 1874, incorporated the "Canada Fire and Marine Insurance Company." The powers given to the Company were considered too extensive, and the Act was, on that ground, objected to by Council.

The name was also objected to on the ground taken in the present case. In consequence of this objection, the Provincial Legislature, by 39th Vic., ch. 91, 1875, provided that on and after the 31st July, 1876, if the Company should continue to do business under the authority of the Local Legislature, its name should be changed to the "Hamilton Fire and Marine Insurance Company." Meantime, those interested in the Company applied in the usual way to the Parliament of Canada for relief, and by 39th Vic., ch. 51, 1876, (that of Canada) the shareholders in that Company were incorporated as a new Company, with extended powers, and under the original name. It will be for the shareholders of the Patriotic Company to consider whether they will follow the course pursued by the Company just referred to.

The undersigned recommends that a copy of this Minute, if approved, be transmitted for the information of the Administrator of the Province of Quebec.

(Signed)

EDWARD BLAKE,
Minister of Justice.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 4th December, 1876.

The Committee have had under consideration the Report, hereunto annexed, dated 19th October, 1876, from the Hon. the Minister of Justice, having reference to certain Statutes therein mentioned, of the Legislature of Quebec, passed in the 39th Victoria, 1875, and they concur in the recommendations and observations contained in said Report, and submit the same for Your Excellency's approval.

Certified.

DEPARTMENT OF JUSTICE,
OTTAWA, 19th October, 1876.

With reference to the following Statutes of the Legislature of Quebec, passed in the 39th Victoria, 1875, the undersigned begs to report:—

Chapter 36.—“An Act for the civil erection of several parishes cut off from the “territory of the old parish of Notre Dame of Montreal.”

This Act recites that the civil erection under Cap. 18 of the Consolidated Statutes for Lower Canada, of the certain parishes named, comprised within the old limits of the Parish of Notre Dame of Montreal, would be very costly, and that it would be very difficult to act in conformity with the said Chapter, and that it is necessary to civilly acknowledge these parishes, and it enacts that certain parishes thereafter described, erected for religious purposes, only by the ecclesiastical authority, with the limits and boundaries assigned to them by the canonical decrees, and declared to be and are recognized as Catholic parishes as fully and to the same effect as if they had been recognized, erected and ratified for all civil purposes under Cap. 18 of the Consolidated Statutes for Lower Canada.

It proceeds to describe the territorial limits of the Parishes.

The 2nd Section is to the same effect as the same section of Chap. 29 of the Statutes of the preceding Session previously reported on by the undersigned.

The 3rd Section provides that each parish so recognized is so, subject to the provisions set forth in the decree of erection which respects the same.

The 4th Section provides that every parish which the ecclesiastical authority may erect for religious purposes, within the limits of the parishes of the ancient territory of Notre Dame of Montreal, already dismembered and civilly recognized, or which are so by the 1st section of the Act, shall be a Catholic parish from and after the insertion in the Quebec official *Gazette* of a notice of the issue of the canonical decree which erects it, and that as fully and with the same effects as if it had been recognized and ratified for all civil purposes under Chapter 18 of the Consolidated Statutes for Lower Canada, subject to the provisions of Section 2 of the Act, and the provisions in the decree of erection which respects the same.

The decree of erection contemplated appears to be that of the Roman Catholic Bishop of the Diocese, and but for the clause under consideration, no such decree would be effective unless based on the petition of a majority of the inhabitants being freeholders, and subsequently ratified by the Civil Commissioners after opportunity given to object.

It is, perhaps, not easy to determine, how far the Local Legislature can delegate its powers. The unbroken chain of precedent since Confederation establishes for the present purpose conclusively a right to delegate extensive powers to municipal bodies.

But it is to be remarked, that the power of legislation upon the subject of municipal institutions is especially given under the British North America Act to the Local Legislatures, and such institutions having been, from the earliest days, invested with large powers, obviously a delegation to them stands on special grounds.

It may then be questioned, how far there is an authority to delegate these powers to other than those which are in their nature municipal, or at any rate representative bodies; and there may also arise, in the case of the delegate in this instance, the question upon the Imperial Statute 14 Geo. III., c. 83, incorporating the Statute of the first of Elizabeth, suggested, but not settled by the Judicial Committee of the Privy Council in arecent case.

The erection of parishes has heretofore been accomplished either under the Consolidated Statute, by the action already referred to, under which the rights of the inhabitants are carefully guarded, or, in special cases where it appeared to the Legislature that there were sufficient reasons for not requiring the procedure authorized by the Statute, decrees already made and of whose propriety the Legislature was in a position to judge, have been ratified by special legislation, presumably, after hearing and with the consent of the parties affected; but the clause in question ratifies in advance without the safeguards provided by the Consolidated Statute any decrees which may be made for the indicated purpose by the local ecclesiastical authority.

It seems, to the undersigned, that it would avoid the questions to which he has referred, and would be more in accordance with the true principles of legislation, that these cases should be dealt with, as heretofore, when they arise, and he suggests that the attention of the Lieutenant Governor should be called to his observations on this section.

Section 5 enacts that meetings for the election of Church Wardens, for the rendering of accounts, and for all matters which require the convening of a parochial meeting, in such parishes, shall be composed of the old and new Church Wardens and of persons elected in conformity with the ordinance of the Bishop, to constitute the board or body of the *fabrique*; provided that, in any case the Church Wardens so elected or the *fabrique* so constituted shall not have power to oblige or bind the parishoners to the payment of debts contracted by the said Church Wardens, or the said *fabriques*, without the previous consent of the said parishoners declared at a general meeting of the parish duly convened after eight days notice.

This section alters the mode of dealing with the temporalities of the church in these parishes, creating a variation from the general system throughout Quebec.

To the difficulties which may arise from such legislation the undersigned has referred in his report, upon chap. 29 of the Acts of the preceding Session, to which he suggests the attention of the Lieut. Governor should be called as applicable to this provision.

The inconvenience may be aggravated here by the fact that the special provision is applied, not merely to known and existing parishes, but to new parishes which may thereafter be created under a canonical decree, and that the mode of procedure, &c., is not known or ascertained but is to be such as the ordinance made in each case may provide.

Chapter 35.—“An Act to amend an Act of this Province 38 Vic., chap. 29.”

This Act recites a certain provision of the Act which it amends relating to meetings of Churchwardens, &c., and the desirability of applying such provisions to all other parishes detached from, or which may hereafter be detached from, the old parish of Notre Dame de Montreal, which are or may hereafter be formed either in whole or in part out of the territory of the said parish of Notre Dame de Montreal, so that the mode of holding the said meetings be uniform throughout such parishes; and it enacts that these provisions shall apply to all parishes which are or may here-

after be formed out of the territory of the old parish of Notre Dame de Montreal, and are recognized as being lawfully binding therein, provided that in any case the Churchwardens so elected, or the *fabriques* so constituted, shall not oblige or bind the parishioners to pay debts contracted by the said Churchwardens or the said *fabriques* without the previous consent of the parishioners, declared at a general parish meeting duly called by a notice of at least eight days.

With reference to these provisions the undersigned refers to the observations made in his report upon the Act amended by that in question, and to those made in his report herewith upon the Act, chapter 36, of the Statutes of the same Session, and he recommends that the attention of the Lieutenant-Governor should be directed to the observations and suggestions made in these reports in so far as they are applicable to this Act.

(Signed) EDWARD BLAKE.

Lieutenant-Governor Hodgson to the Secretary of State of Canada.

PROVINCE OF PRINCE EDWARD ISLAND,
GOVERNMENT HOUSE, 12th May, 1876.

SIR,—I have the honour to transmit herewith for the consideration and approval of His Excellency the Governor General two Acts passed in the late session of the Legislature of this Province; one, entitled "An Act to amend the Land Purchase Act, 1875; the other, entitled "An Act relating to certain Departments of the Public Service." The first named is in triplicate, sealed and certified in the usual manner, and accompanying it are the reasons, in duplicate, assigned by the Attorney-General for its passing; the second is in duplicate, also duly sealed and certified, and, likewise, accompanied with the reasons in duplicate, assigned by that officer for its passing.

The Act amending the Land Purchase Act, 1875, was reserved by me for the signification of His Excellency's pleasure thereon. To the Act relating to certain Departments of the Public Service my assent was given.

I beg respectfully to call His Excellency's attention to the Attorney-General's Report, and to his reasons therein stated, for the passing of the Act amending the Land Purchase Act, 1875, in which I concur, and which appear to me so pertinent and cogent, and I think so clearly show how necessary its provisions are to the effectual working of the Act alluded to, as to call for no particular observations on my part, beyond expressing my hope that it will receive His Excellency's favourable consideration.

The Act relating to certain Public Service Departments, passed with the view of rendering them more efficient, will, I trust, have the desired effect, and claims, in my opinion, His Excellency's favourable consideration.

The Land Commissioners' Court standing adjourned till the 1st day of July next, it is very desirable to know His Excellency's pleasure as regards the Act amending the Land Purchase Act previous to that period.

It will be perceived that the Act relating to the Public Service assented to by me expressly declares that it shall come into operation on the first day of July next, and the complications would be serious if, after the changes contemplated thereby have been carried out, His Excellency should think fit to refuse his assent to it; and, I therefore venture to express a hope that it may be convenient for His Excellency to signify his pleasure in relation to this Act also before the day specified.

I have, &c.,

(Signed)

R. HODGSON,
Lieutenant-Governor.

The Honorable the Secretary of State,
Ottawa.

ATTORNEY GENERAL'S OFFICE,
CHARLOTTETOWN, PRINCE EDWARD ISLAND,
6th May, 1876.

REPORT of Attorney General, setting forth reasons for the passing of the Act to amend
"The Land Purchase Act, 1875."

This Act was passed by the Legislature of this Province last Session for the purpose of removing doubts as to the meaning and construction of some of the provisions of "The Land Purchase Act 1875," and to extend its powers.

By the 28th Section and sub-sections of said Act it is provided that the Commissioners appointed thereunder in estimating the amount of compensation to be paid to a proprietor for his estate, should take into consideration the price at which other proprietors had heretofore sold their lands to the Government, the number of acres under lease, the length of leases, the rent reserved, the arrears, the years over which they extend, and the probability of their being recovered, the number of acres unleased and their value, the gross rental actually paid for the previous six years with the expenses incident to their collection, the number of acres held adversely, the reasonable probabilities of the proprietor sustaining his claim against squatters and the expenses attending thereon, the performance or non-performance of the conditions in the original grants from the Crown, the effect of such non-performance, and how far the several despatches from the English Colonial Secretaries to the Lieutenant Governor of this Island or other action of the Crown or Government have operated as waivers of any forfeitures, the quit rents reserved in the original grants and how far the payments of the same have been waived or remitted by the Crown.

Proceedings have been taken in many cases under "The Land Purchase Act 1875," by the Commissioner of Public Lands for the purchase of the estates of proprietors, and awards have been made by the Commissioners appointed to adjudicate thereon. The awards made in those cases adjudicated upon by the Commissioners of whom the Right Honorable Hugh Culling Eardly Childers was Chairman, were on the face of them silent as to the matters set forth in the Section 28 and its sub-sections, although, in fact, they were as fully investigated and enquired into by the Commissioners, as the nature of the several cases would permit of, and were taken into their consideration in estimating the value of the lands.

This section was looked upon and construed as merely directory of the matters they were to consider in forming their conclusions as to the nature of the proprietor's estates. It never was contemplated as enacting matters which the Commissioners should be bound specifically set out on the face of their awards; such a construction as that would operate to defeat the object of the Act entirely, inasmuch as no specific award could be made on some of the points, such for instance as the boundaries of the land held by each squatter without endless trouble and expense.

The awards were drawn in general terms, simply stating the sum awarded to the proprietor, giving no description of the land or the acreage, and making no reference to the matters mentioned in Section 28. A large number of the proprietors whose estates were thus awarded for, have not appealed from the awards; but the decision of the Supreme Court has thrown doubts upon the validity of these awards, which doubts it is essential should be removed. Applications were made in two cases on behalf of the proprietors (Miss Sullivan and the Honorable Ponsonby Fane) to restrain the Public Trustee from executing a conveyance of their estates under Section 54 of the main Act, and to set aside the awards on the grounds that they did not expressly find and determine on their face the matters mentioned in said Section 28 and sub-sections; and that they were uncertain, inasmuch that they did not describe the lands by metes and bounds nor give the acreage.

The Supreme Court of this Province has decided in favour of these objections, and has quashed the awards in both of the cases argued before them.

The Commissioner of Public Lands has appealed Miss Sullivan's case to the Supreme Court at Ottawa; negotiations for a peaceful settlement of the Fane estate are pending.

I have no hesitation in stating that the intention of the Legislature was, that the facts and circumstances set forth in the said Section 28 and sub-sections were merely to be taken into consideration by the Commissioners in valuing the land, and not that the finding on each fact and circumstance should be specifically set forth in their awards.

Indeed, it would seem, from the very matters themselves, that they were intended more as guides to the Commissioners in making their awards than subjects for any specific finding: such, for instance, as the probabilities of proprietors recovering land from squatters, and the effect of despatches from the Colonial Office relative to the performance and non-performance of the conditions under which this Island was originally granted away by the Crown.

For the purpose of carrying out the intention of the Local Legislature this Act provides that no awards heretofore made, or hereafter to be made, shall be void by reason of the said facts and circumstances not being expressly found in such awards, but still retains to the Supreme Court the power of remitting them back to the Commissioners in cases where they do not contain descriptions of the estates, and also power to restrain the Public Trustee from executing a conveyance of such estates until a description shall be settled by the Court. It also extinguishes all quit rents and arrears thereof due on all estates adjudicated on, and releases the proprietors from all liability on account thereof.

The Act also makes provision to meet the case of James E. Montgomery, Esq., who made an application to the Supreme Court to have the award in his case remitted back to the Commissioners to correct an alleged omission. It appears that between the time of making the award and the order to remit it back, the Right Honorable Hugh Culling Eardly Childers, the Commissioner appointed by His Excellency the Governor General, resigned his position and left this Province; doubts were consequently entertained whether the Court as constituted after that gentleman's vacancy had been filled up, would be competent to review the matters taken into consideration by the Commissioners who made the award.

The Act gives Mr. Montgomery power to appoint a new Commissioner, and provides for the mode of procedure; it also empowers the Commissioners, if they think fit, to make a new award, and they are not to be tied down to the sum named in the award so remitted to them.

These provisions and powers are not to be confined to Mr. Montgomery's case, but are to be general in their application, and are intended to apply to any similar case that may arise in working out the Land Purchase Act.

The Act also makes provisions to meet the case of the estate of John Winsloe, a lunatic.

The Master of the Rolls declined to appoint a Commission to act on behalf of the proprietors deciding that the provisions of the Land Purchase Act did not provide for such a case. This Act supplies this defect by declaring that the law shall extend to such cases.

This estate of John Winsloe is the only estate owned by a lunatic proprietor, and as the lands surrounding it have been purchased under the Compulsory Act, it is thought necessary to make the law plain enough to embrace John Winsloe's estate.

There is also provision made that where notices for hearing cases have been given under Section 14 of the principal Act, and such hearings from some cause or other have not taken place, that the proceedings are not to abate on that account, but that fresh notices may be given.

There is a necessity for this amendment.

The Act also extends the time stipulated in Section 2 of the main Act for notifying proprietors of the Government's intention to purchase their estates. There are one or two small estates that will elude the operation of this Act if this amendment is not sanctioned.

It is proposed to extend the time for a further period of sixty days from the publication of His Excellency the Governor General's assent to this Act.

Provision is also made to meet the case of a Commissioner, who may be disqualified to act, on account of relationship to a proprietor, by authorizing the appointment of a new Commissioner, *ad hoc*—a case has arisen which has rendered this provision necessary. The Deed from the Public Trustee to the Commissioner of Public Lands, on its production in any Court of Law or Equity in the Province, is to be received as *prima facie* evidence that the proceedings taken under the Land Act have been regularly complied with; this provision is, in my opinion, very necessary; without it, it will be difficult to protect the interests of the Government of this Province, and will not, I think, work injustice to individuals.

Proprietors, under this Act, will be required, before receiving the amount of their award, to deposit with the Government their muniments of title, leases and plans.

Without this provision it will be difficult, if not impossible, for the Commissioner of Public Lands to carry out the sale of the lands to the tenants or occupiers.

The Act extends the definition of the term "Proprietor" so as to include tenants *in tail*; this has become necessary in consequence of the decision come to by the Supreme Court, that The Land Purchase Act, 1875, only extends and applies to owners of land in fee simple. As estates tail in land, situate in this Province, may, at any time, be barred by the tenant *in tail*, who can exercise as full a disposing control over such estates as a tenant in fee, it is not considered that this provision is of an objectionable or exceptional character. Provision is made that nothing in this Act shall, in any way, affect the case of Miss Sullivan, appealed from the Supreme Court of this Province to the Supreme Court of the Dominion of Canada.

All the provisions of this Act are, in my opinion, absolutely necessary for the satisfactory and speedy winding up of the long vexed Land Question of this Province. It involves no new principle, *quoad* the intentions of the framers of the principal Act, and will not work any wrong or injury to any proprietor, and is really an Act to remedy practical defects, many of which were not foreseen when the Land Purchase Act, 1875, was passed, and have arisen chiefly from the construction put upon that Act by the Supreme Court of this Province.

As the Land Commissioner's Court stands adjourned to the 1st July next, it is very desirable to obtain His Excellency the Governor General's decision upon the Act in question, before that date, if possible.

(Signed) FREDERICK BRECKIN,
Attorney-General, Prince Edward Island.

Mr. Stewart to the Earl of Dufferin.

STRATH GARTNEY,
P. E. ISLAND, 8th June, 1876.

MY LORD,—I am now about to hand in my title deeds, and those of my late father, as an to the Prothonotary of the Supreme Court of Judicature in this Island. Having protested against every stage of "The Land Purchase Act 1875," I now most respectfully beg to protest against *this*, the last compulsory enactment to which I expect to be subjected under that Act, by virtue of which the two Commissioners who signed the award, apportioned seventy-six thousand five hundred dollars to me, for an inheritance worth, at least, five times that amount. Your Lordship is in possession of the memorial and memorandum which I had the honour of addressing to the Earl of Carnarvon, and which he transmitted to your Lordship for your consideration.

I have, &c.,

(Signed) ROBERT BRUCE STEWART.

The Right Honorable
The Earl of DUFFERIN,
&c., &c., &c.

Mr. Hodgson to the Secretary of State of Canada.

OTTAWA, 8th June, 1876.

SIR,—The Legislature of Prince Edward Island during the last Session, passed an Act in amendment of "The Land Purchase Act 1875," which very seriously affects the rights and the property of persons holding land in that Province.

The Act was introduced and passed through the Legislature without any notice to those who will be affected by its provisions, and it was only to-day that I had an opportunity of partially making myself acquainted with its contents.

The Lieutenant Governor of Prince Edward Island declined to give his assent to it, and reserved it for the consideration of His Excellency the Governor.

The Act is for the purpose of giving effect to certain awards considered to be void by those whose property is dealt with by them. An award similar to these now attempted to be legalized has been declared to be void by the Supreme Court of Prince Edward Island, and the propriety of the decision is now under the consideration of the Supreme Court of Canada.

In one case, one of my clients, Miss Helen McDonald, of Montreal, has moved the Supreme Court of Prince Edward Island to set aside her award. This Act, if assented to, will have the effect of declaring her award to be valid, and, not only so, but there are no provisions made for indemnifying her in the costs incurred by her in the proceedings she has instituted.

In my own case, the Commissioner who acted for me last November went to England, and has only just returned. I intended to have moved to set aside the award, but required his affidavit to enable me to do so. I am now in a position to obtain it, but should I commence proceedings to set it aside, and even succeed in so doing, this Act will, by reason of its retro-active aspect, give validity to an instrument containing defects which the Supreme Court has already declared are fatal to an instrument precisely similar in its terms; and not only will this injustice be wrought, but I shall be compelled to pay the costs for instituting proceedings which, at the time I commenced them, I had a clear legal right so to do, but which I am deprived of by *ex post facto* legislation.

Memorials showing these and still greater hardships are in course of preparation, and His Excellency will be prayed to withhold his assent from this measure. The secrecy and celerity with which it was introduced and carried is the reason why memorials against it have not been sooner presented, for it is a matter of impossibility for parties residing thousands of miles from Prince Edward Island to become acquainted with proceedings such as these, except by the ordinary course of the transmission of news through the post.

I, therefore, respectfully request that His Excellency will be pleased to delay the consideration of this Act until he has an opportunity of also considering the memorials which will be presented against it.

I have, &c.,

(Signed)

EDWARD J. HODGSON.

The Hon. R. W. Scott,
Secretary of State for Canada.

Mr. Edward J. Hodgson to His Excellency the Governor General.

LIBRARY OF PARLIAMENT,

OTTAWA, 17th June, 1876.

The Right Honorable

The EARL of DUFFERIN, K.C.B., &c., &c.,
Governor General of Canada.

MAY IT PLEASE YOUR EXCELLENCY:—

As one of the proprietors of lands in Prince Edward Island, and also as Counsel for all the English proprietors and nearly all those resident therein, I venture to address Your Excellency on their behalf, with reference to an Act passed by two branches of the Legislature of Prince Edward Island, (but not assented to by Sir Robert Hodgson the Lieut.-Governor) intituled "An Act to amend the Land Purchase Act, 1875."

Since the passing of the Land Purchase Act, 1875, the following proprietors have received what has been awarded for their estates, and therefore I do not speak on their behalf, viz.:

1. Robert Bruce Stewart.
2. S. C. B. Ponsonby Fane.
3. George W. DeBlois.
4. William Cundall.
5. Miss Cundall.

I left Charlottetown, P.E.I., last Monday week, to attend the Supreme Court of Canada, for the argument of Miss Sullivan's case under this Act. At that time the proprietors whose names I have given above are those only who have been paid, for the great majority of the remainder are still pending, eleven months having elapsed since the unfortunate owners have been brought before this Court; deprived of their right to receive the arrears of rent due them, and still unable to obtain their money.

The Act amending the Land Purchase Act has been reserved for the special consideration of Your Excellency as the Governor General of Canada, and I humbly petition Your Excellency to disallow that Act, for the reasons which in this memorial I shall state for Your Excellency's consideration.

As I shall have occasion to make frequent reference to the awards made by the Commissioners, it would be convenient if I should set out the form in which they have been made, it is as follows, (omitting the title):

The sum awarded under Section 26 of the said Act by us Commissioners appointed under the provisions of the said Act is \$

Signatures.

It is provided by the Statute reserved for Your Excellency's consideration that no award heretofore made, or hereafter to be made, shall be void by reason of its not finding any of those facts which by the Land Purchase Act, 1875, it was bound to have found expressly.

I shall assume that the decision of the Supreme Court of Prince Edward Island in Miss Sullivan's case is valid. True, an appeal has been taken out against it, but until reserved it must be considered to be law, and the Legislature must have believed very strongly in the validity of the judgment or they would not have passed a legislative enactment to reserve it.

Now, by that decision, it was declared to be the duty of the Commissioners, specifically, certain matters in issue submitted to their consideration, which are set forth in Section 28 of "The Land Purchase Act, 1875," among others,

1. The quit rents reserved to the Crown.
2. The effect of the non-performance of the condition of the original grants if they found they had not been performed.
3. The arrears of rent.

There are various other matters in Section 28, but I desire to call Your Excellency's attention to these three especially. The Supreme Court held that it was the duty of the Commissioners to find these matters on the face of their award, because, if they did not the proprietor would be seriously prejudiced. For instance, the quit rents reserved to the Crown by the original grants have, by an Act of the Legislature of Prince Edward Island (14 Vic., chap. 3) been assigned to the Government of that Province, Sub-Section (e) of the 28th Section of the "Land Purchase Act" directs the Commissioners to consider (and, as a necessary consequence, I submit to *determine*, for it is difficult to understand why any matters were referred to them unless it were that they *should* determine them) "the quit rents reserved in the original grants, and how far payment of the same have been remitted by the Crown." This is a legislative declaration that there is a question whether the quit rents have been waived or remitted by the Crown. Now, the effect of the complete absence of any reference to the quit rents in the award might have this effect. That a sum, (say \$20,000), might have been deducted from a proprietor, and a balance of, say \$80,000, awarded him, but this fact not appearing when the \$80,000 had been paid into Court for the proprietor. There would be nothing to prevent the Attorney-General from coming into Court and, by information or proceeding in the nature of such, claiming the quit rents over again. It would be unavailing for the proprietor to plead that this matter had been determined, and that already thousands of dollars had been deducted from him. He could not plead the award. It is perfect. Silent as to this fact, and, by its terms, is expressed to be made, not in pursuance of "The Land Purchase Act, 1875," but only of its 26th Section.

The Attorney General when presenting his claim would, under Section 40 of the last mentioned Act, be entitled to the quit rents if found to be due; and that the unfortunate proprietor would be compelled to pay them a second time.

Now the Legislature of Prince Edward Island recognized this mode of viewing the case to be correct, for by the Act now petitioned against Section 3, it is provided "no proceedings either *in personam* or *in rem* shall be commenced, prosecuted or maintained in any Court of Law or Equity for the recovery of any quit rents reserved in the original grants, or the lands of any proprietor for which any award has been made under 'The Land Purchase Act, 1875,' and all such quit rents shall be deemed and held to have been and to be absolutely and for ever released by such award, and such award shall and may be pleaded in law by any person or persons whomsoever of any action brought for the recovery of such quit rents."

This provision is most fair and just, and gives to the proprietor that protection which he is entitled to.

But it is evident that if these inefficient and illegal awards are to be rendered valid, the proprietors whose lands are dealt with are equally entitled to protection from the consequences which are certain to ensue from all omissions to find respecting—

- (1.) The conditions of the original grants from the Crown.
- (2.) The performance or non-performance of these conditions.
- (3.) The effects of such non-performance. ("The Land Purchase Act, 1875," Section 28, Sub-Section (e)).

A course somewhat similar to that already pointed out regarding the quit rents would be pursued, but with consequences still more serious to the proprietor.

The Crown has ceded all its rights in the lands in Prince Edward Island to the Government of that Colony. Having got possession of the proprietors lands, it would be an easy matter to procure an inquest of office to find whether the conditions of the original grants had been performed. But it may be said, if upon the execution of this Inquest of Office it were found that the land is liable to escheat, how could it affect the proprietors? Very seriously, and in this way,—upon the resumption of the lands by the Government of Prince Edward Island every tenant is liable to be ejected from his farm, and under the covenant for quiet enjoyment contained in his lease he would have his remedy by an action for damages against his landlord. The tenants

who had no leases would have no cause to fear from the action of the Government, nor indeed would those who have leases, they would be well recouped for an ytemporary dispossession or liability to such, but the power of forcing a landlord into Court to answer actions of damages by hundreds of tenants would never be allowed to lie dormant, stripped of their property, allowed in many instances not one-third of its value, the unfortunate proprietors never would be allowed to withdraw from the island the pittance they have been awarded in order to invest it in some other portion of Her Majesty's realms, where to own land is not considered in the light of a crime.

This, in truth and in fact, is the real reason why this Act, now petitioned against, has been passed. The proprietors are withdrawing the money they have received to invest it elsewhere; their experience of owning property in Prince Edward Island has been too bitter and too dearly purchased to induce them to risk further there the wreck of their property. To stop this withdrawal of their money is now sought, and it must be admitted that the mode taken is a most injurious one. When the proprietors are brought into Court to answer their tenants for disturbance of their holdings under the proceedings soon to be instituted, it will be useless for them to produce the bald, naked award, consisting of twenty-three words, exclusive of the amount, for it raises no presumption that this matter has been determined.

If the proprietors are entitled to protection in the matter of the quit rents, and the Legislature of Prince Edward Island have conceded that point, they are also entitled to protection from being twice charged with damages on account of alleged non-performance of the conditions of the original grant.

But there is another matter which the Commissioners are bound to find under Section 28, of which, by the amending Act, they are relieved from doing, and, although it does not affect so many of the proprietors, still there are some who will be very seriously injured by its omission from the award. It is the direction to find the arrears of rent.

The Commissioners have every power enabling them to do this. They can compel, under Section 20, the production of all documents, books, papers, etc., in order to enable them to see how the estate stands.

Where a proprietor has died the arrears of rent due at the time of his death pass to his executors, the rents due since being incident to the reversion pass with it to the heir at law or the devisee.

There is a class of cases of this kind which has been dealt with by the Commissioners; under their award a lump sum has been given. Now, when the executor goes into the Supreme Court to ask for his share of the award, that is the arrears due to the deceased proprietor at the time of his death, if the award had set out, as it should have done, the arrears of rent there would have been no difficulty. But, under the award sought to be confirmed, how can the Court tell what amount he is entitled to? It may be assumed that, in any case, something has been deducted from these arrears. How can the Supreme Court tell how much? If it gives the executor more than the Commissioners it must come out of the lump sum awarded, and the proprietor unjustly loses by the amount of such excess. If it gives less than the Commissioners the executor loses the deficiency. I am the administrator *cum testamento annexo* of the estate of the Rev. John McDonald, which, at his death, passed to his nephew the Rev. G. A. S. McDonald. But the arrears due at the time of the first named gentleman's death passed to me, and when collected are to be handed over to Cardinal Manning in trust for certain charitable purposes in England. I would here quote the words of Judge Peters, one of the Judges of the Supreme Court of Prince Edward Island, in giving judgment in Miss Sullivan's case: "There are two lines in the 20th Section (of The Land Purchase Act, 1875) which I think have been very much overlooked. They are these, 'and the facts which they may require to ascertain in order to carry this Act into effect.' The meaning of these I take to be is, facts which it is their duty to ascertain in order to give full effect to this Act. This goes far beyond what they themselves have to perform. It points to

all that has to be done by others to carry out what they have begun. To what the public trustee has to do, and to what this Court has to do in making distribution. I see it stated that in one case the arrears are assigned to Cardinal Manning. If the award finds a lump sum, and the Cardinal's claim comes in to participate in the distribution, how could we ascertain how much of the lump sum was awarded in respect of the land and how much in respect of arrears of rent? We could make no distributions in such a case, and the same thing may happen in other cases where arrears are due to the deceased proprietor, and the present proprietor is not his personal representative, we could be compelled to hold the award void in such a case."

There is, however, another consideration which I venture to press upon Your Excellency's consideration as even a still stronger reason why this Act should not be permitted to go into operation.

It assumes (and assumes correctly enough) that awards made in the general terms above alluded to are void; in some instances application has already been made to the Court to set them aside in an application made by myself as representing Miss Helen McDonald, of Montreal, proceedings have been taken in the Supreme Court to set aside the award for the very defects which this Act now legalizes. The words of the first section of the Act are so strong that they will have, as they are intended to have, a retro-active aspect, so as to make the proceedings already taken of no effect, nor does it provide that the parties who have taken these proceedings shall be indemnified in their costs.

I beg to direct Your Excellency's attention to the opinions of English Judges to legislation such as this as reported in the case of *Moore v. Durden*, 2 Exchequer Reports 22.

In that case the Court refused to follow the rule which requires Acts of Parliament to be construed by giving to its language the interpretation ordinarily attached to it, because its effects would be to make that illegal, which but for such rule would have been legal. Alderson, B., says:—

"It is contrary to the first principles of Justice to punish those who have offended against no law, and surely to take away existing rights without compensation 'is in the nature of punishment.'" His Lordship further stated that he would not suppose "that the Legislature contemplated so gross an Act of injustice as without compensation to take away an existing right of action already pending, and that too with no provision even for the costs incurred in the enforcing of what was 'before a legal right,' but it was added that this was only a rule of construction, and would yield to the intention of the Legislature if sufficiently expressed. There can be little doubt that in the Act now under consideration the Legislature has expressed itself in such a manner that 'the first principles of justice' have been violated by enacting 'so gross an act of injustice as without compensation to take away an existing right.'" The words of the 1st Section "no award *heretofore* made or hereafter to be made," will compel the Court "to punish those who have offended 'against no law' by compelling them to relinquish proceedings in a Court of law which at the time they instituted them they had a legal right so to do, and by compelling them to pay costs for availing themselves of a perfectly legal right. But surely this great wrong, ineffective as it will be for us to argue, should this Act become law, is a strong valid reason why its operation should be stayed, and why the proprietors whose great misfortune it is to hold lands in Prince Edward Island should not be still further oppressed by so cruel an act of injustice.

Any forbearance, any clemency on the part of the Commissioners of Public Lands, the proprietors have no reason to hope for or to expect; and I would point to Your Excellency that Section 11 of this Act now under consideration, arms him with power to seize the lands of an unfortunate lunatic, whose income barely enables him to be supported in the Provincial Asylum at Nova Scotia. When the estate has been taken away, if anything be left him at all after the Attorney-General has procured the confiscation of a large proportion of his award in the manner I have already pointed out, his fate will, indeed, be a sad one.

This, however, is a matter in which I have not a right to address Your Excellency, except in the interest of common humanity; but knowing the circumstances, that the son of an English gentleman, now deceased, an unfortunate lunatic in the Nova Scotia Asylum, is sought to be deprived of his property, and that Sections 11 and 12 of the Act now under consideration amount to and are intended as a statutory reversal of the decision of the Master of the Rolls of Prince Edward Island, in whose charge he is; in the matter of the estate of that very lunatic, I venture to express the hope that Your Excellency will cause that decision to be laid before you, before Your Excellency will cause the Royal assent to be given to so objectionable a measure.

The question whether the "Land Purchase Act, 1875," is not *ultra vires*, being in excess of the jurisdiction given to the Local Legislature under the British North America Act, has been raised on behalf of the proprietors, and has been decided adversely to their contention that it is so; such being the case, the measure, as under consideration, is freed from any of those considerations which attach to the giving of the Royal assent to those measures over which the Dominion Government has jurisdiction.

Before the admission of Prince Edward Island into the Dominion, it was not unusual for those whose rights were attacked by Acts of a nature similar to this, to lay their humble petition at the foot of the Throne. Since Confederation, they now cannot do it, but in matters such as this, solely under the control of the Local Legislature.

Your Excellency is regarded as in no ordinary degree the special representative of the Queen's Majesty, clothed with the authority, and we dare not doubt, not indisposed to use it to protect those of Her Majesty's subjects who are conscious of having done no wrong, and who humbly trust that although they are the possessors of landed estate, out of England, Your Excellency will not on that account refrain from exercising the Royal Prerogative to save them from being the victims of a cruel wrong, by the operation of a harsh, unjust, and oppressive measure.

I have, &c.,

(Signed) EDWARD J. HODGSON.

Petition of certain proprietors and owners of land in Prince Edward Island.

To His Excellency the Right Honourable Sir Frederic Temple, Baronet, Earl of Dufferin, Governor General of Canada, &c., &c., &c.

The humble petition of the undersigned proprietors and owners of land in Prince Edward Island RESPECTFULLY SHEWETH,—

That an Act was passed in the last Session of the General Assembly of Prince Edward Island, intituled "An Act to amend the Land Purchase Act, 1875," which was reserved for the signification of Your Excellency's pleasure thereon, and which is of so unusual a nature, and will, if assented to, so prejudicially affect your petitioners that they solicit Your Excellency's attention to some of its provisions.

The Land Purchase Act of 1875, in the opinion of your petitioners, affected the rights of private property to an unusual extent, and the Act of last Session is an attempt to cure certain omissions and errors committed by the Commissioners appointed under that Act in proceedings before them which are still pending between the Government on the one side and certain proprietors on the other. Although it was notorious, at the time of passing the Act, that these errors would be made the ground of judicial applications to set aside these proceedings, and the awards founded upon them, whenever the Government attempted to enforce them. Indeed, at the

very time of passing the Act, awards made in the estates of certain proprietors had been declared invalid by the Supreme Court of the Colony, for objections similar to those which the Government now attempt, by special legislation, to correct in the case of other proprietors.

By the "Land Purchase Act of 1875," leave is reserved to proprietors to make application to the Supreme Court, within a limited period after the making of awards, to have those awards remitted back to the Commissioners for re-consideration. But because certain of your petitioners were advised that the awards made in their cases were illegal and void, they allowed the time granted for applications to remit them back to elapse, relying on their ordinary right to oppose the awards whenever the Government attempted to enforce them; but the Government now seek, by retrospective legislation, to remove objections that have been judicially decided to be fatal to the awards, and, by that legislation, make no provision for enabling the proprietors thus subjected to the consequences of these irregular and erroneous awards, to have them remitted back to the Commissioners for amendment or correction.

The "Land Purchase Act of 1875" makes no provision for indemnifying proprietors whose estates are adjudicated on in the Commissioners' Court against expenses to their Solicitors' Counsel and witnesses, and the second section of the Act of 1876 renders awards legal without any description of the lands taken from proprietors, but subjects such proprietors to the additional expense of settling the description of such lands by the Supreme Court or a Judge thereof, and makes no provision for refunding such proprietors the expenses caused by such additional proceeding.

Your petitioners submit that inasmuch as by the "Land Purchase Act, 1875," proprietors are allowed to retain certain portions of their lands defined by that Act, while the rest is compulsorily taken from them, it is but reasonable and proper that the Commissioners should be required to distinguish in their awards the portion of each estate taken from the portion reserved; and that it is arbitrary and unjust by retrospective legislation to subject proprietors to the expense of having the omissions and errors of the Commissioners corrected by additional proceedings before the Supreme Court, without at least providing for the payment of all expenses incident to such supplemental litigation.

The estate of your petitioner, James Frederick Montgomery, was adjudicated on by the Commissioners, who made an award in September last, and your petitioner discovered, after the same was made, that one year's rent was omitted by them from the award, under the impression that your petitioner could recover that year's rent, notwithstanding the award; whereas, in fact, it could not be so recovered, because it was overdue in law at the time the award was made, although in fact the custom pursued by your petitioner with his tenants was not to collect it until the autumn following. Your petitioner, James F. Montgomery, on discovering this omission applied to the Supreme Court, pursuant to the provisions of the "Land Purchase Act, 1875," to have his award remitted back to the Commissioners to correct the alleged error, and an order was made in October last remitting back the award to the Commissioners for correction. No application was made by the Government to have his award remitted back or set aside. He has urged the Commissioner of Public Lands, in whose name these proceedings on behalf of the Government are conducted, to have the case re-heard, but, hitherto, without success. He has also made repeated reasonable offers for the voluntary conveyance of his estate to the Government. If he is in error concerning the said year's rent, the amount of the award should stand; on the other hand, if that year's rent has really been omitted, the amount of the award should be increased. But the Government instead of entertaining his offers of a voluntary settlement, or bringing the case to a re-hearing within a reasonable time, now pass an Act affecting him individually, and enabling certain persons therein named to hear and re-hear all the evidence, and to make a new award (See sec. 4); and by Section 7 of the same Act such new award may give your petitioner a less amount than was awarded by the Commissioners whose award has been so remitted back.

The Commissioner on behalf of the Local Government has made and filed an affidavit against the claim of your petitioner, James F. Montgomery, notwithstanding which the Supreme Court remitted back the award. The present Commissioner appointed by the Governor General had not been appointed when your petitioner's case was heard. If the Act of 1876 becomes law, your petitioners will be obliged to go to the expense of having the whole case re-heard, and all his evidence reproduced, for the information of the new Commissioner, to avoid the danger of having his award reduced, notwithstanding the fact that the alleged omission for which his award was remitted back, consists of whether said year's rent was omitted. Even if your petitioner is in error in contending that it has been omitted, the fact of his being so mistaken could not lessen the award. No provision is made by either Act by which your petitioner can recover the expenses of the former or subsequent hearings, and he confidently hopes that Your Excellency will not sanction retrospective and personal legislation of this kind, enacted without cause, and the only effect of which would be to harass your petitioners unnecessarily.

Your Excellency will observe that while your petitioner is thus dealt with personally and by name and put to the annoyance and expense of a general re-hearing, the same Act provides that in all other cases (See Section 8) when awards are remitted back, the duty of the Commissioners in such case is confined to correct the very error for which such awards are so remitted back.

Your petitioners show that special provision is made by Section 11 of the Act for bringing the estate of John Winsloe, a lunatic, within the operations of the "Land Purchase Act 1875" on the ground that doubts have been expressed whether the provisions of the said Act extend to or embrace such a case; what this Act terms a "doubt" your petitioners are informed is really a judicial decision of the Master of the Rolls of this Island.

Your petitioners learn that the Committee of the said lunatic on being notified by the Government under the Land Purchase Act 1875, petitioned the Master of the Rolls (who has co-ordinate jurisdiction with the Chancellor concerning lunatics and their estates) for the appointment of a Commissioner for said lunatic's estate, under the Land Purchase Act 1875, and the Master of the Rolls gave a written decision or judgment deciding that the case was not within the provisions of the Statute. A copy of that judgment was served by the Lunatic's Committee or Trustee on the Commissioner of Public Lands. The Government took no steps to over-rule or appeal from the decision of the Master of the Rolls, but they now adopt the summary method of annulling that decision by an Act of Parliament.

Your petitioners also show that certain proprietors have been notified that their estates would be valued and taken under the provisions of the "Land Purchase Act 1875," that such proprietors appointed Commissioners, and were in attendance at the Commissioner's Court with their witnesses, but the Court in the fall of 1875 suspended its labors without hearing these cases, and it is now sought (See Section 13) to revive proceedings which have abated through the neglect of the Government without indemnifying such proprietors in their former or future costs.

In some instances when proceedings so abated the then owners or proprietors of land executed conveyances and made other legitimate dispositions of property and your petitioners submit that it would be unjust to revive these proceedings by means of an Act of Parliament and have these lands compulsorily assigned to the Government without notice to the persons who since the abatement of the proceedings have acquired them by purchase or conveyance.

Your petitioners cannot allow the 17th Section of the Act to pass without pointing out the extraordinary and dangerous effect sought to be given to deeds executed by the Public Trustee. It is well established that the Commissioners who appraise estates have no power to adjudicate upon titles. If the Commissioners appraise lands in which the proprietor has only a life interest (as in fact they have done) and the Public Trustee executes a deed of such lands to the Government, this section raises a presumption that such deed conveys an estate in fee simple, again, many occupants of lands, on estates hold lands by virtue of many years' occupation,

but if this section becomes law, the deed of the Public Trustee will be *prima facie* evidence that the grantee named in such deed and not the occupant of the land is seized in fee simple.

Your petitioners lastly show that many of the proceedings taken in Commissioners' Court, and which are pending and undetermined, are manifestly irregular, informal and invalid. And they submit that it is unusual and contrary to the course of British Legislation to correct mistakes and remove doubts in contested proceedings by one sided and retrospective legislation in the manner sought to be effected by this Act, and your petitioners pray that, in view of the exceptional, novel and dangerous nature of the provisions of the Act in question, Your Excellency will be pleased to prevent its becoming law, and your petitioners, as in duty bound, will ever pray.

(Signed) JAMES F. MONTGOMERY,
 " JANE B. DOUSE,
 " ARABELLA DOUSE,
 " JOHN A. McDONELL,
 " J. P. DOUSE,
 " REV. JOHN A. S. McDONALD, by his Attorney.
 " ALEX. McLEAN,
 " EDWARD J. HODGSON,
 " HELEN JANE McDONALD,
 " W. C. McDONALD.

MEMORANDUM.—The above petition was received at the office of the Governor General's Secretary on the 7th July, 1876, and was transferred to the Department of the Secretary of State on the 24th of the same month.

(Signed) H. J. M.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 26th May, 1876.

Upon a despatch from the Lieutenant Governor of Prince Edward Island, dated the 12th May, instant, submitting an Act passed by the Legislature of the Province of Prince Edward Island at its late Session, intituled: "An Act relating to certain Departments of the Public Service;" on the recommendation of the Hon. the Minister of Justice, the Committee advise that the said Act be left to its operation

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 21st July, 1876.

The Committee of Council have had under consideration the Report, hereunto annexed, dated 18th July, 1876, from the Hon. Mr. Scott, acting in the absence of the Minister of Justice, relating to "An Act to amend the 'Land Purchase Act, 1875,'" passed in the Legislature of the Province of Prince Edward Island, and reserved by the Lieutenant Governor for the signification of the Governor General's pleasure, and on the recommendation of the Hon. Mr. Scott, and for the reasons stated in his Report, the Committee advise that the Bill, intituled, "An Act to amend the 'Land Purchase Act, 1875,'" do not receive the assent of the Governor General in Council.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 18th July, 1876.

The undersigned has the honor to report, that a despatch from the Lieutenant Governor of Prince Edward Island of the 12th May last, mentioned, for the consideration of the Governor General, two Acts passed by the Legislature of the Province, as to one of which, relating to certain Departments of the Public Service, action has already been taken;

As to the other Bill so transmitted, it is intituled, "An Act to amend the Land Purchase Act, 1875," and was reserved by the Lieut. Governor for the signification of the Governor General's pleasure.

With the despatch of the Lieutenant Governor is a certified copy of the Bill so reserved, and the report of the Attorney General, giving his reasons for the passing of the same by the Council and Assembly.

The Lieutenant Governor calls attention to the Attorney General's report, and his reasons therein stated for the passing of the Act, in which he (the Lieutenant Governor) concurs, and he expresses his hope that it will receive His Excellency's consideration.

The Lieutenant Governor adds, that as the Land Commissioners' Court stands adjourned until the 1st July next, it is very desirable that he should know His Excellency's pleasure as regards the Act in question previous to that period.

The Bill so reserved purports to be an amendment of the "Land Purchase Act, 1875," and recites that doubts have arisen as to the meaning and construction of many provisions of the "Land Purchase Act, 1875," and that it is highly expedient that all such doubts should be removed.

It then proceeds to enact that no award theretofore made, or hereafter to be made shall be held void in any Court of Law or Equity, by reason that certain matters which were required by the Commissioners to be taken under consideration are not expressly mentioned in any award, and that no award shall be void for other reasons.

It also provides that nothing shall affect the rights of Miss Sullivan to purchase, whose estate is now pending before the Supreme Court of Canada.

The effect of the first portion of the Act appears to be that the interpretation of the Supreme Court of the Island of the Act of 1875, upon which certain awards of the Land Commissioners were held bad, is reversed, and the awards in question to be declared as valid.

Against the assent to this Bill, Mr. Edward J. Hodgson, by letter of the 8th June last, addressed to the Secretary of State, urges that the Bill in question very seriously affects the rights and the property of persons holding land in the Province. He represents that the Act is for the purpose of giving effect to certain awards considered to be void by those whose property is dealt with by them, and that the award similar to those now attempted to be legalized has been declared to be void by the Supreme Court of Prince Edward Island.

Mr. Hodgson further represents that there is another case pending of Miss H. McDonald, of Montreal, and that if the Bill be assented to, it will have the effect of declaring the award to be valid, and not only so, but there are no provisions made for indemnifying her in the costs incurred by her in the proceedings she has instituted.

He also represents that further hardships will arise to individuals in case the Bill should become law; and he adds, that memorials, explaining the objections in question, are being prepared, and requests that consideration of the Act may be delayed for an opportunity of considering the memorials referred to.

In the Report of the Attorney General of Prince Edward Island it is represented that applications to the Supreme Court of the Island, were made on behalf of Miss Sullivan, and of the Hon. Ponsonby Fane, and the Court quashed the awards in both cases, but that negotiations for a peaceful settlement of the Fane estate are pending.

The undersigned has the honor, under the circumstances, to report that there does not appear to be any reservation in the Act of the rights of the Hon. Ponsonby

Fane, or of any other parties as to whom awards may have been made, and who are similarly situated with Miss Sullivan and Mr. Fane, and who may have regarded the decisions of the Supreme Court of the Island, in the cases before them, as applicable to themselves.

That by telegraphic communication with the Lieutenant Governor of the Province, it is ascertained that Mr. Fane's case has been settled and withdrawn from the Court, and that the only additional case pending before the Supreme Court of the Province on the 21st June last, is that of John Alister Macdonald, which is not yet tried, but in which a rule *nisi* has been granted by that Court to set aside the award, on the nineteenth of June last, to be tried at the sittings of that Court at Charlottetown, on the last Tuesday in June last.

But petitions have been presented at a later date (1) by Mr. Edward J. Hodgson before mentioned, and who describes himself as one of the proprietors of land, and also as Counsel for all the English proprietors, and nearly all those resident therein; and (2) from the following proprietors and owners of land in Prince Edward Island, viz: James F. Montgomery, Jane B. Douse, Arabella Douse, John A. McDonnell, J. P. Douse, Rev. John A. S. McDonald, by his Attorney Alex. McLean, Edward J. Hodgson, Helen Jane McDonald and W. C. McDonald.

The allegations in the two petitions are substantially the same, and the petitioners pray that the assent of the Governor General in Council be not given to the reserved Bill in question.

It is stated:—

1. That it was notorious at the time of passing the Bill that the errors (in the Land Purchase Act of 1875) would be made the grounds of judicial applications to set aside the proceedings, and the awards founded upon them, whenever the Government attempted to enforce them.

2. That petitioners did not avail themselves within the period fixed by the Act of 1875, for remission back to the Commissioners of the Awards in their cases, relying on their ordinary right to oppose the awards, of which right the reserved Bill would deprive them; which also neglects to provide any means for remission of these irregular and erroneous awards to the Commissioners.

3. That the reserved Bill puts land-owners to additional costs and expenses, but makes no provision for the refund of the same.

4. That the Commissioners' awards having neglected to specify the portion of the lands taken from the portion reserved, the owners are by the reserved Bill put to additional costs on proceedings before the Court, without provision for payment thereof.

5. A special complaint of Petitioner, James F. Montgomery, as to an error in his case, in respect of which he obtained an Order of Court for remission of the case back to the Commissioners; but the reserved Bill provides for a hearing of the case before other Commissioners and a new award; and that the provision in respect to other cases than his own is confined as to the point on which such other cases may be referred back.

6. That in the case of one, John Winsloe, a lunatic, the reserved Bill is practically to set aside a Judgment of the Master of the Rolls, deciding that the Land Purchase Act, 1875, did not apply to the estate of the lunatic.

7. That proprietors whose claims were to have been heard by the first Commissioners, but which were not heard, and the proceedings as to which have abated through the neglect of the Government, have no indemnification as to their costs.

8. That the 17th Section gives an extraordinary and dangerous effect to Deeds executed by the public Trustee.

9. That many of the proceedings taken in the Commissioners' Court, and which are pending and undetermined, are manifestly irregular, informal and invalid; and that it is contrary to British Legislation to remove doubts in contested proceedings by retrospective legislation as sought to be effected by this Act.

The undersigned has the honor further to report;

That without giving weight or consideration to any great extent to the allegations

in the petitions which are unsupported by any actual proof, he is of opinion that the reserved Bill is retrospective in its effect; that it deals with rights of parties now in litigation under the Act which it is proposed to amend, or which may yet fairly form the subject of litigation; and that there is an absence of any provision saving the rights and proceedings of persons whose properties have been dealt with under the Act of 1875.

He therefore recommends that the Bill, intituled, "An Act to amend the Land Purchase Act 1875," do not receive the assent of the Governor General in Council.

(Signed) R. W. SCOTT,
Acting Minister of Justice

Memorial of Representatives of Insurance Companies.

To the Right Honorable Sir Frederic Temple, Earl of Dufferin, Viscount and Baron Clandeboye of Clandeboye, &c., &c., Knight Commander of the Most Honorable Order of the Bath, Governor General of Canada and Vice-Admiral of the same:

The petition of the undersigned representatives of Insurance Companies transacting business in the Dominion of Canada, RESPECTFULLY SHEWETH:

That your petitioners are the chief agents and accredited managers of the under-mentioned Insurance Companies, having their principle office or place of business at the Cities of Montreal, Quebec, or Toronto, and carrying on their business throughout the Dominion of Canada;

That the said Insurance Companies have been heretofore established and incorporated under existing Acts of the Parliament of Canada, or of the Legislature of Canada, or under the laws of the United Kingdom of Great Britain and Ireland, or of foreign countries for the business of Life, Fire and Inland Marine Insurance, which they have carried on in Canada under the powers granted to them by their respective charter incorporations, and under the authority and sanction of the laws of the Dominion;

That under the policy of the Dominion laws for insurance companies generally, and specially under the Dominion Acts 31 and 34 Vic., respecting Life Insurance, and of the 38th Vict., to amend and consolidate the several Acts as regards Fire and Inland Marine Insurance. The above-mentioned Insurance Companies have been, and still are, expressly licensed by the Dominion Government under the authority of the said general Acts of the Parliament of Canada, to transact their several insurance business throughout the Dominion of Canada and of the Provinces thereof, without limitation or restriction, and are still acting under such general insurance business licenses throughout the Dominion aforesaid;

That the exclusive legislative powers of the Parliament of Canada, under the British North America Act of 1867, expressly embrace the general subjects of trade and commerce in Canada to their fullest extent, necessarily including various special matters covered by those general terms, among others insurance in general, which is confessedly an important business of trade, and a subject of a commercial nature, and as such exclusively treated by the policy and legislative authority of the Dominion, as represented by its Insurance Acts above named and referred to, which direct the issue by the Dominion authorities of licenses for carrying on insurance business in every part of its Dominion under the privilege and protection of its own license therefor, wheresoever the head office or chief agency of the assurers may be placed for the convenience of their general business;

That the Dominion license, in this respect, is necessarily paramount and exclusive in its general privilege of insurance business in every part of the Dominion, over all merely Provincial Legislation, or assumption of legislative powers by the Provinces of the Dominion, obstructive of or interfering with the uncontrolled effect of the Dominion license, which is not susceptible of being brought into conflict by Provincial legislation;

That by a recent Act of the Legislature of the Province of Quebec, intituled : " An Act to compel assurers to take out a license ;" its provisions are obligatory upon all persons or companies, incorporated or unincorporated, or carrying on the business of assurance on life or against fire, &c., and every other assurance business whatsoever, other than marine insurance exclusively, ' to take out from the Provincial Government an annual license on the 1st May for the transaction of their assurance business, and to pay a price for such Provincial license as regulated by the said Act, and in controvention whereof the insurance policies, &c., issued and given by the assurers, are made to have no effect either in law or equity, with the addition for each omission of the payment of the price regulated in the manner directed by the Act, of a penalty against the assurer not complying with such regulation, of fifty dollars in money, or its equivalent, imprisonment for three months, and for the enforcement and application of the Provincial Act ; subjecting the assurers to the provisions of the Quebec License Act of 1870, respecting local licenses, and the duties and obligations of the persons locally bound to hold such Provincial licenses ;

That the Provincial Legislature of Quebec has, in its said recent Act, intituled as aforesaid, exceeded the Legislative Authority conferred upon it by the British North America Act, 1867, from which alone it derives its legislative powers, and by which its legislation is restricted exclusively to matters of a provincial or local nature ; and among others in that Act expressly named, to the making of Provincial laws for shop, saloon, tavern, auctioneer and other licenses, to wit : " of a kindred local occupation or character in order to the raising of a revenue for provincial, local or municipal purposes," as evidenced by the said Quebec License Act of 1870, which is strictly within the legislative attributes of the said Province ;

That the said recent Act of the Legislature of Quebec, in its inclusion within the generality of its subjects, of the above mentioned Insurance Companies in carrying on their business under the paramount authority and protection of the Dominion license throught the Dominion, has gratuitously assumed to conflict its Provincial legislation with the exclusive power and authority of the Parliament of Canada, and has, without right, interfered with the general power of the said Dominion licensed companies to transact their insurance business throughout the Dominion, freely and unrestrictedly in the Province of Quebec, without being subjected to the assumption of license power therefor by that Provincial Legislature ;

Wherefore, your petitioners pray that, in consideration of the premises, the Act above intituled, recently passed by the Legislature of the Province of Quebec, to wit : " An Act to compel assurers to take out a license," may be forthwith disallowed under the authority therefor of the British North America Act of 1867, and that it be declared unconstitutional.

And your petitioners will ever pray.

Mr. Davidson to the Secretary of State.

NORTH BRITISH AND MERCANTILE INSURANCE OFFICE,
MONTREAL, 21st April, 1876.

SIR,—On behalf of the several Insurance Companies transacting business in the Province of Quebec, I have the honor to transmit herewith a memorial relating to the Act of the Legislature of the Province of Quebec, Vic. 39, Cap 7, signed by forty-three of these Companies.

It is the intention to despatch a deputation to Ottawa, who will have the honor of waiting upon the Government at such time and place as they may appoint.

I have, &c.,

(Signed) THOS. DAVIDSON.

To the Honorable the Secretary of State,
Ottawa.

Memorial of Insurance Agents, &c.

MONTREAL, April 20th, 1876.

SIR,—We beg leave respectfully to refer you to a petition to His Excellency the Governor General, presented by the several Insurance Companies therein mentioned, doing business within the Province of Quebec, and complaining of the enactment by the Legislature of the Province of Quebec, of an Act, intituled: "An Act to compel Assurers to take out a license," and further, to solicit His Excellency's attention to the prayer of the said petition.

That at the time the said petition was presented to His Excellency, the Statutes of the last Session of the Legislature of the Province of Quebec, had not been communicated to him or to his advisers. And we understood, that it was therefore impossible to take the prayer of the said petition into consideration at the time. But, that, as since that period the Acts of the said Legislature during the said last Session thereof, have been officially promulgated and circulated, under the authority of the Government of the Province of Quebec, we presume that the difficulty in the consideration of the question which then existed is now removed.

We have the honor respectfully to remark, that a further examination of the said Act and of its effects, have fully convinced the signers of the said Petition, that the representations contained in it were rather under than over stated as to the injurious and arbitrary character of the said legislation, and as an instance of the extent to which trade will be affected by the operation of that Act, your Petitioners beg leave to mention that five of the companies whose names are appended to the said petition will be taxed under its provisions to the extent of about \$3,000 each per annum. An amount which, we venture to say, is unparalleled in the history of similar legislation.

We, therefore, most respectfully beg, that His Excellency will be most graciously pleased to take the said Act and the prayer of the said petition into consideration, and will disallow the said Act as unconstitutional.

We have the honor to be, Sir,
Your most obedient servants,

(Signed) GILLESPIE, MOFFATT & CO.,
Agents, "Phoenix."

The Honorable
The Secretary of State,
&c., &c., &c.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 27th October, 1876.

The Committee of Council have had under their consideration the Report hereunto annexed, dated 16th October, 1876, from the Hon. the Minister of Justice, having reference to chapter 7 of the Acts of the Legislature of Quebec, 39th Vic., (1875), intituled: "An Act to compel assurers to take out a license," and they concur in the recommendations contained in said Report and submit the same for approval.

Certified.

DEPARTMENT OF JUSTICE,
OTTAWA, 16th October, 1876.

With reference to Chapter 7 of the Acts of the Legislature of Quebec, 39th Victoria, (1875) intituled: "An Act to compel Assurers to take out a license," the undersigned has the honor to report, that a petition has been presented to His Excellency

from the Chief Agents and accredited managers of a very large number of Insurance Companies, carrying on business throughout Canada, including the Province of Quebec representing that their respective companies have been and are carrying on such business under the powers granted to them by law, and with the authority and sanction of the Statutes of Canada; pointing out that their companies have been and are expressly licensed by the Canadian Government to contract business throughout Canada; alleging that the exclusive legislative powers of the Parliament of Canada expressly embrace the general subjects of trade and commerce, which in the view of the petitioners include insurance in general as an important business of trade, and a subject of a commercial nature; alleging that the license of Canada is necessarily paramount over and exclusive of all merely Provincial legislation obstructive of or interfering with its effect; referring to the provisions of the Act now under consideration, and alleging that by its enactment the Provincial Government has exceeded its legislative authority and, without right, interfered with the general power of the licensed Insurance Companies to transact their business without being subject to license by a Provincial Legislature, and praying for the disallowance of the Act.

That, subsequently, a letter was addressed by the representatives of the Insurance Companies to the Secretary of State, referring him to this petition, and pointing out that a further examination of the Act, and its effects, have fully convinced the signers of the petition that the representations contain in it were rather under than over stated as to the injurious and arbitrary character of the legislation, and adding, as an instance of the extent to which trade will be affected by the operation of the Act, that five of the companies whose names are appended to the petition will be taxed under its provisions to the extent of about three thousand dollars (\$3,000) each per annum, an amount which, in the view of the signers, is unparalleled in the history of similar legislation.

That subsequently to the receipt of this letter, a delegation on behalf of the petitioners visited the seat of Government with the view of pressing upon the Government the propriety of disallowing the Act. That the Government was then informed that steps would probably be taken for the purpose of testing in the Courts the validity of the measure.

That from the ordinary sources of public information, it appears that it was arranged between the companies that one or more of them should take the necessary steps for such a test, and that proceedings have actually been taken and are now pending before the Courts with that view.

The Act requires every assurer, carrying on in the Province any business of assurance, other than that of marine assurance exclusively, to take out a license annually and to remain continually under license.

The price of the license is to consist in the payment to the Crown for the use of the Province at the time of the issue or delivery of any policy of assurance except of marine assurance, and at the time of the making or delivery of each premium receipt or renewal, respecting any policy issued before or after the coming into force of the Act, of a sum computed at the rate of three per cent. as to assurances against fire, and of one per cent. as to other assurances of the amount received as premium or renewal of assurance.

The payment is to be made by stamps to be affixed to each policy or receipt.

Persons contravening the Act are made liable to a pecuniary penalty, and in default of payment to imprisonment.

Unstamped policies, &c., are to have no effect in the Courts of the Province.

It is provided that the Act shall not affect any policy, premium receipt or removal, in relation to assurances wherein the interests assured are beyond the limits of the Province.

It will be observed that much light may be thrown upon the question of the constitutionality of the Act by the decision shortly expected in the pending case as to Brewers' licenses, and in view of this and of the other legal proceedings to which allusion has been made, the undersigned recommends that any determination upon this question should be deferred for the present.

With reference to the alleged interference by the law with Canadian legislation, and to the objections to the policy of the measure, it is to be observed that the requirement of a license is merely the form of levying the tax.

It is strictly for the purpose of revenue. The business is only affected by the amount of the tax, and the mode in which it is levied; and is not otherwise regulated; and the tax is a general one upon all persons and Corporations carrying on the business. Nor has the Parliament of Canada adopted the policy of raising a revenue from this subject.

The requisites for procuring its license are of an entirely different character. Its object is to secure some measure of protection to the public from loss by bubble or unsafe companies.

Had the Parliament of Canada adopted this as a subject of taxation, other considerations altogether might apply, and it would become necessary to determine whether the double taxation which would under such circumstances be imposed, should be allowed. The policy of laying a tax of this nature is open to great question. It must fall, in the end, upon those interested in the assurances. It may be considered to be a tax upon providence and thrift, and its operation may have an injurious effect far beyond what may be recompensed by its pecuniary results, but these are views which, although they should be fairly weighed, and although they might in some cases force upon the Canadian Government the necessity of disallowance, are yet subject to this observation, that the people of a province who require to raise a revenue for their local wants, and who tax themselves for the purpose, may rightly claim, and must fairly be permitted, a considerable latitude in the determination what their taxes shall be, and that considerable confidence may be placed in local public opinion as a remedy for the indicated evils where they may exist.

The undersigned, however, feels bound to point out that in one particular this Act appears specially objectionable.

It is well known that the bulk of assurances on life are effected on contracts extending on the part of the company over the whole term of life or a long number of years conditioned on the payment by the insured of periodical premiums at fixed rates. This Act, however, requires payment by the companies of the tax of one per cent. upon the premiums for the renewals of life assurance policies, although made before the passing of the Act.

This imposes upon the company, which has already contracted at a specified premium calculated upon various elements, not, however, including a taxation of the gross premium—a deduction not from its net profits, but from the gross premium. The company is not in a position to recoup itself by calling upon the insured to pay the tax.

This seems objectionable in principle, and calculated to produce a feeling of insecurity abroad, with reference to Provincial legislation; and the undersigned recommends that the attention of the Lieutenant Governor should be called to the provision with a view to its amendment during the ensuing Session, at any rate, in so far as it affects contracts made before the passing of the Act.

(Signed)

EDWARD BLAKE,
Minister of Justice.

Telegram from Mr. Secretary Scott to the Lieutenant Governor of British Columbia.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 13th April, 1876.

Dominion Government desires to be informed by telegraph whether it is proposed to take any, and, if so, what action, in respect to the Act for the better

administration of justice, the Act amending Crown Lands Act, and Act making powers of attorney valid, as year expires shortly.

(Signed)

R. W. SCOTT,
Secretary of State.

To Lieutenant-Governor TRUTCH,
Victoria, British Columbia.

—
Reply.

By Telegraph from Victoria, B.C., to Hon. R. W. Scott, Secretary of State.

OTTAWA, April 27, 1876.

My Ministers request me to state, in reply to your telegram, thirteenth instant, this Government concurs on disallowance of Act for better administration of justice; general question involved therein now under consideration, and Bill reorganizing system will, if time admits, be submitted to Legislative Council; objections to Act amending Crown Lands Act are considered removed by agreement, for settlement of Indian land question by Commissioners; Powers of Attorney Act will be immediately amended to remove objections to section seven.

(Signed)

JOSEPH W. TRUTCH,
Lieutenant-Governor.

—
GOVERNMENT HOUSE, OTTAWA,
Friday, 5th May, 1876.

Present:

HIS EXCELLENCY THE GOVERNOR GENERAL, IN COUNCIL.

Whereas, the Legislature of the Province of British Columbia did, on the 22nd day of April, 1875, pass an Act which has been transmitted, intituled: "An Act to make provision for the better administration of Justice;"

And, whereas, the said Act has been laid before the Governor General in Council, together with a Report from the Minister of Justice recommending, for the reasons therein given, that the said Act should not receive the confirmation of the Governor General;

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of the Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the Province of British Columbia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

I, Sir Frederick Temple Hamilton Blackwood, Earl of Dufferin, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of British Columbia, the 22nd day of April, 1875, intituled, "An Act to make provision for the better administration of Justice," was received by me on the 8th day of May, 1875.

Given under my hand and seal this 5th day of May, 1876.

(Signed)

DUFFERIN.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 6th May, 1876.

The Committee of Council have had under consideration the Report dated 28th April, 1876, from the Hon. the Minister of Justice, with reference to two Acts of the Province of British Columbia, assented to on the 22nd April, 1875, and respectively intituled: "An Act to amend and consolidate the laws respecting Crown Lands in British Columbia." "An Act to make Powers of Attorney valid in certain cases." And they concur in the recommendation contained in said report, that those two Acts be left to their operation.

Certified.

DEPARTMENT OF JUSTICE,
OTTAWA, 28th April, 1876.

With reference to the Acts of British Columbia assented to on the 22nd April, 1875, the time for action upon which will expire on the 8th May next, the undersigned begs to report as follows:

1. By Minute in Council of the 16th October, 1875, the report of the undersigned upon the Act intituled: "An Act to make provision for the better administration of Justice, was approved.

A copy of that Minute was transmitted to the Lieutenant Governor of British Columbia.

The views of the Government of British Columbia not having been communicated to His Excellency, the Secretary of State recently asked for a telegraphic communication upon the subject.

By telegraph, dated 27th April, from the Lieutenant Governor to the Secretary of State, he is informed that the Government of British Columbia concurs in the disallowance of the Act for the better administration of Justice; that the general question involved therein is now under consideration, and a Bill re-organizing the system will, if time admit, be submitted to the Legislature.

The report of the undersigned proposed that it should be suggested to the Government of British Columbia to repeal the Act, and to effect the division of the Province into Districts, &c., by legislation, instead of by the machinery proposed by the Act.

As the Provincial Government suggests the exercise of the power of disallowance, and it is not certain whether amendatory legislation will be had this Session, the undersigned recommends that the said Act be disallowed.

2. By Minute in Council of the 10th November, 1875, the report of the undersigned upon the Act, intituled: "An Act to amend and consolidate the laws respecting Crown Lands in British Columbia" was approved.

The same steps were subsequently taken upon this subject, as those detailed with reference to the subject treated of in the first paragraph.

The Lieutenant Governor's communication upon this Act states that the objections taken by Council to it are considered to be removed by the agreement for a settlement of the Indian Land question by Commissioners.

Although the undersigned cannot concur in the view that the objections taken are entirely removed by the action referred to; and, though he is of opinion that, according to the determination of Council upon the previous Crown Lands Act, there remains serious questions as to whether the Act now under consideration is within the competence of the Provincial Legislature, yet since, according to the information of the undersigned, the statute under consideration has been acted upon, and is being acted upon largely in British Columbia, and great inconvenience and confusion might result from its disallowance; and, considering that the condition of the question at issue between the two Governments is very much improved since the

date of his report, the undersigned is of opinion that it would be the better course to leave the Act to its operation.

It is to be observed that this procedure neither expresses nor impliedly waives any right of the Government or Parliament of Canada to insist that any of the provisions of the Act are beyond the competence of the Local Legislature, and are consequently inoperative.

The undersigned recommends that the Act be left to its operation.

3. By Minute in Council of the 7th January, 1876, the report of the undersigned respecting an Act, intituled, "An Act to make Powers of Attorney valid in certain cases," was approved.

The same steps were subsequently taken upon this subject as those detailed with reference to the subject treated of in the first paragraph.

The Lieutenant Governor's communication upon this Act states that it will be immediately amended to remove the objections taken to Section 7, which was the only clause objected to. Upon this assurance of the Government of British Columbia the undersigned recommends that the said Act be left to its operation.

(Signed) EDWARD BLAKE.

Lieutenant Governor Trutch to the Secretary of State of Canada.

BRITISH COLUMBIA,
GOVERNMENT HOUSE, 26th April, 1876.

SIR,—I have the honor to enclose herewith a Minute of my Executive Council, together with a transcript of a telegraph despatch which, in accordance therewith, I have this day addressed to you in reply to your telegram to me of the 13th April, and stating the views of this Government as to the several Acts of the last Session of the Legislature of this Province therein referred to.

I have, &c.,

(Signed) JOSEPH W. TRUTCH.
Lieutenant-Governor.

The Honorable
The Secretary of State for Canada.

COPY of a Report of a Committee of the Honorable the Executive Council, approved by His Excellency the Lieutenant Governor on the 20th day of April, 1876.

Referring to the telegram from the Secretary of State for Canada of the 13th inst., submitted by Your Excellency for consideration in Executive Council, the Committee of Council respectfully request that you will be pleased to reply thereto by telegraph to the following effect:—

"That this Government concurs in the disallowance of the Act for the better Administration of Justice; that the general question involved therein is under consideration, and if time admit, a Bill reorganizing the system will be submitted to the Legislative Assembly.

"That the objections to the Act amending the Crown Lands Act are considered to be removed by the agreement for the settlement of the Indian land question by Commissioners, and that the power of Attorney Act will be immediately amended so as to remove objections to Section 7."

Certified.

(Signed) T. BASIL HUMPHREYS,
Minister of Finance and Clerk of Executive Council.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 16th October, 1875.

On a report, hereunto annexed, from the Honorable the Minister of Justice, having reference to an Act passed by the Legislature of British Columbia, on the 22nd April, 1875, intituled, "An Act to make provision for the better Administration of Justice," the Committee concur in the views expressed in the said report, and submit the same for Your Excellency's approval; they advise that a copy of said report be transmitted to the Lieutenant Governor of British Columbia for his information.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 13th October, 1875.

Upon an Act passed by the Legislature of British Columbia on the 22nd April, 1875, intituled, "An Act to make provision for the better Administration of Justice," the undersigned has the honor to report, that this Act enables the Lieutenant Governor in Council to divide the Province into as many districts, as he may think fit, such districts to be called County Court Districts, and to define the boundaries thereof, and from time to time to alter and vary the same, and from time to time to appoint the times and places at which County Courts shall be held in such Districts.

An Act upon the same subject was passed by the same Legislature on the 2nd March, 1874, and disallowed under an approved report by the predecessor of the undersigned, dated 9th March, 1875. To that report the undersigned refers.

It appears to the undersigned to be important that the Province should be divided for the purposes of County Courts into districts, but having regard to the views expressed in the said approved report, and considering that the consequence of permitting the Act now under consideration to go into operation would be to permit the Lieutenant Governor in Council to arrange the boundaries of these districts and to alter them at his pleasure, and so practically to determine at his pleasure the places within which the County Court Judges should have jurisdiction. It appears to the undersigned that the Act is objectionable, as the alterations thereby authorized might practically result in the appointment by the Local Government of a County Court Judge to a new District or Judgship, thus transferring to the Local Government a part of the power of appointment vested in this Government under the constitution. So long as the Local Legislature keeps within its own hands the division of the Districts and the alteration of their boundaries, this Government has, by virtue of the power of disallowance, some measure of control over such action; but should this Act go into operation no such control could thereafter be exercised here.

The undersigned has been led to believe that it may be important in the peculiar circumstances of the country to make provision for the holding of Courts at places where, owing to the influx of miners and others, a population is suddenly brought together, and in this view, he thinks it would not be objectionable that the Local Legislature should give power to the Lieutenant Governor in Council from time to time to appoint the times and places at which the County Courts shall be held in the Districts.

The undersigned recommends that it should be suggested to the Government of British Columbia to repeal the Act, and to effect any division of the Province into Districts and any definition of the boundaries of such districts which they may think desirable by legislation, instead of by the machinery proposed by the Act.

(Signed) EDWARD BLAKE.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 26th October, 1875.

On a Report, dated 20th October, 1875, from the Hon. the Minister of Justice, upon the Acts passed by the Legislature of the Province of British Columbia and assented to by the Lieutenant Governor on the 22nd April, 1875, stating that the right of disallowance ought not to be exercised in respect to the following Acts, and recommending that they be left to their operation.

“An Act respecting injuries caused by animals of a domestic nature.”

“An Act to amend and extend the provisions of the Williams' Creek Flume Ordinance, 1866.”

“An Act to render ineligible as members of the Provincial Assembly, persons accepting or holding offices, contracts or employment under the Dominion Government.”

“An Act to repeal the ‘Game Amendment Act, 1873.’”

“An Act to amend the Schedule of the ‘Constitution Act, 1871.’”

“An Act to amend the corporation of Victoria Water Works Act, 1873.”

“An Act respecting the Marking of Cattle.”

“An Act respecting the construction of a Graving Dock at Esquimalt, and of Provincial Public Works.”

“An Act to make better provision for the qualification and registration of voters.”

“An Act relating to an Act to make better provision for the qualification and registration of voters.”

“An Act relating to the indemnity to members and the salary of the Speaker of the Legislative Assembly.”

“An Act for the protection of the Lightning Creek Fire Brigade.”

“An Act to authorize the grant of certain Public Lands to the Government of the Dominion of Canada for Railway purposes.”

“An Act to amend the Licenses Ordinance, 1867.”

“An Act to amend the ‘Municipality Act Amendment Act, 1873.’”

“An Act for granting certain sums of money required for defraying the expenses of Civil Government for the year 1875, and for making good certain sums expended in the public service in 1874, and for other purposes.”

The Committee advise that the said Acts be left to their operation, as recommended.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 10th November, 1875.

Upon a Report dated 30th October, 1875, from the Hon. the Minister of Justice, having reference to the Act passed by the Legislature of British Columbia, assented to on the 22nd April, 1875, and intitled, “An Act to amend and consolidate the laws affecting Crown Lands in British Columbia;”

The Minister states that this Act is identical with that passed by the same Legislature, and assented to on the 2nd March, 1874, under the same title, with the following exceptions:—

1st. It repeals the Land Act of 1874.

2nd. The definition of Crown Lands is altered, the words “in fee simple” being substituted for the words “in free and common soccage.”

3rd. The 60th Section provides as follows:

“The Lieutenant Governor in Council shall at any time, by notice signed by the Chief Commissioner of Lands and Works, and published in the British Columbia

Gazette, reserve any lands, not lawfully held by record, pre-emption, purchase, lease or Crown grant, for the purpose of conveying the same to the Dominion Government, in trust for the use and benefit of the Indians, or for railway purposes, as mentioned in Article 11 of the Terms of Union, or for such other purposes as may be deemed advisable;” in lieu of the same section of the former Act, which read as follows:—

“The Lieutenant-Governor in Council shall at any time, and for such purposes as may be deemed advisable, reserve, by notice published in the *British Columbia Gazette*, any lands not lawfully held by record, pre-emption, purchase, lease or Crown grant.”

4th. The provision in the former Act as to the Act not coming into force until proclamation.

The Minister refers to the approved report of his predecessor upon the subject of the former Act, dated 19th January, 1875, upon which, by Order in Council dated 11th March, 1875, that Act was disallowed.

He observes that the grave questions arising in that report, and those under discussion between the two Governments as to the mode of dealing with the Indians, are still unsettled; and it appears to him that the alterations made in this Act are not such as to meet the difficulties which resulted in the disallowance of the former Act. That it may, perhaps, be hoped that, before the time within which the power of disallowance must be exercised, this question will be settled; but, should that be otherwise, it appears to him that the policy and line of argument which led to the disallowance of the former Act must lead to the disallowance of this one also.

The Minister recommends that, beyond the communication of the views of the Council to the Government of British Columbia, no action should be taken in reference to this Act until the last day at which disallowance may take place.

The Committee concur in the foregoing recommendation, and submit the same for Your Excellency's approval.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 7th January, 1876.

The Committee of Council have had under consideration the memorandum hereunto annexed, from the Hon. the Minister of Justice, having reference to certain provisions of an Act passed by the Legislature of the Province of British Columbia, intitled: “An Act to make Powers of Attorney valid in certain cases,” and they respectfully report the concurrence in the recommendation submitted in the said memorandum, and advise that a copy thereof, and of this Minute, be transmitted to the Government of British Columbia.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 5th January, 1876.

Upon an Act passed by the Legislature of the Province of British Columbia assented to on the 22nd April, 1875, intitled: “An Act to make Powers of Attorney valid in certain cases,” the undersigned begs to report:—

This Act recites that “difficulties frequently arise, as to titles to lands and other property, by reason of its conveyances, or other instruments, and Acts affecting the same,” in certain cases.

After dealing with these cases, and providing for the registration generally of Powers of Attorney, of declarations of the death, bankruptcy, insolvency or marriage of the principal or the revocation of any such Power of Attorney, the 7th Section provides that "any person who shall wilfully efface, deface, mutilate or destroy any Power of Attorney, declaration or notice, respectively, which shall have been filed under the provisions of this Act shall, upon conviction thereof, be imprisoned with or without hard labor, for any term not exceeding two years."

This section appears to trench upon the provisions of the Criminal Law, and the undersigned suggests that the attention of the Government of British Columbia should be invited to this difficulty, with a view to their considering whether the Act should not be amended before the period arrives for determining as to its disallowance.

(Signed) EDWARD BLAKE,
Minister of Justice.

Lieutenant-Governor Morris to the Secretary of State of Canada.

GOVERNMENT HOUSE,
FORT GARRY, MANITOBA,
15th February, 1876.

SIR,—I have the honor to enclose herewith, for the information of the Privy Council, a certified copy of an Act of the Legislation of Manitoba, respecting the Practice of the Courts, which I assented to on the 4th inst.

I am requested by the Executive Council of Manitoba to call your attention to the 14th Section of the said Act, which is designed to remedy difficulties, which have arisen as to the holding of the County Courts.

Before the arrival of the Chief Justice in Manitoba, an arrangement was come to between Judges McKeagney and Betournay, with my approval, that the two County Courts in the French-speaking Counties of Provencher and Marquette East, should be held by Judge Betournay.

Of late, misunderstandings have arisen between the Judges, as to the holding of the various County Courts.

They do not confer together, and arrange who should hold them.

As I failed in arriving at any arrangement, otherwise, the Council decided on regulating the matter by legislation, and hence the clause in question was adopted.

As, however, the appointing power as to the Judges, is in the Governor General in Council, and as possibly the directing them to hold particular Courts might be held to interfere with that power, the exercise of the authority of direction, was made subject to the approval thereof by the Privy Council.

I have, therefore, to request that an Order in Council may be passed without delay, approving of the Executive Council directing which of the Judges shall hold the approaching and subsequent County Courts, in order that difficulties may be avoided which are not conducive to the public advantage.

I have, &c.,

(Signed) ALEX. MORRIS,
Lieutenant-Governor.

The Hon. the Secretary of State,
Ottawa.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 20th April, 1876.

The Committee have had under consideration the Report, dated 17th April, 1876, from the Honorable the Minister of Justice, upon the Act of the Legislation of Manitoba, passed at the Session of 1876, intituled, "An Act respecting the practice in the Courts," and the despatch of the Lieutenant Governor of the 15th February, 1876, enclosing the said Act.

The Minister reports that the power of disallowance should not be exercised in respect of the said Act.

He further reports, that in his opinion the more convenient mode of working in the first instance of the 14th Section of the Act, so far as the Government of Canada is concerned therewith, would be by the Privy Council approving the Order which should be made by the Lieutenant Governor in Council determining which of the Judges of the Court of Queen's Bench should hold the County Court of any County in the Province; and he recommends that this view be communicated to the Lieutenant-Governor of Manitoba.

The Committee concur in the foregoing Report and recommendation of the Minister of Justice, and submit the same for Your Excellency's approval.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

Lieutenant-Governor Morris to the Secretary of State of Canada.

GOVERNMENT HOUSE,
FORT GARRY, MANITOBA, 15th February, 1876.

SIR, I have the honor to enclose herewith a certified copy of an Act which was passed at the recent Session of the Legislature of Manitoba, providing for the registration of the mortgages to be given in favour of the Crown by the recipients of aid from the Dominion Relief Fund.

As several mortgages have already been granted I have requested Donald Codd, Esq., Dominion Lands Agent, to act in pursuance of the provisions of the Act without waiting for instructions from Ottawa, as it is in the public interests that these mortgages should at once create a lien on the properties included in them.

Mr. Codd has acceded to my request.

I have, &c.,

(Signed)

ALEX. MORRIS,
Lieutenant-Governor.

The Honorable
The Secretary of State,
Ottawa.

Lieutenant-Governor Morris to the Secretary of State of Canada.

GOVERNMENT HOUSE,
FORT GARRY, MANITOBA, 12th February, 1876.

SIR,—I have the honor to inform you that an Act having for its object the abolition of the Upper House has been passed by both branches of the Legislature and was assented to by me on the 4th instant.

The first suggestion of this measure was made by yourself in your despatch of the 8th May, 1874, addressed to the Honorable Thomas Howard and Joseph Royal, delegates from the Executive Council, to confer with the Privy Council.

Subsequently on the formation of a new Government by the Honorable M. A. Girard, in July, 1874, it was announced by him to the Legislative Assembly, when explaining the policy of the new Government, that they designed to abolish the Upper Chamber.

A Bill was thereafter introduced with that end in view in 1874, and was adopted by the Assembly without a division, but was rejected by the Upper House by a vote of four to three.

Shortly prior to the general election of 1875, the Honorable R. A. Davis was called upon to form a Government on the resignation of the Honorable Mr. Girard, and in his address to the electors of the City of Winnipeg, published in the newspapers of the Province an announcement of his determination to carry out the abolition of the Upper Chamber was made while the general election was in progress.

The measure was again introduced during the First Session of the Second Legislature in 1875, but was again defeated by a vote of the Legislative Council of four to three.

Thus the matter remained, until the recent visit of Honorable Messrs. Davis and Royal to Ottawa, to confer with the Privy Council respecting the financial position of the Province.

Amongst the results of that conference was the following suggestion made by the Honorable Edward Blake, Minister of Justice, in a memorandum, dated the 25th of October, 1875, submitted to and adopted by the Privy Council, on the 26th of October, 1875, viz:—

“ Even if no more radical change be made, it appears to the Sub Committee that the present form of Government should be simplified and cheapened by the abolition of the Second Chamber, and the material reduction of the other expenses of Government and Legislation, and that (in case it is proposed to expend a sum larger than that which may be available from the Dominion) provision should be made for supplementing the revenue from local resources to the necessary extent so as to avoid future deficits.”

This suggestion was accepted by the Honorable Messrs. Davis and Royal, by a letter dated 27th October, 1875, and in pursuance of the understanding thus arrived at, a measure to abolish the Legislative Council was introduced in the Legislative Assembly at its recent Session.

The second reading was carried on the following division:—

Yeas.—Messrs. Bird, Bourke, Brown, Cornish, Chenier, Cowan, Davis, Dick, Girard, Gunn, Lemay, Luxton, Lepine, McKay, Murray, McKenzie, Norquay, Nolin, Royal, Taylor.—20.

Nays.—Mr. Sutherland.—1.

The Honorable Mr. Howard was necessarily absent, but would have voted *Yea*. Mr. Martin was absent from the Province, and the Speaker was in the Chair, the whole House being thus accounted for.

On reaching the Upper House the Honorable Dr. O'Donnell moved the rejection of the Bill at its third reading, with the following result:—

Yeas.—Honorable Messrs. O'Donnell, Hamelin, Dauphenais—3.

Nays.—Honorable Messrs. Inkster, McKay, Gunn, Ogletree—4.

The Bill was thereafter passed, the Honorable Dr. O'Donnell entering a protest on the Journals.

Having thus narrated the course taken during the past two years in relation to this Act, I now proceed to make some observations respecting it.

1. I have felt much embarrassment in dealing with its sanction or reservation, as I am entirely without instructions as to my duties in assenting to or reserving Bills. Apart from my personal opinion, which is, in view of practical experience of the past Sessions, that the time had not yet fully come when the Upper Chamber could be prudently abolished, I had a legal difficulty to consider, which I will hereafter state.

But before passing to this, I would remark, that we have in the Assembly no men of Parliamentary training and experience; that the population of the Province is mixed, embracing the three elements of: 1stly, English Half-breeds and Selkirk settlers; 2ndly, French Half-breeds, and 3rdly, the new settlers from Ontario, all whose views and opinions are diverse. That the Government has no Attorney General, and that there is danger of hasty and crude legislation being rapidly passed through a single chamber (constituted as that of Manitoba) which may lead to embarrassment and difficulty. I am of opinion, therefore, that I should be instructed hereafter to reserve for the assent of His Excellency the Governor General, all Bills that may involve any change of the Constitution created by the Manitoba Act of 1870, and that I should also receive instructions as to any other class of Bills which in the judgment of His Excellency in Council should be reserved. Hitherto, I have acted to the best of my judgment, conferring with my Council, and endeavouring to examine the legislation, in the light of the British North America Act with regard to the local and Dominion powers.

2nd. I now come to the legal question, which I had to consider, and with regard to which not having come to any positive conclusion, and regarding the Report of the Minister of Justice adopted by the Privy Council as an expression of their opinion on the general merits of the measure, I believed that my best course was to accede to the wishes of the Local and Dominion Governments, and assent to the Bill, respecting, however, my obligation to express as I am now doing, my personal views with respect to it, and requesting the Privy Council and Minister of Justice to consider the question when deciding whether the Act shall be left to its operation.

Had I had to deal with the British North America Act alone, which by the Manitoba Act, Section 2, is incorporated therewith, I should have experienced no difficulty as to the constitutionality of an Act to abolish the Upper House. As the 92nd Section of the British North America Act, in defining the powers of the Provisional Legislatures, expressly confer upon the Legislature in each Province "the exclusive right to make laws" in relation to the amendment from time to time, notwithstanding anything in this Act of the constitution of the Province, except as regards the office of Lieutenant Governor.

The Manitoba Act of 1870 was, however, confirmed by the Imperial Act of 1871, 34 and 35 Vic. Cap. 28, the 6th clause of which is in the following words:

"Except as provided by the third section of this Act, it shall not be competent for the Parliament of Canada to alter the provisions of the last mentioned Act of the said Parliament, in so far as it relates to the Province of Manitoba, or of any other Act hereafter establishing new Provinces in the said Dominion, subject always to the right of the Legislature of the Province of Manitoba to alter from time to time the provisions of any law respecting the qualifications of Electors and Members of the Legislative Assembly, and to make laws respecting elections in the said Province."

The exception mentioned in this section is the power of enlargement or diminution of a Province with its consent.

The object of the section was evidently to place the constitution of Manitoba (it having been enacted by a Dominion Act) in the same position as the constitutions conferred on the other Provinces, by the Imperial Confederation Act, so that it could only be altered by Imperial legislation, and not by Canadian.

Hence, the positive declaration that the Parliament of Canada cannot alter the Manitoba Act, except in the case of the enlargement or diminution of the Province;

following this declaration is, however, a reservation of powers to the Manitoba Legislature, in the following words:

"Subject always to the right of the Legislature of the Province of Manitoba to alter from time to time the provisions of any laws respecting the qualification of Electors and Members of the Legislative Assembly, and to make laws respecting Elections in the said Province."

In view of this exceptional declaration of power in the Manitoba Legislature, to alter the Manitoba Act, the question of interpretation which arises is this:

Does the section, above cited, granting and specifying a particular power to, and in the Legislature of Manitoba, modify and exclude the general power to alter the constitution contained in the 92nd section of the British North America Act? It may be asked if the British North America Act confers the general authority to deal therewith, why was the affirmative grant of the special powers necessary to be inserted in the Act of 1871;

The other aspect of the case would be to hold that the Acts of 1867 and 1871 are to be read as one, and that the conferring of the special authority above referred to was a mere enumeration of the specified powers thereby conferred, and does not exclude the general power granted by Section 92 of the Act of 1867.

The question is an interesting and important one, and being without the means of access to a legal library, I have not had the opportunity of fully studying it, but submit the views that have presented themselves to me, for the maturer consideration of the Minister of Justice, when, in the course of his official duties, he is called upon to report to the Privy Council whether the Act shall be left to its operation or not.

In order to facilitate an early disposal of the matters, I enclose a duly certified copy of the Act, and shall be glad to be advised of the decision of the Privy Council with regard thereto:

I have, &c.,

(Signed)

ALEX. MORRIS,

Lieutenant-Governor.

To the Honourable
The Secretary of State,
Ottawa.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 20th April, 1876.

On a memorandum dated 15th April, 1876, from the Honorable the Minister of Justice, stating that he has had under consideration the Act of the Legislature of Manitoba, being Chapter 29 of the Statutes passed on the 4th February, 1876, intituled, "An Act to diminish the expenditure of the Province of Manitoba in certain respects," in connection with the despatch of the Lieutenant Governor of Manitoba of the 12th February; and that for the reasons given in his report of the 15th April, instant, he recommends that the said Act be left to its operation.

That he has also had before him the Act of the Province of Manitoba passed at its session of 1876, intituled, "An Act respecting the registration of mortgages to the Crown for advances of provisions and seed grain," and that he recommends that this Act be left to its operation.

He further recommends that a copy of the said last-mentioned Act, and the despatch accompanying it, be transmitted to the Minister of Agriculture for his information.

The Committee concur in the foregoing recommendations, and advise that the same be approved and acted on.

Certified:

(Signed)

W. A. HIMSWORTH,

Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 15th April, 1876.

The undersigned has had under consideration the Act of the Legislature of Manitoba, being Chapter 28 of the Statutes, passed on the 4th February, 1876, intituled, "An Act to diminish the expenditure of the Province of Manitoba in certain respects," in connection with the despatch of the Lieutenant Governor of Manitoba of 12th February. The Lieutenant Governor calls attention to two points with reference to this Act.

The first is a question of policy, upon which the undersigned does not feel called upon to offer any remarks in his capacity as Minister of Justice, it being from the Privy Council, and upon which in effect the Council has already expressed its opinion in several communications with the Lieutenant Governor of the Province.

Upon the second, which is a legal question, the undersigned has to observe that the suggestion of the Minute in Council of the 26th October, 1875, did not involve the proposition that the Second Chamber of Manitoba could be abolished by the Legislature. The suggestion simply was that it should be abolished. The question by what authority that result could be obtained not being the subject of consideration at the time.

The undersigned agrees with the view taken in the despatch, that under the Manitoba Act, 1870, 33 Vict., ch. 3, and those provisions by the British North America Act, incorporated therewith, it was competent to the Provincial Legislature to alter its constitution by the abolition of the Legislative Council.

The question raised in the despatch is, whether by the operation of the Imperial Act, 34-35 Vic., cap. 28, sec. 6, the constitutional powers of the Legislature of Manitoba are limited in this particular.

It is to be observed that the purpose of the enacting part of this section obviously was not to limit these powers, but to establish their existence on a basis unalterable by the Parliament of Canada, with the view of placing the constitutional rights of the people of Manitoba on the same footing as those of the people of the other Provinces of Canada.

The section in this spirit enacts that it shall not be competent for the Parliament of Canada to alter any of the provisions of the Manitoba Act, but it proceeds as follows:

"Subject always to the right of the Legislature of the Province of Manitoba to alter from time to time the provisions of any law respecting the qualification of electors and members of the Legislative Assembly, and to make laws respecting elections in the said Province."

This addition was obviously unnecessary, as no rights of the Legislature of Manitoba were affected by the preceding part of the section. Its existence, however, certainly raises a serious question, and upon the whole, the undersigned thinks it the better opinion that the constitutional rights of the people of Manitoba are not taken away by the words quoted. At any rate, very much is to be said in favor of this view, and the undersigned feels that it would be contrary to the spirit in which the power of disallowance has been exercised, to interfere with the operation of this Act.

It will be for the Legislature of Manitoba, if doubts should be raised as to its validity, to move the proper authorities for such legislation as shall remove those doubts; and he recommends that the Act should be left to its operation.

The undersigned abstains in this report from dealing with the general observations made in the despatch upon the subject of the instructions to the Lieutenant Governor, thinking it more convenient to make this portion of the despatch the subject of a separate report.

Upon the Act of the Province of Manitoba passed at its Session of 1876, intituled, "An Act respecting the registration of mortgages to the Crown for advances of provisions and seed grain."

The undersigned recommends that this Act be left to its operation.

The undersigned further recommends that a copy of the said last mentioned

Act, and the despatch accompanying it, be transmitted to the Minister of Agriculture for his information.

(Signed) EDWARD BLAKE.

Lieutenant-Governor Morris to the Secretary of State of Canada.

GOVERNMENT HOUSE,
FORT GARRY, MANITOBA,
11th February, 1876.

SIR,—I have the honor to enclose, herewith, a certified copy of a Bill passed by the Legislature of Manitoba, at its recent Session, intituled, "An Act to incorporate the Manitoba Investment Association, limited," but which I reserved for the signification of the pleasure of His Excellency the Governor General.

My reasons for reserving this Bill was, that it seemed to me, that the powers conferred upon the association by the 5th section, were beyond the authority of the Local Legislature to confer, inasmuch as the Parliament of Canada, by the British North America Act has the exclusive legislative authority with regard to "banking" and "interest," and it appeared to me that the Bill contemplated that the Association should carry on some of the branches of business usually regarded as banking.

The section in question authorizes the Association to borrow money at such rates of interest as the Directors think proper, and for that purpose to make any mortgage bonds or other instruments, under the seal of the Company, for sums not less than \$500 each.

It also authorizes the Company to receive money on deposits for such period and at such rates of interest as may be agreed upon, such deposits and outstanding mortgages, bonds, or other instruments of the Association, not to exceed at any one time the subscribed capital stock of the Association, which the 13th section fixed at \$500,000, whereof one-tenth was to be paid up before the transaction of business by the Company. The Bill did not come under my inspection until the morning of the day that the Legislature was prorogued, and as I had not time for careful consideration of the effect of the provisions, I have above referred to, I deemed it right to reserve the Bill, and I have, in consequence, to request that the pleasure of His Excellency the Governor General with regard thereto may be signified in the usual manner.

I have, &c.,

(Signed) ALEX. MORRIS,
Lieutenant-Governor.

To the Honorable
The Secretary of State,
Ottawa.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 25th October, 1876.

The Committee of the Privy Council have had under consideration the Report hereunto annexed, from the Honorable the Minister of Justice in reference to a Bill, intituled, "An Act to incorporate the Manitoba Investment Association (limited)," passed in the last Session of the Legislature of that Province, and reserved on the 4th February, 1876, by the Lieutenant Governor for your Excellency's sanction, and they respectfully submit their concurrence in the said Report, and accordingly advise that

in view of the difficulties therein adverted to, the Lieutenant Governor be informed that Your Excellency does not propose to signify your pleasure with respect to this reserved Act, or to take any action upon it.

Certified.

DEPARTMENT OF JUSTICE,

OTTAWA, 4th October, 1876.

Upon the Bill, intituled, "An Act to incorporate the Manitoba Investment Association (limited)," passed in the last Session of the Legislature of this Province, and reserved on the 4th February, 1876, by the Lieutenant Governor, and upon the despatch of the Lieutenant Governor annexed to the Bill, the undersigned has to report as follows:—

The Lieutenant-Governor reserved the Bill upon the presumption that the powers conferred upon the Association by the 5th (fifth) Section, which authorizes the Directors to "borrow money on behalf of the Company, at such rates of interest and upon such terms as they may from time to time think proper; and the Directors may for that purpose make and execute any mortgages, bonds or other instruments under the common seal of the Company for sums of not less than five hundred dollars each, or assign transfer or deposit by way of equitable mortgage or otherwise, any of the documents of title deeds, muniments, securities, or property of the Company, and either with or without power of sale or other special provisions as the Directors shall deem expedient, provided that the aggregate of the sum or sums so borrowed shall not at any time exceed the amount of the subscribed capital of the Company for the time being not paid up, and no tender shall be bound to enquire into the occasion for any such loan, or into the validity of any resolution authorizing the same or the purpose for which such loan is wanted.

And by the 9th (ninth) Section, which authorizes the Company to receive money on deposit for such periods and for such rate of interest as may be agreed on, provided that the aggregate amounts of such deposits, together with the amount of the mortgages, bonds or other instruments given by the Association remaining unpaid, shall not, at any time, exceed the amount of the subscribed capital stock of the Association,"—were beyond the authority of a Local Legislature, having regard to the fact that by the British North America Act, 1867, the Parliament of Canada has exclusive authority with regard to Banking and Interest.

The question thus raised is one of very great difficulty, and the undersigned cannot but observe that considerable complication, and, perhaps, serious difficulties, may arise from the course which has been pursued in more than one Provincial Act on this subject; but, having regard to the fact that many Provincial Acts dealing with these subjects have been left to their operation, the undersigned would have deemed it beyond his province, as Minister of Justice, to recommend that, upon the grounds stated by the Lieutenant-Governor, a different course should be pursued with reference to this Act had it been finally passed—since he conceives that a certain policy has been established by the course hitherto pursued—and that it is for Council to determine whether, at this time, it is possible to reconsider the question, or to take a new departure upon such a subject.

Amongst the Acts which have been left to their operation, he may refer to the Ontario Acts, 1873, Cap. 107:—

"An Act to incorporate the Toronto Financial Corporation, 1873, Cap. 128."

"An Act to revive and amend the Act incorporating the Toronto House Building Association."

1868-9, CHAPTER 68. "An Act to incorporate the Ontario Trust and Investment Company."

1868, CHAPTER 68. "An Act to incorporate the Toronto Trust Company."

But the undersigned feels bound to call the attention of Council to the fact that the Act now under consideration confers, upon a Provincial company, unlimited power to borrow, whereas, under the above Acts, the borrowing powers are limited to the amount of the company's paid up capital, and the present policy of the Canadian Parliament, as evidenced by the mode in which private Acts for the incorporation of similar companies were dealt with last Session, is to limit such powers. Yet, even here the undersigned is not met by the fact that, under the General Joint Stock Companies' Act of Ontario, cap. 35 of the Statutes of 1874, which was left to its operation, provision was made for incorporating companies for any purpose or objects to which the legislative authority of the Legislature extends, except the construction and the working of railways and the business of insurance, and that, by the 25th Section of that Act, power is given to the directors of companies chartered thereunder, with the sanction of a certain proportion of the shareholders, to borrow money on the credit of the company, and issue bonds, debentures or other securities therefor.

This power is unlimited, and, under this Statute, a loan or investment company may be incorporated and so obtain unlimited power to borrow; and upon the whole, therefore, the impression of the undersigned would have been, (had this Bill come before him as an Act with a view to his decision whether it should be disallowed or not), that it should be left to its operation, but this is not the question.

The question is whether Council should advise His Excellency to assent to this Act, which is a reserved Bill.

It appears to the undersigned that, as a general rule, the Lieutenant-Governor should himself act with the advice of Ministers upon the question of assent.

To this rule there will no doubt be, from time to time, exceptions, but the undersigned submits to Council whether this Bill comes within the exceptions. Upon the whole, considering the difficulties to which the undersigned has adverted, and the inconveniences which might result from the Governor in Council being called upon to give vitality to Provincial legislation of this description, the undersigned recommends that no action be taken upon the Bill in question. If re-introduced into the Local Legislature, the Local Government will be able to consider the difficulties which have been stated, with a view to recommend such amendments as they may think expedient.

(Signed) EDWARD BLAKE.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 22nd January, 1872.

The Committee of Council have had under consideration the annexed report, dated 20th January, 1872, from the Honorable the Minister of Justice, and, for the reasons given therein, they advise that the several Acts passed by the General Assembly of the Province of New Brunswick, in the month of May, 1871, in the thirty-fourth year of Her Majesty's reign, be left to their operation, but that the attention of the Government of that Province be called to the three chapters to which exception is taken by the Minister of Justice, a copy of whose report they recommend be forwarded to the Lieutenant-Governor of New Brunswick through the Secretary of State for the Provinces.

Certified.

(Signed)

WM. H. LEE,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,

OTTAWA, 20th January, 1872.

The undersigned to whom were referred certified copies of the Acts of the General Assembly of the Province of Quebec, passed in the month of May, 1871, in the thirty-fourth year of Her Majesty's reign, has the honor to report that all the said Acts, excepting Chapters 1 and 19, are free from objection, and he recommends that they be left to their operation.

With respect to Chapter 1, the 14th section of the Act is in excess of jurisdiction. It provides that the Police Magistrate of the City of Fredericton shall have power to do alone such Acts as are required to be done by two or more Justices of the Peace.

This provision is general in its terms, and would be held, it is presumed, to authorize the Police Magistrate to act alone in criminal cases where the Statutes of the Dominion provide that two or more Justices must act. Such an enactment, though a very proper one, is beyond the competence of the Local Legislature, as it, in effect, repeals the provision in the Act of the General Legislature.

The attention of the Government of New Brunswick should be invited to this with the view of having the clause amended at the next Session. There will be no difficulty in obtaining a general Act from the Dominion Parliament, providing that Police and Stipendiary Magistrates should have the powers usually conferred on two or more Justices.

It should also be noticed that the 2nd Clause recites the title of the Act inaccurately, which error should be amended.

Chapter 19 "An Act to authorize the appointment of a District or Stipendiary Magistrate for the County of Gloucester," is objectionable for the same reason as above given respecting Chapter 1.

With respect to Chapter 6, intituled: "An Act in addition to an Act passed in the 33rd year of the Reign of Her present Majesty, intituled: 'An Act to continue and amend an Act to regulate the sale of Spirituous Liquors'"—the undersigned thinks it well to remark, that he entertains considerable doubt whether it and the Act which it amends are not, in some respects, *ultra vires*.

The 92nd Section of the Union Act gives to Provincial Legislatures the exclusive power of making laws in relation to shop, saloon, tavern, auctioneer and other licenses, in order to the raising of revenue for Provincial, Local or Municipal purposes.

The Acts in question, however, go further than making provision for the raising of revenue by charging license fees. They contain certain clauses placing restrictions on the issue of tavern licenses, such restrictions having no connection with any revenue purpose.

Now, by the Union Act, the duty of all legislation relating to the regulation of trade and commerce, is thrown upon the General Legislature, and, in the opinion of the undersigned, the provisions in these Acts are in regulation of trade, and do not concern the raising of revenue.

The undersigned recommends that the Act be left to its operation, leaving it to any persons thinking themselves aggrieved by any action under these Provincial Statutes, to test their constitutionality in the Courts. The attention of the Provincial Government should, however, be called to the matter as worthy of their consideration.

Numerous petitions to His Excellency the Governor General, from the Roman Catholics of New Brunswick, most respectably signed, have been received, praying that the Act, Cap. 21, intituled: "An Act relating to Common Schools" be disallowed.

The grounds upon which this prayer is based are:

1. That the Act will greatly destroy or greatly diminish the educational privileges which Catholics enjoyed at the time of the passing of the British North America Act, and subsequently.

2. That the pecuniary grants hitherto made to the graded schools have been

taken away, although to these grants Catholics may in most cases be fairly regarded as having a prescriptive right.

Now, the Provincial Legislatures have exclusive powers to make laws in relation to education, subject to the provisions of the 93rd Clause of the British North America Act. Those provisions apply exclusively to the denominational, separate or dissentient schools, they do not, in any way, affect or lessen the power of such Provincial Legislatures to pass laws respecting the general educational system of the Province.

The Act complained of is an Act relating to Common Schools, and the Acts repealed by it apply to parish, grammar, superior and common schools.

No reference is made in them to separate, dissentiant or denominational schools, and the undersigned does not, on examination, find that any Statute of the Province exists establishing such special schools.

It may be that the Act in question may operate unfavorably on the Catholics or on other religious denominations, and if so, it is for such religious bodies to appeal to the Provincial Legislature, which has the sole power to grant redress.

As, therefore, the Act applies to the whole school system of New Brunswick, and is not specially applicable to denominational schools, the Governor-General has, in the opinion of the undersigned, no right to intervene.

As to the second objection respecting pecuniary grants, those must of course be under the annual supervision of the Legislature, which has the sole power to deal with the public funds; unless, by special enactment, those grants have been conferred for a specified period by an Act of the Legislature.

In such case the grant might be considered in the nature of a contract, and the repeal might be held to be a breach of that contract.

The undersigned does not find that any such Statutory contract has been made. Under the circumstances he is, therefore, of opinion that no other course is open to the Governor General than to allow the Act to go into operation.

All which is respectfully submitted.

(Signed) JOHN A. MACDONALD.

Lieutenant-Governor Trutch to the Secretary of State of Canada.

No. 54.

BRITISH COLUMBIA,
GOVERNOR'S OFFICE, 11th April, 1872.

SIR,—I have the honor to transmit herewith, for such action as His Excellency the Governor General may be pleased to take thereon, duly authenticated copies of thirty-three Acts, the titles of which are set forth in the Schedule hereto annexed, to which I have this day in the Legislative Assembly declared my assent in Her Majesty's name.

I also enclose for His Excellency's consideration a copy of the Report of my Attorney General on each of the several Bills.

I have, &c.,

(Signed) JOSEPH W. TRUTCH.

The Honorable JOSEPH HOWE,
Secretary of State for the Provinces.

Schedule of Acts transmitted by the Lieutenant-Governor of British Columbia to the Honorable the Secretary of State for the Provinces, in Despatch No. 54 of the 11th of April, 1872.

- No. 1. An Act respecting the Statutes.
- No. 2. An Act to abolish certain Road Tolls in British Columbia.
- No. 3. An Act to adopt the Tariff and Excise Laws of Canada.
- No. 4. An Act to define the Privileges, Immunities and Powers of the Legislative Assembly, and to give summary protection to persons employed in the Publication of Sessional Papers.
- No. 5. An Act to provide for Oaths to Witnesses being administered in certain cases for the purposes of the Legislative Assembly.
- No. 6. An Act to establish a Consolidated Revenue Fund for the Province of British Columbia.
- No. 7. An Act to further amend the Road Ordinance, 1869.
- No. 8. An Act to enable the Lieutenant-Governor to appoint Notaries Public.
- No. 9. An Act for continuing the Legislative Assembly in case of the demise of the Crown.
- No. 10. An Act to amend the manner of taking the verdict of a Jury in Civil cases.
- No. 11. An Act to repeal the Civil List Act, 1871.
- No. 12. An Act to make provision for inquiries concerning Public matters.
- No. 13. An Act to enable the Lieutenant Governor to appoint Justices of the Peace and Coroners.
- No. 14. An Act to amend "The Gold Mining Ordinance, 1867."
- No. 15. An Act to define the designation of the Officer described as the Chief Commissioner of Lands and Works, and to alter and define the designation of the Colonial Secretary, as mentioned in "The Constitution Act, 1871."
- No. 16. An Act respecting Public Schools.
- No. 17. An Act respecting Breeding Stock.
- No. 18. An Act respecting the better administration of Justice in British Columbia.
- No. 19. An Act respecting the security to be given by Officers of British Columbia.
- No. 20. An Act to amend and explain "The Marriage Ordinance, 1867."
- No. 21. An Act to amend "The Election Regulation Act, 1871."
- No. 22. An Act to make provision for the better administration of Justice in British Columbia.
- No. 23. An Act to amend the "Game Ordinance, 1870."
- No. 24. An Act to make provision for the better administration of Justice in British Columbia.
- No. 25. An Act to remove doubts as to the Jurisdiction of the Supreme Court of British Columbia, and of the Judges thereof, over the persons and estates of Idiots and Lunatics.
- No. 26. An Act respecting the Registration of Births, Deaths and Marriages in the Province of British Columbia.
- No. 27. An Act to amend the Schedule of the Constitution Act, 1871."
- No. 28. An Act respecting Public and other Works in British Columbia.
- No. 29. An Act to alter and amend the course of descent of Real Estate.
- No. 30. An Act to alter and amend "The Constitution Act, 1871."
- No. 31. An Act to amend the Land Ordinance Act 1870.
- No. 32. An Act to carry into effect the recommendation of the Commission on "The Tax Sale Repeal Ordinance, 1867, Amendment Act," and to give relief in certain cases not appointed by the Commissioners.
- No. 33. An Act for granting certain sums of money for defraying the expenses of Civil Government for the year 1872, and for making good certain sums expended for the public service in 1871, and for other purposes.
- No. 34. An Act respecting Probate and Administration duty.
- No. 35. An Act respecting municipalities.

No. 36. An Act to make provision for the registration in British Columbia of certain foreign companies.

Reports of Mr. Attorney-General McCreight.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 8th April, 1872.

SIR,—I have the honor to report, for the information of the Governor General, upon an Act passed during the present Session of the Legislature, intituled, No. 24. "An Act to make provision for the better Administration of Justice in British Columbia."

This Act has been passed in accordance with the exclusive power given to Provincial Legislatures by the British North America Act of making laws for the Administration of Justice—and in accordance with Section five of the Terms of Union.

It provides for the appointment of a third Judge of the Supreme Court, and seems to be a measure free from objection.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 8th April, 1872.

SIR,—I have the honor to report, for the information of the Governor General, upon an Act passed during the present Session of the Legislature, intituled, No. 18. "An Act to make provision for the better Administration of Justice in British Columbia."

This Act gives the Lieutenant Governor in Council power to define the limits of the districts within, and the times at which Circuit Courts and Courts of Assize, and *nisi prius* shall be holden in the Province, and the places at which such Courts shall be held within such limits. I see no objection to the Act.

I have, &c.,

(Signed), J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 7th April, 1872.

SIR,—I have the honor to report, for the information of the Governor General, upon An Act passed during the present Session of the Legislature intituled, No. 22. "An Act to make provision for the better Administration of Justice in British Columbia."

On reference to No. 95 of the Revised Statutes it will be observed that the Governor General has only a power to appoint gentlemen who are Justices of the Peace of British Columbia, to the office of a County Court Judge; and this Act has been passed to remove this restriction upon such appointments.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 7th April, 1872.

SIR,—I have the honor to report, for the information of the Governor General, upon an Act passed during the present Session of the Legislature intituled, No. 25. "An Act to remove doubts as to the jurisdiction of the Supreme Court of British Columbia, and of the Judges thereof, over the persons and estates of idiots and lunatics."

This Act, as its preamble recites, has been passed to remove doubts that have been entertained as to the jurisdiction of the Supreme Court over the persons and estates of idiots and lunatics, and it gives the Judges of the Supreme Court the same jurisdiction in lunacy as the Lord Chancellor or Lords Justices in England have, and makes past proceedings in lunacy in British Columbia valid. I think that the Act, as it stands, is free from objection.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 7th April, 1872.

SIR,—I have the honor to report, for the information of the Governor General, upon an Act passed during the present Session of the Legislature, intituled, No. 23. "An Act to amend the Game Ordinance, 1870."

This Act merely excludes wild pigeons from the "Game Ordinance, 1870," and is free from objection.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 21st March, 1872.

SIR,—I have the honor to report, for the information of the Governor General, upon an Act passed during the present Session of the Legislature entitled No. 4 "An Act to define the privileges, immunities and powers of the Legislative Assembly, and to give summary protection to persons employed in the publication of Sessional Papers."

That portion of the Act relating to the privileges, immunities and powers of the Legislative Assembly is passed, as recited in the preamble, by virtue of the powers contained in the "Constitution Act, 1871," and they are limited to the privileges, immunities and powers enjoyed by the Commons House of Parliament of the Dominion.

The measure is required by the Constitution Act, and it appears to be free from any objection.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 21st March, 1872.

SIR,—I have the honor to report, for the information of the Governor General, upon an Act passed in the present Session of the Legislature, intituled No 5 "An Act to provide for Oaths to Witnesses being administered in certain cases for the purposes of the Legislative Assembly."

This Act is necessary to enable Select Committees on Private Bills to administer Oaths to Witnesses under examination, and is in substance the same as the Imperial Act 21 and 22 Vic. Cap: 78, and seems to be free from objection.

I have &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 6th April, 1872.

SIR,—I have the honor to report for the information of the Governor General upon an Act passed during the present Session of the Legislature, intituled No. 6 "An Act to establish a Consolidated Revenue Fund for the Province of British Columbia."

This Act provides for the establishment of a Consolidated Revenue Fund, for a permanent charge thereon, for cost of collection, management and receipt thereof;—that the appropriation of any part of the fund, or of any tax, or other import, shall first be recommended by message by the Lieutenant Governor;—and for the investment of the surplus funds.

I see nothing objectionable in the Act as it stands.

I have &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 7th April, 1872.

SIR,—I have the honor to report for the information of the Governor General, upon an Act passed during the present Session entitled, No. 7 "An Act to further amend the Road Ordinance 1869."

This Act enables the Lieutenant Governor to appoint the places within the Districts at which the Road Tax Lists may be inspected.

And also declares that the property of the Road Tax Lists shall be deemed to have been, and be vested in the persons mentioned in the Act.

The Act I think is free from objection.

I have &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 21st March, 1872.

SIR,—I have the honor to report, for the information of Her Majesty's Government, upon the Act passed during the present Session of the Legislature, intituled No. 8. "An Act to enable the Lieutenant-Governor to appoint Notaries Public."

This Act has been passed to remove doubts as to whether the previous Governors of the former Colonies of Vancouver Island and British Columbia had power to grant commissions to Notaries Public; to confirm all commissions and appointments made by them; and to give the Lieutenant-Governor power to appoint Notaries Public for the Province.

This provision is likely to be a useful one, as, owing to there being no Notaries at Nanaimo, New Westminster and other places, great inconvenience has for a long time been felt in getting documents properly authenticated.

I think no objection can be taken to the Act.

I have &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 21st March, 1872.

SIR,—I have the honor to report, for the information of the Governor General, upon an Act passed during the present Session of the Legislature, intituled No. 9. "An Act for continuing the Legislative Assembly of British Columbia in case of the demise of the Crown."

This Act has been passed, as it is not clear whether the Imperial Act relating to this subject applies to the Provincial Legislatures of the Dominion.

I think it is an Act to which no objection can be taken.

I have, &c

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 21st March, 1872.

SIR,—I have the honor to report, for the information of the Governor General, upon an Act passed during the present Session of the Legislature, intituled No. 10. "An Act to amend the manner of taking the verdict of a Jury in Civil cases."

This Act provides for the verdict of a jury in civil cases being received where a majority, if not less than three-fourths, are of accord after three hours' deliberation.

An Act identical with this was in force for some years in the former colony of Vancouver Island, and was found to work well.

In a small community like this, where few individuals are absolutely unknown to each other, an Act of this kind is almost indispensable, owing to the difficulty in obtaining unanimity in juries.

I think no objection can be taken to the Act.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 7th April, 1872.

SIR,—I have the honor to report, for the information of the Governor General, upon an Act passed during the present Session of the Legislature, intituled No. 11, "An Act to repeal the Civil List Act, 1871."

This Act has been passed in accordance with the promise contained in the Lieutenant Governor's opening speech of this Session, and with a view of placing in the hands of the Legislature the power of determining the amount of salary to be attached to each officer in the public service that may be maintained, and I think it is free from objection.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 25th March, 1872.

SIR,—I have the honor to report, for the information of the Governor General, upon an Act passed during the present Session of the Legislature, intituled No. 12, "An Act to make provision for Inquiries concerning Public Matters."

This Act enables the Lieutenant-Governor to appoint Commissioners with powers to summon and administer oaths to witnesses, upon an inquiry into public matters, and is a useful Act and seems to contain nothing objectionable.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 21st March, 1872.

SIR,—I have the honor to report for the information of the Governor General upon an Act passed during the present Session of the Legislature, intituled No. 13, "An Act to enable the Lieutenant Governor to appoint Justices of the Peace and Coroners."

This is a useful Act, and I think no objection can be taken to it.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 6th April, 1872.

SIR, — I have the honor to report, for the information of the Governor General upon an Act passed during the present Session of the Legislature intituled No. 14, "An Act to amend the Gold Mining Ordinance, 1867."

This Act contains provisions for lowering the scale of fees charged under the principal Act.

The interpretation of "Creek Claims" and "Quartz Claims" is more favourable to the miner than in the principal Act.

The clause providing for the remedies against Debtors in default of payment of Assessments, is preferable to the clause it supersedes; inasmuch as provision is made for notices and advertisements, of sale to be given, in case of the absence of the Debtor.

The jurisdiction of the Mining Court is enlarged so that it can deal with action upon contracts entered into between miners and other persons for the supply of goods for mining purposes.

Provision is made for leave of absence being granted in certain cases not provided for the principal Act.

The Act is one to which I think no objection can be taken.

have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 25th March, 1872.

SIR,—I have the honor to report for the information of the Governor-General, upon an Act passed during the present Session of the Legislature, intituled No. 15. "An Act to define and explain the designation of the officer described as the Commissioner of Lands and Works, and to alter and define the designation of the Colonial Secretary as mentioned in the Constitution Act, 1871."

This Act was rendered advisable in order to leave no doubt as to the Chief Commissioner of Lands and Works, mentioned in the Constitution Act, 1871, having all the powers, duties and authorities had and exerciseable from time to time by the different heads of that Department, under different Ordinances and Acts.

The officer described in the Constitution Act, as the Colonial Secretary is to be henceforth called the Provincial Secretary.

The Act, as far as I can see, is free from objection.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 8th April, 1872.

SIR,—I have the honor to report, for the information of the Governor-General, upon an Act passed during the present Session of the Legislature, intituled No. 16. "An Act respecting Public Schools."

This Act provides for a system of free non-Sectarian Schools throughout the Province, and appears to be a measure free from objection.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 22nd March, 1872.

SIR,—I have the honor to report, for the information of the Governor-General, upon an Act passed during the present Session of the Legislature, intituled No. 17. "An Act respecting Breeding Stock."

This Act has been passed to prevent the running at large of entire animals during certain seasons of the year; and provision is made that the Act shall not apply to any district, unless application shall be made in writing to the Lieutenant-Governor in Council, signed by at least two-thirds of the resident land owners or occupiers in the district. The Act, as far as I can see, contains nothing objectionable.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 7th April, 1872.

SIR,—I have the honor to report, for the information of the Governor General, upon an Act passed during the present Session of the Legislature, intituled No. 19. "An Act respecting the Security to be given by Officers of British Columbia."

This seems to be a useful Act to have on our Statute-book, and, as far as I see, seems to be free from objection.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 8th April, 1872.

SIR,—I have the honor to report, for the information of the Governor General upon an Act passed during the present Session of the Legislature, intituled No. 20. "An Act to amend and explain the Marriage Ordinance 1867."

This Act enables the Lieutenant Governor to appoint Registrars for the purposes of this Act and the principal Act, and empowers such Registrars to take the Statutory Declaration mentioned in the principal Act.

I think the Act is free from objection.

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 8th April, 1872.

SIR,—I have the honor to report, for the information of the Governor General, upon an Act passed during the present Session of the Legislature, intituled No. 21. "An Act to amend the Election Regulation Act 1871."

This Act enables Electors to vote at an Election in any Polling Division within the Electoral District in which they have been registered and has been passed to suit the convenience of miners and others who may have registered in one Polling Division, and at the time of the Election may be in another Division of the District.

The Act can be reported free from objection.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 7th April, 1872.

SIR,—I have the honor to report, for the information of the Governor General, upon an Act passed during the present Session of the Legislature, intituled No. 26. "An Act respecting the registration of births, deaths, and marriages in the Province of British Columbia."

This appears to be a useful Act, the want of which has long been felt in British Columbia, and can fairly lay claim to Her Majesty's assent.

The Act would be difficult of application to Chinese and Indians, and such an extension would probably be of little advantage.

A clause has been inserted accordingly, excepting them from its operation. This it is conceived is quite legitimate as regards section 91, paragraph 24, of the British North America Act, 1867.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 8th April, 1872.

SIR,—I have the honor to report, for the information of the Governor General upon an Act passed during the present Session of the Legislature, intituled No. 28. "An Act respecting Public and other Works in British Columbia."

This Act enables the Lieutenant-Governor in Council to take land for public purposes, giving compensation to owners.

The arbitration clauses likewise provide for disputes between the Crown and subject arising out of certain contracts.

I see no objection to the measure.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY GENERAL'S OFFICE, 7th April, 1872.

SIR,—I have the honor to report, for the information of the Governor General, upon an Act passed during the present Session of the Legislature, intituled No. 27. "An Act to amend the schedule of the Constitution Act, 1871."

This Act enlarges the area of the electoral district of Nanaimo, which, as it stood, defined in the principal Act, excluded a number of settlers in the vicinity, and I see nothing to object to in the Act.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 8th April 1872.

SIR,—I have the honor to report, for the information of the Governor General, upon an Act passed during the present Session of the Legislature, intituled, No. 29, "An Act to alter and amend the course of descent of real estate."

This Act abolishes the law of Primogeniture.

I see no objection to the measure.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 9th April, 1872.

SIR,—I have the honor to report, for the information of the Governor General upon an Act passed during the present Session of the Legislature, intituled No. 30. "An Act to amend the Constitution Act, 1871."

This Act repeals the clauses relating to the indemnity to be allowed to members of the Legislature during each Session.

The object of the Act is to get a fresh scale of payment framed at the next sitting of the House, more particularly with regard to the allowance for mileage which, at present, is not considered sufficient to cover the expenses of members travelling from Cariboo, Kootenay and other remote districts.

I see no objection to the Act.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 8th April, 1872.

SIR,—I have the honor to report, for the information of the Governor-General, upon an Act passed during the present Session of the Legislature, intituled No. 32. "An Act to carry into effect the recommendations of the Commission on 'The Tax sale repeal Ordinance, 1867,' Amendment Act, "and to give relief in certain cases not appointed by the Commissioners."

This Act enables the Registrar-General of Titles, when he finds by production of a receipt that a tax charged against real estate has been paid, to cancel the same.

I see no objection to the measure.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 9th April, 1872.

SIR,—I have the honor to report, for the information of the Governor General, upon an Act passed during the present Session of the Legislature, intituled No. 31. "An Act to amend 'The Land Ordinance, 1870.'"

This Act amends the Section of the principal Act relating to water privileges, and seems to be a useful measure, and free from objection.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 9th April, 1872.

SIR,—I have the honor to report, for the information of the Governor General, upon an Act passed during the present session, entitled No. 33. "An Act for granting certain sums of money required for defraying the expenses of Civil Government for the year 1872, and for making good certain sums expended for the public service in 1871, and for other purposes."

This Act has been passed in the usual form in which similar Acts have heretofore received Her Majesty's assent.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 11th April, 1872.

SIR,—I have the honor to report, for the information of the Governor General, upon an Act passed during the present Session of the Legislature, intituled No. 35. "An Act respecting Municipalities."

This Act provides for a system of Municipal Government throughout the Province, but is not to come into operation in any locality until certain requirements mentioned in the Act are fulfilled.

The machinery is imperfect as regards the manner of taking the municipal vote under the 9th Section of the Act, but I see no sufficient reason for His Excellency to withhold his assent.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 9th April, 1872.

SIR,—I have the honor to report, for the information of the Governor General, upon an Act passed during the present Session of the Legislature intituled, No. 34. "An Act respecting Probate and Administration Duty."

This Act provides for a return of so much of the duty originally paid, as shall be in excess of the amount of 3 per cent on the net assets of the estate of the deceased.

It has on several occasions happened that whilst the gross assets were considerable, the debts were almost equally great, and a duty of 3 per cent on such gross amount was a heavy charge on the estate.

The provision is similar to what obtains in England, and is free from objection.

I have, &c.,

(Signed)

J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 11th April, 1872.

SIR,—I have the honor to report, for the information of the Governor General, upon an Act passed during the present Session of the Legislature, entitled No. 36: "An Act to make provision for the Registration in British Columbia of certain Foreign Companies."

This Act provides for the Registration in British Columbia of certain companies which have been incorporated in foreign States.

It is conceived that the measure falls within the class of subjects referred to in Section 92, Sub-Section 11 of the "British North America Act, 1867," and cannot be objected to under the other provisions thereof, and may, therefore, with propriety be assented to.

I have, &c.,

(Signed)

J. F. McCREIGHT,
Attorney-General.

The Attorney-General to the Lieutenant-Governor.

BRITISH COLUMBIA,
ATTORNEY-GENERAL'S OFFICE, 6th April, 1872.

SIR,—I have the honor to report, for the information of the Governor General, upon an Act passed during the present Session of the Legislature intituled, "An Act to amend the Military and Naval Settlers' Act, 1863."

This Act extends the time for the presentation, by the applicant for a free grant of land, of the certificate of the General Commanding in Chief in England, or from the office of the Lords Commissioners of the Admiralty, showing that the settlement of such a person in a British colony has been sanctioned, and showing also the rank and length of service of such person, as mentioned in the principal Act, from one to three years.

And also extends the proviso that no location ticket shall be granted, or free grant made, unless the particular land to be included therein shall have been claimed, to within three years instead of two years, as in the principal Act.

The Act was passed with a view to encourage the settlement in British Columbia of military and naval officers, and, as it is perhaps in conflict with the 11th Section of the Terms of Union with Canada, I would respectfully suggest that His Excellency should reserve his assent.

I have, &c.,

(Signed)

J. F. McCREIGHT,
Attorney-General.

The Attorney-General to the Lieutenant-Governor.

BRITISH COLUMBIA,

30th April, 1872.

SIR,—I had the honor to report to you on the 6th instant, that I did not consider that an Act intituled "The Military and Naval Settlers Act amendment Act, 1872," was a measure to which, in conformity with the law, could your assent be given, and I think an inspection will fully bear out this statement.

The object of this Act is to give enlarged facilities for the acquirement of land in British Columbia by military and naval settlers; having regard to the 6th and 10th Sections of the principal Act, which is No. 43 of the Revised Statutes, 1871. It seems unnecessary to inquire whether the operation of the last mentioned Act is temporarily suspended by the 11th Section of the Terms of Union with Canada, because it seems very evident that any proposed enlargement of its provisions is plainly consistent with those terms, and therefore must be treated as illegal.

The right of pre-emption therein referred to, must, of course, mean that which is prescribed as the "Land Ordinance, 1870," No. 144 of the Revised Statutes, 1871.

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

(Signed) F. McCREIGHT,
Attorney-General.

His Honor
The Lieutenant-Governor.

The Attorney-General to the Lieutenant-Governor.

BRITISH COLUMBIA,

ATTORNEY-GENERAL'S OFFICE, 8th April, 1872.

SIR,—I have the honor to report, for the information of the Governor General, upon an Act passed during the present Session of the Legislature entitled "An Act to amend the Qualification of Voters Act, 1871."

This Bill, purporting to disfranchise Indians and Chinese seems to be contrary to the British North America Act, Section 91, sub-section 24, and unconstitutional.

I would respectfully submit that His Excellency should reserve the same for the consideration of the Governor General.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

BRITISH COLUMBIA,

ATTORNEY GENERAL'S OFFICE, 17th April, 1872.

SIR,—I have the honor to report upon an Act intituled, "An Act to amend the qualification and registration of Voters Act, 1871."

This Act, whilst extending the franchise in this Province to every male of the age of 21 years, who is entitled within the Province to the privilege of a natural born British subject without any property qualification, (subject to certain provisos which are immaterial to this enquiry), by the concluding clause enacts "that nothing herein contained shall be deemed to apply to Chinese or Indians," and thereby purports to

exclude from the exercise of the Electoral Franchise, not only Chinamen but the aboriginals of the Province.

Under the "Qualification and Registration of Voters Act, 1871," (No. 156 of the Revised Statutes, 1871) as might have been expected, all persons who had the qualification therein described, (see section 3 of that Act) were entitled to be registered as voters, independent of any question of nationality, race or colour; and the above-mentioned restriction seems to be objectionable, firstly: as being contrary to the instructions usually furnished to Governors of Colonies—see Section 15, sub-sections 6 and 9 (which I presume are still applicable), and, secondly, as being beyond the jurisdiction of the Provincial Legislature. See "British North America Act 1867," section 91, sub-section 24.

By Section 15, sub-section 6 of such instructions, the Governor of a colony is forbidden to assent to "any Bill, the provisions of which shall appear inconsistent with obligations imposed on us by Treaty."

It is believed that the Legislation attempted by this Act, as regards Chinese, contravenes this clause of the instructions; and it is submitted that it is likewise clearly contrary to sub-section 9 which similarly provides against any Bill being assented to "whereby persons not of European birth or descent, may be subjected or made liable to any disabilities or restrictions to which persons of European birth or descent are not also subjected or made liable."

But the British North America Act 1867, seems to afford a still more formidable objection, not only does the Provincial Act in question purport to legislate on the subject of Indians, but it attempts to deprive them of the exercise of the franchise, regardless of the qualifications therefor, which, in other respects, they may possess; whilst the now existing law, as might be expected, gives them completely the same status as that enjoyed by other British subjects, when it is added that the Indian population is supposed to amount to 50,000 souls, affording, as may be presumed, a proportion of one-fifth, or 10,000 men of the full age of twenty-one years, the grave nature of the question becomes very evident, and reasons of policy as well as of law seem alike to condemn the measure.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

His Excellency
The Lieutenant-Governor.

The Attorney-General to the Lieutenant-Governor.

BRITISH COLUMBIA,
ATTORNEY GENERAL'S OFFICE, 11th April, 1872.

SIR,—I have the honor to report, for the information of the Governor General, upon an Act passed during the present Session of the Legislature, entitled "An Act to impose a Wild Land Tax."

This Act imposes a tax of four cents per acre on unimproved land in the Province.

It is, perhaps, doubtful, whether it may not be considered that it may apply to the land hereafter to be appropriated for railway purposes, under the 11th Section of the Terms of Union, and I would suggest that it should be reserved for the consideration of the Governor General.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

The Attorney-General to His Honor the Lieutenant-Governor,

BRITISH COLUMBIA,
30th April, 1872.

SIR,—I had the honor to report, on a former occasion, for Your Honor's information, that I considered that an Act passed by the Legislative Assembly during the last Session, intituled: "The Land Tax Act, 1872," was a measure which, in my opinion, should be reserved for the consideration of His Excellency the Governor General; and I will now state briefly the reasons upon which that report was founded.

The 1st Section purports to impose an annual tax of four cents per acre upon all land in the Province, except as therein, and in the 30th Section, is excepted.

The land hereafter to be appropriated, in furtherance of the construction of the Pacific Railway, (see terms of Union with Canada, Sec. 11) will, no doubt, until such appropriation takes place, be exempted by Sub-Section (a) of Section 1, from taxation; but it seems that after such "20 miles on each side of the said line," or any portion thereof, shall have been transferred to a company, as a consideration for constructing the railway, the serious difficulty would arise of such company taking the land, subject to the annual payment of 4 cents per acre.

Perhaps it would be more correct to state that they would fully take into account this impost, as well as the possibility of others of a similar character, before making any such contract, and these terms would be, *pro tanto*, the less favorable to Canada.

The Legislature of British Columbia having agreed to the grant referred to in that section, cannot now derogate therefrom; and, as the terms of Union are equivalent to an Act of the Imperial Legislature, any attempt so to do appears to be, not merely improper but altogether futile.

I have, &c.,

(Signed) J. F. McCREIGHT,
Attorney-General.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 30th September, 1872.

Upon a despatch (numbered 60, and dated 11th May last,) from the Lieutenant-Governor of British Columbia, transmitting certain Bills, passed by the Legislative Assembly of that Province, during its then recent Session, which had been reserved for the signification of the pleasure of the Governor General, and transmitting also a copy of the report of the Attorney-General, the Deputy of the Minister of Justice reports as follows: "An Act to amend 'The Military and Naval Settlers Act, 1863.'

The object of this Act is "to enlarge the facilities for the acquirement of land in British Columbia by Military and Naval settlers, having regard to certain provisions of number 43 of the Revised Statutes of 1871, which it is proposed to amend and extend in its operation.

"He is of opinion that the operation of this Act would be in conflict with the 11th section of the terms of union of British Columbia with Canada, and he recommends, therefore, that the assent of the Governor General be withheld therefrom."

The Hon. the Minister of Justice having reported his concurrence in the above recommendation, the Committee advise that the Act above mentioned be not assented to.

Certified.

(Signed) WM. H. LEE,
Clerk, Privy Council.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 30th September, 1872.

The Committee have had under consideration the annexed report, dated 18th September, 1872, from the Honorable the Minister of Justice, upon a Bill intituled: Act to amend "The Qualification and Registration of Voters Act, 1872," passed by the Legislative Assembly of the Province of British Columbia, and which has been reserved for the signification of the pleasure of the Governor General, and they respectfully advise that the said Bill be assented to, and the recommendation of the Minister of Justice acted on.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 18th September, 1872.

Upon a despatch, numbered 60, and dated the 11th May last, from the Lieutenant-Governor of British Columbia, transmitting certain Bills passed by the Legislative Assembly of that Province during its then recent Session, which had been reserved for the signification of the pleasure of the Governor General; and transmitting, also, a copy of the report of the Attorney-General, the undersigned has the honor to report as follows: "Act to amend the Qualification and Registration of Voters Act, 1871."

The report of Mr. Attorney-General McCreight recommended the reservation of the Act upon the ground that the 13th clause precluded the exercise of the electoral franchise, in respect to the Legislative Assembly, by Chinese and Indians, and he was of opinion that the same was in contravention of the instructions furnished to Governors of Colonies, and also of the British North America Act, 1867, section 91, sub-section 24.

Upon the first point the undersigned is of opinion that the Imperial instructions issued to Governors of Colonies, and which accompanied their commissions direct from the Queen, are not applicable to the cases of Lieutenant Governors of Provinces of Canada who receive their commissions from the Governor General under the Great Seal of Canada, and to whom instructions are to be communicated by the terms of those commissions, from the Governor General of Canada in Council, or through any member of the Council.

Every deference would, of course, be paid to the terms of instructions which had been given by the Imperial Government to Governors of Colonies, and the view entertained by Mr. Attorney-General McCreight of reserving the Bill under these circumstances, has been exercised with much discretion.

It may, however, be observed that there is no instruction of such a nature in the Commission or Royal Instructions to the Governor General, since the year 1867.

Upon the second point, as to the jurisdiction of the Legislature of British Columbia, as it has been exercised in this instance, the undersigned has the honor to state that he is of opinion that the British North America Act 1867, "Sec. 91, Sub-Sec. 24, which places within the exclusive Legislative authority of the Parliament of Canada, Indians and lands reserved for Indians," has reference to legislation connected with Indians generally, and to lands reserved for them.

The Order of the Queen in Council, under which British Columbia was admitted into the Union, is Section 13, as follows:—

"The charge of the Indians, and the trusteeship and arrangement of the lands reserved for their use and benefit, shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbian Government, shall be continued by the Dominion Government after the Union."

But by Section 10 of that Order in Council, the provisions of the British North America Act, 1867, "shall, except &c., be applicable to British Columbia, in the same way, and to the like extent, as they apply to the other Provinces of the Dominion, and as if the Colony of British Columbia had been one of the Provinces originally united by the said Act," and by Section 14, "the constitution of the executive authority, and of the Legislature of British Columbia, shall, subject to the provisions of the British North America Act, 1867, continue as existing at the time of the Union, until altered under the authority of the said Act," &c.

Now it is, by the "British North America Act, 1867," Section 92, enacted that, in each Province the Legislature may exclusively make laws in relation to, amongst other classes, the following, viz: "The amendment from time to time, notwithstanding anything in this Act, of the constitution of the Province, except as regards the office of Lieutenant-Governor."

This, it is apprehended, confers on each Province the right of legislating as to its franchise.

It may be mentioned that this right has been exercised by the Province of Ontario, in respect to the right of Indians to vote in the District of Algoma at elections of members of the Legislative Assembly of that Province, by 33 Vic., cap. 25, sec. 34, which excepts from the rights of franchise, "Indians belonging to tribes, and Indians in receipt of Government aid or bounty."

Under these circumstances, the undersigned is of opinion that the Legislature of British Columbia have authority to legislate in their own discretion as to parties by whom the right of franchise in respect of the Legislative Assembly may be exercised.

The undersigned has, therefore, the honor to report that, in his opinion, this Act may receive the assent of the Governor General.

The undersigned recommends, however, that the attention of the Lieutenant Governor of British Columbia be called to the 10th section of the Act, which provides a substituted section for section 3 of the Act which it proposes to amend.

By this section it is provided who shall have the right to vote at elections of members of the Legislative Assembly, and amongst other requisites is one that the voter shall be entitled to the privilege of a natural born British subject, &c. But it is provided "that no natural born British subject who has removed his allegiance, or sworn allegiance to any Foreign State, or become the citizen of any Foreign State, shall be entitled to be registered under the provisions of this Act until he shall have taken the oath of allegiance to Her Majesty before some Judge of the Supreme or County Court, Magistrate, or Justice of the Peace in this Province, which oath such Judge, Magistrate, or Justice of the Peace is hereby authorized to administer," &c.

Upon the principle before suggested, that it is within the Legislative authority of the Province to regulate by whom the franchise shall be exercised, it is within their authority to provide, if they so desire, that aliens shall not have the right to vote; but if this proviso be intended to have the effect of naturalizing as a British subject any person who has removed his allegiance, or sworn allegiance to, or become the citizen of any Foreign State, &c., it is recommended that the Legislature of British Columbia be invited to repeal the proviso, as the subject of the naturalization of aliens is one which by the "British North America Act, 1867," section 91, sub-section 25, is left exclusively to the legislative jurisdiction of the Parliament of Canada, and Acts have been passed accordingly—31 Vic., cap. 66, and 34 Vic., cap. 22—and reference may further be had on this subject, to the Acts of the Imperial Parliament of the 33 Vic., caps. 14 and 102, as amended further by an Act of 1872, in respect to the modes by which British nationality may, under certain circumstances, be resumed;

(Signed)

H. BERNARD,
Deputy Minister of Justice.

I concur in this report.

(Signed)

JOHN A. MACDONALD.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 12th October, 1872.

Upon a despatch (numbered 60, and dated the 11th May, last) from the Lieutenant Governor of British Columbia, transmitting certain Bills passed by the Legislative Assembly of that Province, during its recent Session, which had been reserved for the signification of the pleasure of the Governor General, and transmitting also a copy of a report of the Attorney-General.

The Hon. the Minister of Justice, to whom the above mentioned despatch and report were referred, reports with respect to a Bill intituled: "An Act to impose a Wild Land Tax" as follows:—

"That this Act imposes a tax of four cents per acre upon all lands with certain exceptions;

"That by Sub-Section A of the first clause of this Bill, land vested in, or held in trust for Her Majesty, or for the public use of the Province, are exempt from the tax;

"Although, under this exemption, the lands to be conveyed in trust by the Government of British Columbia to that of the Dominion, under the 11th Section of the terms of Union between British Columbia, will be free from the tax, it is clear that whenever these lands are conveyed to any company incorporated for the purpose of the construction of the Pacific Railway, the exemption will cease.

"Now the imposition of so heavy a tax as four cents an acre upon this large tract of wild land, will render it practically valueless.

"The Government of Canada are taking active steps to endeavor to induce capitalists to engage in the great undertaking of constructing a railway to connect the two oceans.

"The chief inducement to such capitalists is, the promise of a large grant of land in aid of the enterprise, and the imposition of such a tax upon these railway lands would greatly diminish the prospect of a company being formed.

"The Attorney-General of British Columbia seems to agree with the undersigned in this opinion.

"Under the circumstances, therefore, the undersigned begs respectfully to recommend that the assent of Your Excellency be withheld from this Bill.

"He also begs leave to suggest that the Lieutenant Governor of British Columbia be instructed to press upon his Government the expediency of exempting these railway lands in any Act that may hereafter be passed imposing a land tax.

"He would further suggest, to prevent the possibility of a doubt, that sub-section A above referred to should in any new Act be amended by exempting land *now or at any time hereafter*, vested in, or held in trust for Her Majesty."

The Committee concur in the foregoing Report of the Minister of Justice, and submit the same for Your Excellency's approval.

Certified.

(Signed) WM. H. LEE,
Clerk, Privy Council.

Mr. Secretary Howe to the Lieutenant-Governor of British Columbia.

DEPARTMENT OF SECRETARY OF STATE FOR THE PROVINCES,
26th December, 1872.

SIR,—I have the honor to inform you that the Governor General has had under his consideration in Council an Act passed by the Legislature of the Province of British Columbia at its past Session, 35 Victoria, No. 4, intituled "An Act to define the privileges, immunities and powers of the Legislative Assembly, and to give summary protection to persons employed in the publication of Sessional papers."

His Excellency is advised that the Act in question is a transcript of the Act of the Province of Ontario, 32 Victoria, Chapter 3, 1860.

The latter Act was referred to the Law Officers of the Crown in England, who gave it as their opinion that it was not competent for the Local Legislature to pass it, and that it was inconsistent with the provisions of Sections 92 and 96 of the "British North America Act, 1867."

Under these circumstances the Act of the Ontario Legislature to be disallowed by His Excellency's Proclamation.

I have, therefore, to request you to bring the Act in question under the notice of your Executive Council with a view to their considering the advisability of repealing the Act during the second Session of the Legislature of British Columbia.

I have, &c.,

(Signed) JOSEPH HOWE,
Secretary of State for the Provinces.

Hon. Jos. TRUTCH,
Lieutenant-Governor,
Victoria, British Columbia.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor in Council on the 23rd December, 1872.

On a Report, dated 18th December, 1872, from the Hon. the Minister of Justice, with reference to an Act passed by the Legislature of the Province of British Columbia at its first Session, 35 Vic. No. 4, entitled: "An Act to define the privileges immunities and powers of the Legislative Assembly, and to give summary protection to persons employed in the publication of Sessional papers," stating that the same is objectionable.

That the Act in question appears to be a transcript of the Act of the Province of Ontario, 32 Vic. Cap. 3, 1868, that upon the last mentioned Act, the Minister of Justice reported that it was objectionable, and that it appeared to him that it was in excess of the power of the Provincial Legislature.

That his report was transmitted to the Secretary of State for the Colonies, and by him referred to the Law Officers of the Crown in England, and that the Attorney General and Solicitor-General advised that, having considered the Act, they were of opinion that it was not competent for the Legislature of the Province of Ontario to pass it, and that it was inconsistent with the provisions of the sections 92 and 96 of the British North America Act, 1867.

That under these circumstances the Act of Ontario in question was disallowed by Proclamation of His Excellency the Governor General.

The Minister of Justice, therefore recommends that communication be had with the Lieutenant-Governor of British Columbia, to the above effect, and suggesting whether, under the circumstances, it is not advisable that the Act in question should be repealed during the second Session of the Legislature of that Province.

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

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 4th January, 1873.

On Report dated 2nd January, 1873, from the Hon. the Minister of Justice, to whom were referred certified copies of the Acts passed by the Legislature of British Columbia in the 35th year of Her Majesty's reign, and assented to by the Lieutenant-Governor on the 11th April last, stating that he has examined carefully the said Acts, and that with the exception of those undermentioned he finds them unobjectionable, and such as could properly be passed by the Legislature.

That the Acts to which exception is taken are as follows:—

No. 4. "An Act to define the privileges immunities and powers of the Legislative Assembly."

That a separate Report has been made on this Act.

No. 12. "An Act to make provision for inquiries concerning public matters."

That the second clause of this Act is objectionable, inasmuch as it declares any wilfully false statement made by a witness on oath to be a misdemeanor, punishable in the same manner as wilful and corrupt perjury, That this is Legislation respecting Criminal Law, which by the Union Act is vested in the Parliament of Canada.

No. 31. "An Act to amend the Land Ordinance, 1870."

That the fourth clause of this Act is objectionable for the same reason as above given with respect to Act No. 12.

No. 35. "An Act respecting Municipalities."

That the eighteenth clause of this Act is also objectionable for the same reason.

That the attention of the Government of British Columbia should be called to the three last mentioned Acts with a view to the repeal of the objectionable clauses during the present Session of their Legislature.

The Minister of Justice suggests that by the 15th paragraph of the 92nd clause of the British North America Act, 1867, a local legislature can enforce laws by fine, penalty or imprisonment, without declaring any breach of those laws to be a crime.

No. 26. "An Act respecting the Registration of Births, Deaths and Marriages in the Province of British Columbia."

The Minister of Justice observes that, while he recommends that this Act should be allowed to go into operation, he desires to call attention to the fact that the power of the Local Legislature to pass the same may be questioned as being connected with statistics, which, by the 91st section of the British North America Act, 1867, paragraph 6, is a matter within the jurisdiction of the Parliament of Canada.

No. 36. "An Act to make provision for the registration in British Columbia of certain foreign Companies."

While also recommending that this Act be allowed to go into operation, the Minister of Justice at the same time expresses his opinion that no foreign Company having other than Provincial objects can legally be registered under this Act. See the British North America Act, 1867, section 92, paragraph 11.

The Minister of Justice therefore recommends that all the said Acts be left to their operation, except Nos. 4 (already reported) 12, 31 and 35.

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

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

Lieutenant-Governor Trutch to the Secretary of State of Canada.

BRITISH COLUMBIA,
GOVERNMENT HOUSE, 31st January, 1873.

SIR,—With reference to your despatch, No. 134, of the 26th ultimo, and No. 1, of the instant, the contents of which I duly communicated to my Ministers, I have the honour to enclose herewith, for the information of His Excellency the Governor-General, a Minute of the Executive Council of this Province, expressing the concurrence of this Government with the suggestions conveyed in your said despatches, for the repeal of Act No. 4 of the last Session of the Legislature of British Columbia, and for certain amendments of Acts No. 12, No. 31, and No. 35; and I have further to state that the Bills to carry those suggestions into effect have been laid before the Legislative Assembly.

I have, &c.,

(Signed) JOSEPH W. TRUTCH.

The Hon. J. HOWE,
Secretary of State for the Provinces.

Copy of a Report of a Committee of the Honorable the Executive Council, approved by His Excellency the Lieutenant-Governor in Council on the 27th January, 1873.

On a Memorandum dated 27th January, 1873, from the Honorable the Attorney General, reporting that it is advisable to repeal Act No. 4 of last Session, "The Legislative Assembly Privileges Act, 1872," the same having been declared unconstitutional by the Law Officers of the Crown in England, to whom a similar Act passed in Ontario in 1868 was referred for their opinion.

Also, that Act No. 12, "The Public Inquiries Aid Act 1872" be amended by striking out that part of section 2 constituting a false statement a crime by the use of the word "misdemeanor."

That Act No. 31, "The Land Ordinance Amendment Act 1872," be amended in section 4 by striking out "shall be guilty of a misdemeanor and" and that a clause to that effect be inserted in the Land Amendment Act, 1873.

That Act No. 35, "The Municipality Act 1872," be amended in Section 18 by striking out the words, "be guilty of a misdemeanor and" and that a clause to that effect be inserted in the Municipality Amendment Act 1873.

The Secretary of State for the Provinces has suggested the said repeal and said amendments.

The Attorney General recommends the changes.

The Committee advise that the repeal and amendments in the different Acts be approved.

Certified.

(Signed) JAS. JUDSON YOUNG,
Clerk, Executive Council.

To His Excellency
The Lieutenant Governor,
&c., &c., &c.

Lieutenant-Governor Archibald to the Secretary of State for the Colonies.

GOVERNMENT HOUSE,
FORT GARRY, 14th April, 1872.

SIR,—I have been waiting till the Bills, reserved by me at the close of last Session for the signification of the pleasure of His Excellency the Governor General, should

be printed before making a report of the grounds upon which I thought fit to reserve them.

They are now in print, and I have the honor to forward to you two copies of the Bills, with some observations upon them, for the information of the Minister of Justice.

1. "A Bill to incorporate the Manitoba Central Railway Company."

The subject with which this Bill deals would more appropriately come within the jurisdiction of Parliament. Not only so, but the Bill is wretchedly drawn. By the second clause, it incorporates, as part of it, several sections of some Railway Act, which it does not specify. If it means to refer to the Dominion Act, it embodies, as part of our Legislation, a code, much of which touches matters not only beyond our jurisdiction, but totally inapplicable to a private Company, inasmuch as the clauses incorporated, provide for the construction of the Intercolonial Railway. If this be not the Act intended to be embodied, it must mean the Railway Act of some other Province, for we have no Act of the kind. Under these circumstances, the Act would be useless, and besides a discredit to our Statute-book; and on these grounds I thought it best to reserve it.

2. "An Act to incorporate the Assiniboine and Red River Navigation Company."

It seems to me this Act trenches upon the ground reserved for Parliament. We certainly have the power of incorporating companies for local objects; but, I take it these objects must be such as the Local Legislature has the right to deal with. Now, this Bill, meditating to deal with navigation and shipping, seems to me to be at variance with the 10th sub-section of the 91st clause of the Union Act; but, if the subject be within the jurisdiction of the Local Legislature, I do not see any objection to the Bill in point of expediency.

3. "An Act to constitute and incorporate the Law Society of Manitoba."

This Bill, even if the policy were sound, under any circumstances, seemed to me premature. In a country like this, obstacles should not be thrown in the way of any person of good standing at the Bar of any other Province to be admitted to the practice of the law here. If the provisions of the Union Act, which confine the selection of Judges in any Province to the Bar of that Province, should be, as I think they are, applicable to Manitoba, it would not be desirable so to force the admission here as to restrict the Government at Ottawa, in their selection of Judges, to such persons as the existing members of the Bar here might think fit to admit.

But another important objection is the power given under this Bill to the Bar, to regulate their own fees. Whether that is desirable, in any stage of the history of the Bar of a country, there can be no doubt that it would be a most dangerous power to extend to the Bar of this Province in its present condition.

4. "An Act respecting Land Surveyors."

This is objectionable on the same grounds. It creates a monopoly where we are better, I think, without it. We need for the work of this country not only first class Surveyors, who could undergo the examination prescribed by this Act, but also men moderately acquainted with the principles of surveying. There are at this moment in the Province several persons who have been engaged more or less all their lives in rough surveys, who can run a line with the compass, and in whose judgment their neighbors have confidence, and yet who could not pass such an examination as the Bill contemplates, and would be subject to penalties if they acted as Surveyors after the Bill comes into operation. I see no reason why this class of men should not be allowed to continue their services, or why others who may come here similarly qualified should not be permitted to do the kind of rough work which a new country requires.

I have, &c.,

(Signed) ADAMS G. ARCHIBALD.

Hon. the Secretary of State for the Provinces,
Ottawa.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 30th December, 1872.

On a memorandum dated 24th September, 1872, from the Hon. the Minister of Justice, reporting that he has had under consideration four Acts passed by the Legislature of the Province of Manitoba at its last Session, which were reserved for the signification of the pleasure of His Excellency the Governor General, and transmitted by a despatch from His Honor the Lieutenant Governor of Manitoba, bearing date the 14th April, 1872, that these Acts are as follows:—

1. "An Act to incorporate the Manitoba Central Railway Company."

That this Act appears to be within the competence of Provincial Legislature: that a portion of the line, however, proposed to be constructed by this Act, will extend across the country through which the Pacific Railway to be constructed from Canada to British Columbia must pass.

That it would seem, therefore, wise to postpone granting an Act of Incorporation to a company which may rival prejudice or obstruct the more important line.

That the Act is besides liable to the objection taken by the Lieutenant Governor. In his despatch, he says:

"By the second clause it incorporates, as part of it, several sections of some Railway Act which it does not specify. If it means to refer to the Dominion Act it embodies as part of our legislation a code, much of which touches matters not only beyond our jurisdiction, but totally inapplicable to a private company, inasmuch as the clauses incorporated provide for the construction of the Intercolonial Railway. If this be not the Act intended to be embodied it must mean the Railway Act of some other Province, for we have no act of the kind. Under these circumstances the act would be useless and, besides, a discredit to our Statute Book."

That, under these circumstances, he, the Minister of Justice recommends that Your Excellency do not give your assent to this measure.

2. "An Act to incorporate the Assiniboine and Red River Navigation Company."

That, with respect to this Bill, the Lieutenant Governor in his despatch says:—

"It seems to me this Act trenches upon the ground reserved for Parliament. We certainly have the power of incorporating companies for local objects, but I take it those objects must be such as the Local Legislature has the right to deal with. Now this Bill, meditating to deal with navigation and shipping, seems to me to be at variance with the 10th sub-section of the 91st clause of the Union Act."

That with great respect, for the opinion of the Lieutenant-Governor, he, the Minister of Justice, is of opinion that the Act is within the competence of the Local Legislature. That it is, however, objectionable, inasmuch as in its second clause it provides that the shareholders of the company shall be, to all intents, partners in the same.

That this provision is contrary to the first principles which govern the incorporation of companies. That such corporations are distinct entities in themselves. That the making of the shareholders partners in the company, to all intents renders them liable to sue and be sued in their individual capacity.

That the clause goes on to say that the shareholders shall not be liable beyond the amount of their respective shares in the company.

That it is apprehended that under this clause, a creditor might bring an action against the corporation, and proceed to judgment and execution against the property of such corporation, and also sue the shareholders as individuals and recover against them individually to the extent of the amount of their respective shares.

That this, it is presumed, is not the intention or desire of the shareholders.

That if the promoters of this Bill desire to do business on the Red River beyond the bounds of Manitoba, or within the United States, the Act of Incorporation should be obtained from the Dominion Parliament.

That under these circumstances, he, the Minister of Justice recommends that Your Excellency do not give your assent to this Bill.

3. "An Act to constitute and incorporate the Law Society of Manitoba."

That with respect to this Act, the Lieutenant Governor in his despatch says:—

“This Bill, even if the policy were sound, under any circumstances, seemed to me premature. In a country like this, obstacles should not be thrown in the way of any person of good standing at the bar of any other Province, to be admitted to the practice of the law here, if the provisions of the Union Act, which confine the selection of Judges in any Province to the Bar of that Province, should be, as I think they are, applicable to Manitoba, it would not be desirable so to fence the admission here as to restrict the Government at Ottawa in their selection of Judges to such persons as the existing members of the Bar here might think fit to admit. But another important objection is the power given under this Bill to the Bar, to regulate their own fees. Whether that is desirable in any stage of the history of the Bar of a country, there can be no doubt that it would be a most dangerous power to extend to the Bar of this Province in its present condition.”

That the grounds taken by His Honor against the sanctioning of this Bill are so strong that he, the Minister of Justice, recommends that the assent of the Governor General be not given to it.

4. “An Act respecting Land Surveyors.”

That the Lieutenant Governor in his despatch says, with regard to this Act:—

“That it is objectionable on the same grounds—it creates a monopoly where we are better, I think, without it. We need, for the work of this country, not only first-class surveyors, who could undergo the examination prescribed by this Act, but also men moderately acquainted with the principles of surveying. There are at this moment in the Province several persons who have been engaged more or less all their lives in rough surveys, who can run a line with the compass, and in whose judgment their neighbours have confidence, and yet who could not pass such an examination as the Bill contemplates, and would be subject to penalties if they acted as surveyors after the Bill comes into operation.

“I see no reason why this class of men should not be allowed to continue their services, or why others who may come here similarly qualified, should not be permitted to do the kind of rough work which a new country requires.”

That there is great force in what His Honor says, and it appears to him, the Minister of Justice, that in the infant state of the Province of Manitoba, it would have been well if the Legislature had encouraged competent surveyors from all the Provinces to become settlers there by giving them a legal status on the production of the necessary certificate from their several Provinces.

That this, however, is for the consideration of the Provincial Legislature.

That, on the whole, he, the Minister of Justice recommends that the view taken by the Lieutenant Governor in his despatch be concurred in, and that Your Excellency's assent be not given to the Bill in question.

The Committee concur in the above recommendations of the Minister of Justice, and advise that Your Excellency's assent be not given to the Bills alluded to.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

Lieutenant-Governor Howland to the Under Secretary of State for the Provinces.

GOVERNMENT HOUSE,
TORONTO, 27th February, 1871.

SIR,—I have the honor to transmit herewith, for the consideration of His Excellency the Governor-General, certified copies of the Bills passed at the Fourth Session of the First Parliament of Ontario, and to which my assent has been given.

I also enclose a petition presented to me in reference to the Bill entitled “An Act to confirm the Deed for the Distribution and Settlement of the Estate of the Honorable George Jarvis Goodhue, deceased.

The petition sets forth the objections which were urged against the Bill, and prays that it may not receive the Royal assent.

I regard the principle involved in the Bill and sanctioned by the Assembly as very objectionable and forming a dangerous precedent; but in the absence of instructions and upon the advice of my Council, I gave it my assent.

I have, &c.,

(Signed).

W. P. HOWLAND,
Lieutenant-Governor.

The Honorable JOSEPH HOWE,
Secretary of State for the Provinces,
Ottawa.

Memorial of Mr. Becher to the Lieutenant-Governor of Ontario.

To His Excellency the Honorable William Pearce Howland, Companion of the Most Honorable the Order of the Bath, Lieutenant-Governor of the Province of Ontario, &c., &c., in Council.

The humble petition of Henry C. R. Becher, of the City of London, in the said Province, Esquire, one of the executors and trustees under the last will and testament of the Honorable George Jervis Goodhue, deceased, most humbly SHEWETH—

That a Bill entitled “An Act to confirm the Deed for the Distribution and Settlement of the Estate of the Honorable George Jervis Goodhue, deceased,” has been passed by the Legislature of Ontario, and will be shortly brought before Your Excellency for the Royal assent.

That your petitioner, as one of the executors and trustees of the said will, opposed the said Bill from its introduction into the Legislature by all means in his power, but without avail; and your petitioner's co-Trustee, Verschoyle Cronyn, Esquire, though he did not petition the Legislature against the passing of the said Bill or oppose the same, as your petitioner did, nevertheless, expressed his dissent to the application for the said Bill.

That the enactments of the said Bill give into the immediate and absolute possession and enjoyment of the six children of the testator, money and other personal property and real property to the amount of upwards of ninety thousand pounds, which, by his will, he directed should accumulate, and with the accumulations be held by his executors in trust for all his children who shall be living on the death of his wife in equal shares, and the child or children of such of them as may then be dead in equal shares, such grandchild or grandchildren to be entitled to the share his, her or their father or mother would have been entitled to if living.”

That there are many grandchildren of the testator, all infants, five of his children having children, and the rights of such grandchildren under the will are, by the enactments of the said Bill all taken away and destroyed.

The enactments of the said Bill also take away the security provided by the testator of the whole of his residuary estate, for the making good at the time his wife shall die of any loss or deficiency that may arise in the investment of \$172,000 under six deeds of settlement in the will mentioned in favour of his children and grandchildren, and substitute for such security the sum of ten thousand dollars only.

That the enactments of the said Bill are, your petitioner humbly submits, beyond the powers of the said Legislature, and unconstitutional in depriving persons of rights and property without their consent and without any compensation whatever.

That one or more, or all of the said six children of the testator to be benefitted by the said enactment might possibly never be entitled at all to anything under the

said will, their being entitled at all depending entirely upon the contingency of their surviving their mother.

Your petitioner has annexed hereto a copy of the probate of the said will granted in Ontario.

That in addition to the lands in Illinois, in the United States of America, mentioned in the said Bill, and thereby directed to be apportioned and conveyed, there are other lands in the said State part of the estate of the said testator, whereof he died seized, and which passed and are yet held under his will, the same having been duly executed according to the laws of Illinois, to pass real estate of the value of sixteen thousand dollars or thereabouts, and also a debt secured by mortgage on lands thereof, \$8,000, and the probate of the said will has been registered in the said State.

And, further, the testator died possessed of about \$10,000 United States Government bonds, which passed and are yet held under his Will.

That at the time of the testator's death he held in England twenty thousand pounds sterling and upwards in three per cent. consols, which passed under his will; ten thousand five hundred pounds whereof are yet held under the said will, the residue having been sold out and the proceeds brought to Canada for investment by your petitioner and his co-trustees, to whom probate of the said will was granted by the Court of Probate in England as well as in Ontario.

That your petitioner humbly submits to Your Excellency, that, independently of what he has already submitted, the said Bill is on the face of it, beyond the powers of the Legislature in relation to the lands therein mentioned in Illinois. That the said lands in Illinois and the said other lands there, the said United States bonds and the said three per cent consols are not, or some of them are not, within the scope or meaning of the words property or civil rights in the Province.

That at the time of and up to the passing of the said Bill, and for some years before, two of the daughters of the said testator and their children, all of them British subjects, have resided and still reside, and were and yet are out of the Dominion of Canada; one of them, Louisa M. Watson, and her children, in the city of New York, in the United States of America; the other, Maria Eliza Tovey, and her children, in Plymouth, in England.

And your petitioner humbly submits to Your Excellency that the said children of the said Louisa M. Watson and Maria Eliza Tovey, so not residing in the Dominion of Canada, are persons within the meaning of the published instructions to the Governor General of the Dominion of Canada, under section 55 of the British North America Act, in effect part of that Act directing to be reserved for the Royal assent, or disallowed "any bill of an extraordinary nature and importance * * * * * whereby * * * the rights and property of our subjects not residing in our said Dominion may be prejudiced."

That there is no good or sufficient ground or reason whatever, either mentioned in the Bill, or, in fact, for the setting aside the provisions and intentions of the testator, and the passing of the said Bill—the reason being that the testator's children desire to take his bounty, not as he gave it, but as they prefer to take it.

That the said Bill is of a most extraordinary nature, and, unlike all other Bills hitherto passed in relation to wills, it destroys, instead of aiding the will.

That the Legislature seemingly impressed with this or some other feeling in relation to the said Bill, have, since its passing, originated and are unanimously carrying a Bill for the submitting of all Private Estate Bills to Commissioners to be appointed from the Judges of the Superior Courts; and your petitioner humbly submits that this Bill should be reserved for a future Parliament, to be submitted to the test of such Commissioners.

And your petitioner further states that the Honorable the Attorney General, the Honorable the Commissioner of Crown Lands, and the Leader of the Opposition in the said Legislature, all voted against the said Goodhue Estate Bill.

That for the reasons hereinbefore given, or appearing, or some, or one of them,

your petitioner humbly submits to Your Excellency that the deed by the said Bill sought to be confirmed and made valid, cannot, by the said Bill, be "confirmed and made valid"; and your petitioner and co-trustee" cannot carry into effect the several provisions thereof, and be saved harmless and indemnified" in the premises; and the said Bill would be no protection to your petitioner against the future claims of the grandchildren.

And, in addition to such reasons against the said Bill becoming law, your petitioner humbly craves Your Excellency's reference to the printed objections hereto annexed, marked "Appendix C."

And your petitioner humbly prays that Your Excellency will graciously be pleased to take all the premises into your favourable consideration, and either refuse to assent to the said Bill, or, as a measure causing injury to no one, and reserving time for a careful and well considered decision, where the constitution provides (time that Your Excellency may not have to give, owing to the close termination of the present session of Parliament) that you will be pleased to reserve the said Bill for the signification of the Governor General's pleasure.

And, as in duty bound, your petitioner will ever pray.

(Signed)

HENRY C. R. BECHER.

London, Ontario, 11th February, 1871.

APPENDIX C.

SUMMARY of objections to the Bill. The Act asked for is without precedent, unnecessary and a violation of the rights of Property.

1. It is without precedent:—No construction has been suggested which cannot be readily carried out as regards the whole will, without the aid of a Statute and without prejudice either to public or private interests. The delay required in order to settle the construction in the ordinary way, cannot injure the property or individuals, more than in the case of every other will. Under such circumstances, there is no instance of Legislative interference, and each of the cases referred to will be found clearly distinguishable on one or other of the grounds above mentioned.

2. It is unnecessary:—(1.) As regards the law, assuming the legal construction of the will to be as the promoters suggest, the interference of the Legislature is not called for, for our Courts will place that construction upon it, and the trustees will carry it out. Assuming it to be otherwise, as the trustees are advised, it is improper, for there is no reason why the law should not be followed. The argument that because opinions differ on the will, long litigation will be required to settle its meaning, would apply equally to every other case of a doubtful devise, and would substitute the Legislature for the Courts. This argument, moreover, is founded on the assumption that in the event of our Courts deciding the fund to be distributable at once, the Trustees would have to go to the Privy Council before acting on such decision. From this view of their duty they (or Mr. Becher at all events) entirely dissent. They will act without hesitation under any decision of our Courts, as all other trustees in Canada do, and as they are advised they may do with perfect safety. They believe, however, that no decision such as the promoters of the Bill desire will be given, because it would be contrary to law, and it seems plain that no confidence can be felt in the possibility of obtaining it, or it would have been asked for before coming to the Legislature. The suggestion that the trustees would necessarily carry the case to the Privy Council, is in fact a mere imaginary difficulty, and if it be not felt to be such by those who make it, why do they not put it to the test by first getting an order from the Court of Chancery for distribution, and deferring this application until the trustees show a disposition to decline acting under it. Any decision in any other

case, where the matter in controversy exceeds \$4,000, would be subject to the same difficulty suggested here; it might be appealed to the Privy Council and reversed; and the argument therefore in effect is, that where the interest involved is of that value no trustee should act, and no title can be considered safe under the judgment of any Canadian Court. Is our Legislature prepared to affirm this.

2. As regards the facts there is no suggestion of necessity; there are no debts due by the estate; no annual outlay not provided for; no land tied up, for the trustees are directed to sell and invest the proceeds. The sole question is, whether the promoters shall have the proceeds immediately, without regard to the will, or when they become entitled under the will (which some of them may never be) and they assert no reason whatever why the Legislature should give them this money at once, whether the testator so willed it or not, except their own desire to possess it.

3. It is a clear violation of the rights of property.—There are five daughters and a son of the testator now living, all of whom, except one, have infant children. By the will, should a son or daughter die during the widow's lifetime, leaving children, on the decease of the widow, could take their parents share, (in this Mr. Cameron agrees with the counsel for the trustees.) By the Act it is proposed now to distribute the fund among the testator's children absolutely. One or more may dispose of or spend their share while the widow lives, and then die leaving children, in which event such children will be deprived of the property which, but for the Act, would have been theirs under the will. In other words, the children of each parent have now a right to their parent's share should such parent die before the widow and this right the Act takes from them.

Moreover, it is conceded, by Mr. Cameron at least, that should any child die without issue during the widow's life, such child would never become entitled to anything, while it is now proposed by the Statute to give him his share absolutely. It may be added that the fact of five of the testator's children being daughters, and the possibility of a second marriage of a son-in-law during the lifetime of the widow, makes it the more prudent to protect the rights of the grand-children, and may have influenced the testator in making the provision found in his will for that purpose.

Suppose the testator, instead of making this will, had, while living, settled the money in the same terms, would anyone then have ventured to assert the justice of interfering with it, either during or after his lifetime. And why are not his wishes as expressed in his last will, to be at least equally binding.

In *Sidmouth v. Sidmouth*, 2 Beav. 456, Lord Langsdale says—

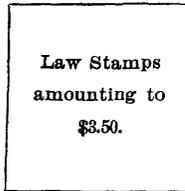
“The parent may judge for himself when it suits his own convenience, or when it will be best for his son to secure him any benefit which he voluntarily thinks fit to bestow upon him, &c.”

—

In Her Majesty's Surrogate Court of the County of Middlesex.

Be it known that on the first day of February, in the year of Our Lord one thousand eight hundred and seventy, the last Will and Testament of George Jervis Goodhue, late of the City of London in the County of Middlesex, Esquire, who died on or about the eleventh day of January, in the year of Our Lord one thousand eight hundred and seventy, at the said City of London, and who at the time of his death had a fixed place of abode at the City of London, in the said County of Middlesex, was proved and registered in the said Surrogate Court, a true copy of which last Will and Testament is hereunder written; and that the administration of All and Singular, the personal estate and effects, rights and credits of the said deceased, and any way concerning his Will, was granted by the aforesaid Court to Henry Corry Rowley Becher, of the City of London, in the County of Middlesex, Esquire, and Verschoyle Cronyn, of the same place, Esquire, the Executors named in the said Will, they having been first sworn well and faithfully to administer the same, by paying the just debts of the deceased, and the Legacies contained in his Will, so far as they are thereunto

bound by law, and to exhibit a true and perfect inventory of all and singular, the said estate and effects, rights and credits, and to render a just and true account of their Executorship whenever required by law so to do.



(Signed) JOHN MACBETH,
*Registrar of the Surrogate Court of the County
of Middlesex.*

Copy of the last Will and Testament of George Jervis Goodhue, late of the City of London, in the County of Middlesex, Esquire, deceased.

I, the Honorable George Jervis Goodhue, of the City of London, in the Province of Ontario, Esquire, declare this to be my last Will and Testament, hereby revoking all other Wills, Codicils and Testamentary Dispositions whatever. I bequeath unto Henry C. R. Becher and Verschoyle Cronyn, of the said City of London, Barristers-at-Law, all my household furniture of every description, books, plates, pictures, bedding and linen, carriages, horses and cattle, upon trust, to permit and suffer my beloved wife, Louisa Goodhue, and her assigns, during her life to have the uncontrolled use, enjoyment and disposal thereof, and to convey the same, or any part thereof, from time to time, absolutely or otherwise, to such persons in such manner as my said wife shall, by writing or by Will, appoint; and after her death as to so much whereof my wife may have made no such disposal or appointment, they or the survivor and the executors and administrators of such survivor, shall hold the same on and with the same trusts for sale or otherwise, powers, declarations, and immunities from liability as hereinafter declared, of and concerning my residuary personal estate. I bequeath out of any moneys not in any manner charged on or the proceeds of real estate, to the Church Society of the Diocese of Huron, two thousand and five hundred dollars, to and for the uses of the Church Sustentation Fund. I bequeath out of any moneys not in any manner charged on or the proceeds of real estate, to Huron College, two thousand five hundred dollars, for the general purposes of that corporation. I devise to my wife, Louisa Goodhue, the mansion and property on which I now live, being lots numbers seventeen and eighteen on the south side of Bathurst street, and lot number eighteen on the north side of Horton street, in the said City of London, and also the pasture lot in Westminster (Signed Geo. J. Goodhue), containing five acres, more or less, which I purchased from Dennis O'Brien, to hold to her for her life, without impeachment of waste, and free and clear from taxes and insurance to be paid out of my residuary estate.

I devise to my sister-in-law, Catherine Goodhue, the widow of my brother, Josiah Goodhue, during her life, the house and lots on which she now resides, in Rockford, in the State of Illinois.

I give and devise all my real estate that I may be in any way interested in or entitled to at the time of my death, including chattels real, but not including any estate held by me on trust or by way of mortgage, unto and to the use of the said Henry C. R. Becher and Verschoyle Cronyn, their heirs, executors and administrators, respectively, according to the nature and tenor thereof, but subject to the life estates hereinbefore given in portions thereof on trust, that the said Henry C. R. Becher and Verschoyle Cronyn, or the survivor of them, or the heirs, executors, or administrators of such survivor, shall sell the same either together or in parcels, and either at public auction or by private contract under any special conditions of sale for cash or on credit, with the purchase money secured in such manner as they or he

think fit, with power to buy in at any auction and rescind or vary any contract of sale, and re-sell without being responsible for any loss or deficiency thereon, and execute and do all such assurances and acts for effectuating any such sale as they or he think fit. I bequeath all my personal estate that I may be in any way interested in or entitled to, except what I otherwise bequeath by this my Will unto the said Henry C. R. Becher and Verschoyle Cronyn, their executors and administrators, on trust, that the said Henry C. R. Becher and Verschoyle Cronyn and the survivor of them and the executors (Signed Geo. J. Goodhue), administrators of such survivor, shall call in, sell and convert into money such part of my said personal estate as shall not consist of money; and I declare that the said Henry C. R. Becher and Verschoyle Cronyn, and the survivor of them, and the heirs, executors and administrators of such survivor shall, out of the moneys to arise from the sale of any real estate and from the calling in, sale and conversion into money of such part of my said personal estate as shall not consist of money, and the money of which I shall be possessed at my death pay my funeral and testamentary expenses and debts; and out of any such money last aforesaid or of any proceeds of pure personalty and not including chattels real, pay the said legacies to the said Church Society and Huron College, and out of any of the said moneys, proceeds of realty or personalty or moneys on hand at my death, invest the sum of ten thousand dollars in any manner as hereafter authorized of, and concerning my residuary estate and with and under the same powers, authorities and immunities, and pay the annual increase thereof to my daughter in law Elizabeth Goodhue, the widow of my deceased son George, during her life, so long as she remains unmarried, and the reversionary interest on her death or marriage, whichever event shall first happen, in the said sum, and the securities and investments representing the same shall pass under the residuary bequest hereinafter mentioned, and do, and shall stand interested and possessed of all the residue of the said moneys, proceeds of my real and personal estate and moneys on hand at my decease, to and on the Trusts, and with, under and subject to the declarations and powers hereinafter set forth, that is to say. To invest the same in the names or name, or under the legal control of the said Henry C. R. Becher (Signed Geo. J. Goodhue) and Verschoyle Cronyn and the survivor of them, and the executors or administrators of such survivor, in any public stocks, or funds, Government securities of Great Britain and Ireland, or of the United States of America, or of Canada, or of any Province of Canada, or on the debentures, bonds, shares, stocks or other securities of any company or corporation, whether commercial, financial, municipal or otherwise carrying on business, or constituted for any purpose in any of the said countries, or on mortgage of real estate, whether freehold or leasehold, not being within any city, town or village, or real securities in any of the said countries, or in any security or securities other than those already enumerated, that my said trustees or trustee may deem safe and sufficient, and not already accepted, with power from time to time to vary the investments made, if, and as they and he think fit. And that they, the said Henry C. R. Becher and Verschoyle Cronyn and the survivor of them, and the executors and administrators of such survivor do, and shall out of the annual income and proceeds of such investments, pay to my said wife during her life, the yearly annuity of six thousand dollars, to be paid to her in quarterly payments every three months, and to my sister in law, Catherine Goodhue, during her life, the yearly annuity of four hundred dollars of, and in current funds of the United States of America, or in gold, from the time the Government of the United States shall resume specie payments, to be paid to her in quarterly payments every three months, and pay and keep down from time to time during the life of my said wife, all taxes on the lands devised to her for life, and pay all premiums required to be paid to keep insured my mansion and premises so devised for life, and during the life of my said wife, accumulate all the residue, if any, of the said annual income and proceeds in the way of compound interest by investing the (Signed George J. Goodhue) same and the resulting income thereof in like manner and with like powers authorized of and concerning the proceeds of my said real and personal estate, and on the death of my said wife shall hold all the said

trust premises, rest and residue of my estate then undisposed of, and not otherwise disposed of by this my Will, including the said accumulations in trust, to make good any loss that may have theretofore arisen and been ascertained in the investment or control of the several sums of money which I have paid over to the said Henry C. R. Becher and Verschoyle Cronyn in Trust for my children respectively, and which sums and the trust thereof respectively, are more particularly described in certain indentures of settlement, six in number, bearing date this eighth day of December in the year of Our Lord one thousand eight hundred and sixty-nine, and which said indentures have been executed respectively by me and the said Henry C. R. Becher and Verschoyle Cronyn and to pay to the trustees and trustee for the time-being under such of the said respective indentures where under any loss as aforesaid may have happened, the amount required to make good such loss to be held by such trustees or trustee and the survivor and the executors and administrators of such survivor with under and subject to all the trusts, powers, provisions, declarations and immunities in like manner as the moneys in the said Indentures respectively referred to, and as if originally parcel thereof. And thereafter as to all the said trust premises, rest and residue of my estate then undisposed of, and not otherwise disposed of by this my Will, including the said accumulations and all reversionary interests, but subject to the exception in favor of my said sister-in-law hereafter set forth in trust for all my children who shall be living on the death of my said wife in equal shares, and the child or children of such of them as may then be dead in (Signed Geo. J. Goodhue) equal shares such grandchild or grandchildren to be entitled to the share his, her, or their father or mother would have been entitled to if living, the shares going to my daughters to be for their separate use respectively, free from the control of their present or after taken husband, provided always that in case my said sister-in-law should survive my wife, that the trustees or trustee for the time being shall on the death of my wife retain the sum of six thousand five hundred dollars or securities to that amount part of the trust estate, and hold the same with and under all the immunities as to liability and powers of investment and varying securities, and otherwise declared of and concerning the moneys, proceeds of my said real and personal estate, and pay the interest, dividends and annual proceeds thereof to my said sister-in-law during her life in lieu of the said annuity, and the said sum of six thousand five hundred dollars on and after her death and the sum of ten thousand dollars, appropriated as aforesaid, for the benefit of my daughter-in-law on and after her death or marriage, whichever event shall first happen, and all other reversionary interests as and when they fall or come in, together with any accumulations thereon, shall be held and be payable by the said trustees or trustee to and for those my said children or grandchild or grandchildren, who are entitled under the trusts in their favor on the death of my said wife and would have been entitled thereunder to the said sums and interest if the said interests had fallen into possession or my said sister-in-law had died and my said daughter-in-law had died or married before the death of my said wife. Provided always, and I hereby declare that it shall be lawful for the said Henry C. R. Becher and Verschoyle Cronyn and the survivor of them and the heirs, executors and administrators of such survivor respectively, to defer and postpone the sale, conversion and collection of the whole, or any part or parts of my said real and personal estate respectively, so long as to such trustees or trustee shall in their or his uncontrolled discretion seem proper; but my real estate shall, for the purposes of transmission and the keeping of accounts, be impressed with the quality of personalty from the time of my death. And I empower the said trustees or trustee, during such interval or postponement, to manage and to let upon lease for any time not exceeding twenty-one years, or for any less period, or from year to year, or to cultivate my real and leasehold estates, and to make out of the income or capital of my real and personal estate any outlay which such trustees or trustee may consider proper for improvements, repairs, insurance, calls on shares, premiums on policies, or otherwise, for the benefit or in any respect of my real or personal estate. And I declare that the net rents and profits or other income

produced from every or any part of my real or personal estate previously to the conversion or collection thereof, pursuant to the trusts hereinbefore declared, shall be applied in the same manner in all respects as if the same were income proceeding from such investments as are hereinbefore directed or authorized. And that the whole of the income produced from my estate, real or personal, in its actual condition or state of investment for the time being, whether consisting of property or investments of an authorized or of an unauthorized description, and whether of a permanent or of a wasting character, shall, as well during the first year from my Death as at all times afterwards be applicable as income under the trusts of this, my will, no part thereof being in any event liable to be retained as corpus or capital, but no reversion or other property not actually producing income which shall form part of my estate, shall, under the doctrine of constructive conversion or otherwise be treated as (signed George J. Goodhue) producing income or as entitling any party to the receipt of income. Provided always, and I declare that if the said trustees hereby constituted, or any of them shall die in my lifetime, or if they or any of them, or any trustee or trustees appointed as hereinafter provided, shall, after my death, die or reside abroad, or desire to be discharged, or refuse or become incapable to act, then in every such case it shall be lawful for the surviving or continuing trustees or trustee for the time being (and for this purpose every refusing or retiring trustee shall, if willing to act in the execution of this power, be considered a continuing trustee) or for the acting executors or executor, administrators or administrator of the last surviving or continuing trustee, with the consent in writing of my wife, and after her death of his or their own authority to appoint a new trustee or trustees in the place of the trustee or trustees so dying or residing abroad, or desiring to be discharged, or refusing or becoming incapable to act as aforesaid, and upon every or any appointment as aforesaid, the number of trustees may be augmented or reduced, and upon every such appointment the trust property shall, if, and so far as the nature of the property or other circumstances shall require or admit be transferred so that the same may be vested in the trustees or trustee for the time being. And every trustee so appointed as aforesaid may as well before as after such transfer of the trust property, act, or assist in the execution of the trusts and power of this, my will, as fully and effectually as if I had hereby constituted him a trustee. Provided always, and I hereby declare that the trustees for the time being of this, my will, shall be respectively chargeable only for such moneys, stocks, funds, shares and securities as they shall respectively actually receive, notwithstanding their respectively signing any receipt for the sake of conformity, and shall be answerable and accountable (signed, George J. Goodhue) only for their own acts, receipts, wilful neglects and defaults respectively, and not for those of each other, nor for any banker, broker, auctioneer or other person with whom, or into whose hands any trust moneys or securities may be deposited or come, nor for dispensing wholly or partially with the investigation or production of the lessor's title on lending money on leasehold securities, nor for otherwise lending on any security with less than a marketable title, nor for the insufficiency or deficiency of any stocks, funds, shares, or securities, nor for any loss unless the same shall happen through their own wilful default, respectively, and shall not be responsible for not insuring any building part of the said trust estate, unless specially requested to insure by *Cestui que* trust in writing; and that this declaration shall be construed favourably to trustees or trustee, and in its strict liberal sense as an inducement to them to act; and the trustees or trustee, for the time being, may keep any moneys uninvested in their or his name as trustees or trustee, in any chartered bank, as they or he may think fit; and also that the said trustees or trustee for the time being, may reimburse themselves and himself, or pay and discharge out of the trust premises, all expenses incurred in or about the execution of the trusts or powers of this my Will, and also shall be entitled to, and may annually, from out of annual proceeds of the trust estate, retain to themselves or himself a reasonable sum for their or his care, trouble and responsibility in and about the trust premises. And as the trustees hereby appointed are practising

lawyers, I declare that if any suit, defence, or other proceeding in or out of Court, whether conveyancing or otherwise, be conducted, attended to, or taken by either of them as such practising lawyers, the costs thereof shall be paid to him out of the trust estate, notwithstanding his being trustee or executor, I devise all the hereditaments, which at my death, shall be (signed Geo. J. Goodhue) invested in me for an estate of inheritance upon trust or by way of mortgage, and of which I shall at my death have power to dispose, by Will, to the said Henry C. R. Becher and Verschoyle Cronyn, and their heirs on the trusts, and subject to the equity of redemption, which at my death shall be subsisting or capable of taking effect thereon, respectively; but the moneys secured on such mortgages shall be taken as part of my said personal estate. I hereby appoint the said Henry C. R. Becher and Verschoyle Cronyn, executors of this my Will, and I declare that their appointment shall not, nor shall any dispositions hereby made, extinguish or effect any debts owing, or which after the date hereof may be owing to or from me, by or to them, or either of them, or any claims between us, or any of us.

In witness whereof, I, the said George Jarvis Goodhue have to this my will and testament contained in this and the nine preceding pages of paper, set my hand to, and at the bottom of each of the said nine preceding pages and hereunder on this tenth and last page, the eighth day of December, in the year of Our Lord one thousand eight hundred and sixty-nine.

(Signed) GEO. J. GOODHUE.

The writing contained in this and the nine preceding pages of paper was signed by the said George Jarvis Goodhue as, and for his last will and testament, in the presence of us, present at the same time who in his presence, in presence of each other, and at his request, have hereunto set our names as witnesses thereto.

(Signed) WM. P. R. STREET.
“ HY. BECHER.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 22nd September, 1871.

On a memorandum, dated 18th September, 1871, from the Hon. the Minister of Justice, having reference to the Imperial “British North America Act, 1867,” and also the Order in Council of the 9th June, 1868, on his memorandum relative to the course to be pursued with respect to the Act passed by the Provincial Legislatures, and reporting that, in his opinion, all the Acts passed by the Legislature of the Province of Ontario in the Session held in the 34th year of Her Majesty’s Reign, being the fourth Session of the First Parliament of Ontario (with the exception of those undermentioned which will be the subject of a further report) are free from objection of any kind, and that he therefore recommends that the same be left to their operation.

That the following are the exceptions above alluded to:—

Chapter 4.—“An Act to provide for the organization of the Territorial District of Thunder Bay.”

Chapter 17.—“An Act to provide for the establishment and government of a Central Prison for the Province of Ontario.”

Chapter 19.—“An Act relative to Government Road Allowances, and the granting of Crown Timber Licenses therefor.

Chapter 48.—“An Act to enable the municipalities along the line of the Grand Junction Railway Company to grant aid thereto, and to legalize certain by-laws granting aid to the said company.”

Chapter 75.—“An Act to incorporate the Simpson Loom Company (Limited).”

Chapter 99.—“An Act to confirm the deed for the distribution and settlement of the estate of the Hon. George Jervis Goodhue, deceased.”

The Committee advise that all the Acts passed by the Legislature of the Province of Ontario, in the Session held in the 34th year of Her Majesty's reign (with the exception of those above mentioned, which will be the subject of a further report), will be left to their operation accordingly.

Certified.

(Signed)

WM. H. LEE,

Clerk, Privy Council.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 23rd February, 1872.

The Committee of Council have had under consideration the annexed report, dated 22nd February, 1872, from the Hon. the Minister of Justice, on the subject of certain Acts passed by the Legislature of Ontario, in the 34th year of Her Majesty's Reign, that is to say:—

Chapter 4, intituled: “An Act to provide for the Territorial District of Thunder Bay.”

Chapter 17, intituled: “An Act to provide for the establishment and government of a Central Prison for the Province of Ontario.”

Chapter 48, intituled: “An Act to enable the municipalities along the line of the Grand Junction Railway Company to grant aid thereto, and to legalize certain by-laws granting aid to the said company.”

Chapter 99, intituled: “An Act to confirm the deed for the distribution of the estate of the Hon. George Jervis Goodhue, deceased.”

Chapter 75, intituled: “An Act to incorporate the Simpson Loom Company (Limited).”

Chapter 19, intituled: “An Act relative to Government Road Allowances, and the granting of Crown Timber Licenses therefor.”

And they respectfully advise that the said report be approved, and that a copy thereof be transmitted by the Hon. the Secretary of State for the Provinces, to the Lieutenant-Governor of the Province of Ontario.

Certified.

(Signed)

WM. H. LEE.

Clerk, Privy Council.

DEPARTMENT OF JUSTICE,

OTTAWA, 22nd February, 1872.

With reference to his Report of the 18th September last, on the subject of the Acts passed by the Legislature of Ontario in the 34th year of Her Majesty's reign, the undersigned has the honor further to report as follows:—

Chapter 4.—With respect to Chapter 4, intituled “An Act to provide for the organization of the Territorial District of Thunder Bay,” the undersigned thinks it well that the attention of the Government of Ontario should be called to the *proviso* in the 13th Section, which enacts that “No appeal shall be from any judgment or decision of the Stipendary Magistrate.”

This would seem to be an enactment affecting procedure in criminal matters, and if so, it is *ultra vires*.

Chapter 17, intituled “An Act to provide for the establishment and government of a Central Prison for the Province of Ontario,” seems also in several of its

clauses to deal with matters of criminal procedure, and especially in the 13th, 14th, 15th and 38th clauses.

The attention of the Provincial Government should be invited to this Act with the view of amendment, unless it is considered advisable that a confirmatory Act should be passed by the Parliament of the Dominion.

This latter course the undersigned thinks the better one, as the Act in question will be of great advantage in furthering and aiding the proper administration of criminal justice.

Chapter 48, intituled "An Act to enable the municipalities along the line of the Grand Junction Railway Company to grant aid thereto, and to legalize certain By-Laws granting aid to the said Company."

Petitions have been received for the disallowance of this Act, but as it is within the competence of the Provincial Legislature, the undersigned recommends that it be left to its operation.

Chapter 99.—"An Act to confirm the Deed for the Distribution and Settlement of the Estate of the Honorable George Jervis Goodhue, deceased."

This Act has also been petitioned against, but for the same reason as that given with respect to Chapter 48, the undersigned recommends that it be left to its operation.

Chapter 75, intituled "An Act to incorporate the Simpson Loom Company, Limited."

The second clause of this Act seems to be beyond the jurisdiction of the Local Legislature as it affects the Patent Laws. The undersigned does not, however, recommend the disallowance, leaving the matter to be adjudicated upon by the legal tribunals.

Chapter 19, intituled "An Act relative to Government road allowances, and the quantity of Crown Timber Licenses therefor."

A petition has been received from the Municipal Council of the County of Frontenac, praying for the disallowance of this Act, but, as it is clearly within the competence of the Local Legislature, the undersigned recommends that it be left to its operation.

All which is respectfully submitted.

(Signed) JOHN A. MACDONALD.

Mr. Becher to the Secretary of State for the Provinces.

LONDON, ONT., 30th September, 1871.

SIR,—With reference to my petition to His Excellency the Governor General, to disallow the Act of the Ontario Legislature destroying the will of the late Hon. Geo. J. Goodhue, I have the honor to inform you that the Court of Appeal sat on the 8th of September, instant, but gave no judgment in the cases relating to this Act.

The Chief Justice expressed the hope that, as the Legislature would meet before the Court sat again, the Court might be relieved from giving judgment, by a repeal of the Act; he also intimated that the time had not yet elapsed within which the Act might be disallowed by the Governor General.

I have again to pray that my petition may be considered at His Excellency's earliest convenience, and

I have, &c.,

(Signed) HENRY C. R. BECHER.

The Honorable JOSEPH HOWE,
Secretary of State.

Lieutenant-Governor Wilmot to the Secretary of State for the Provinces.

GOVERNMENT HOUSE,

NEW BRUNSWICK, 29th May, 1871.

SIR,—I have the honor to enclose the copy of "A Bill relating to the Synod of the Church of England, in the diocese of Fredericton and Province of New Brunswick," which, by the advice of the Attorney-General, I have reserved for the signification of the pleasure of His Excellency the Governor General.

I am not aware of anything unconstitutional in the Bill, but the Attorney-General thought that, as the first section contained the clause "Any rights of the Crown to the contrary, notwithstanding," it had better be reserved. I hope it may be in your power to advise His Excellency the Governor General to signify his assent at an early day, so that action may be had preparatory to the meeting of Synod in July.

I have, &c.,

(Signed) L. A. WILMOT,
Lieutenant-Governor.

The Honorable the Secretary of State,
&c., &c., &c.,
Ottawa.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 7th June, 1871.

Whereas, by an Act passed in the 31st year of Her Majesty's reign, intituled, "An Act for the union of Canada, Nova Scotia and New Brunswick, and the Government thereof, and for purposes connected therewith," it is amongst other things enacted that a Bill reserved for the signification of the pleasure of the Governor General shall not have any force unless and until within one year from the day on which it was presented to the Lieutenant-Governor for the Governor General's assent, the Lieutenant-Governor signifies, by speech or message to each of the Houses of the Legislature, or by proclamation, that it has received the assent of the Governor General in Council;

And, whereas, on the 17th day of May ultimo, the Lieutenant Governor of the Province of New Brunswick reserved a certain Bill, passed by the Legislative Council and Assembly of the said Province, intituled: "A Bill relating to the Synod of the Church of England, in the Diocese of Fredericton and Province of New Brunswick," for the signification of the Governor General's pleasure thereon;

And, whereas, the said Bill, so reserved as aforesaid, has been laid before the Governor General in Council, and it is expedient that the said Bill should be assented to by the Governor General,—

Now, therefore, the Governor General, in pursuance of the said Act, and in the exercise of the powers thereby reserved to the Governor General as aforesaid, doth, by this present order, by and with the advice of his Privy Council, declare his assent to the said Bill.

And the Secretary of State for the Provinces is to give the necessary directions herein accordingly.

Certified.

(Signed) W. H. LEE,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,

OTTAWA, June 6th, 1871.

The undersigned has the honor to report that a Bill passed by the Legislature of New Brunswick at its late Session, entitled "A Bill relating to the Synod of the Church of England in the Diocese of Fredericton and Province of New Brunswick," has been reserved and transmitted by the Lieutenant Governor of that Province for the signification of the pleasure of Your Excellency.

The undersigned having carefully examined the provisions of the said Bill, is of opinion that it is within the jurisdiction of the Legislature of New Brunswick, and as no rights of the Crown are affected by it, he recommends that Your Excellency do give your assent thereto.

All of which is respectfully submitted.

(Signed) JOHN A. MACDONALD.

Lieutenant Governor Archibald to the Secretary of State for the Provinces.

No. 196.

GOVERNMENT HOUSE,

SILVER HEIGHTS.

SIR,—I have the honor to acknowledge the receipt of a telegraphic despatch from you dated Ottawa and St. Paul the 14th June, 1871, enclosed to me by Mr. Kitson, of which I forward you a copy.

The word "statements" in the despatch, I presume, was meant for statutes.

I have so read it, and have forwarded you a reply, of which, also, I enclose a copy.

Agreeably to the promise in my telegram, I send you by this mail six copies of the Supreme Court Act, and by next mail shall send you further Acts up to page 50, or thereabouts.

I have been pressing actively the publication of the laws ever since the House rose. If I had any notion that the delay would have been so great, I should have had a manuscript copy of the whole made and forwarded to you.

Whenever the printing is complete, I shall transmit the whole in sheets.

The four Statutes I have reserved are:

1st. One which I have had passed to carry out the pledge made by this Government to the Government of Canada in reference to the North-Western Telegraph Company, who were promised certain powers within the Province.

It seems to me that this being a line to connect with a line in a foreign territory, the jurisdiction was with the Dominion Parliament.

2nd. A Bill to authorize the construction of a bridge over Red River. This is a navigable water, and no interruption ought to be offered to the navigation, and the Bill was objectionable on that ground, to say nothing of the subject of navigation falling within the province of the Parliament at Ottawa.

3rd and 4th were Railway Bills. One to incorporate a company to build from Fort Garry to Pembina, another from the Portage to St. Joseph, parallel with the former.

The language of all the Bills for Railway and Telegraph confines them to British territory, but they are really intended to connect with the foreign lines, and, not caring to stop the Bills, I have reserved them for the consideration of His Excellency the Governor General, so as that you may settle the question of jurisdiction.

I have, &c.,

(Signed) ADAMS G. ARCHIBALD.

The Honorable
The Secretary of State for the Provinces.

(Telegram.)

To Governor ARCHIBALD, Fort Garry,
[Care Mr. KITSON.

St. PAUL, June 14th, 1871.

By telegraph from Ottawa. Ont., 14.
When may we expect Manitoba statements?

(Signed) JOHN A. MACDONALD.

Lieutenant-Governor Archibald to the Secretary of State for the Provinces.

No. 210.

GOVERNMENT HOUSE,
SILVER HEIGHTS, 14th July, 1871.

SIR,—Adverting to my despatch No. 209, of this date, I have now the honor to enclose you manuscript copies of Bills forming Chapters 44, 45, 46 and 47, passed by the two Houses of the Legislature of Manitoba at its recent Session, and which I have already informed you, I reserved for the signification of the pleasure of His Excellency the Governor-General.

Chapter 45 is intitled “An Act to authorize the construction of a telegraph line within this Province.”

This Act was passed in consequence of the correspondence between you and myself on the subject of the North-Western Telegraph Company's agreement to construct a telegraph line to Fort Garry.

In your despatch, No. 426, under date of the 13th September last, you enclosed me copy of the articles of agreement, the fourth clause of which imposed upon the Governor General the obligation of procuring from the Government of Manitoba the right of property required by the proposed telegraph line. I communicated to you in my despatch, No. 11, the action of my Government on this matter, enclosing copy of the Minute of Council passed therein.

I had expected that some action would have been taken by the Company to declare and ask for the rights of the property they required.

No such application being made, I caused to be introduced and carried the Act now enclosed.

Still, I felt that we were probably exceeding the jurisdiction conferred upon us by the Union Act, and, therefore, while passing the Act to redeem our pledge I reserve it for His Excellency the Governor General to act upon it as the Minister of Justice should advise.

The line in question is, under the articles of agreement which gave rise to the legislation, a line between the Dominion and a foreign country, and as such the legislation would seem to appertain to the Dominion.

Bills Numbers 44 and 46 provide for the construction of railways in this Province, one in a general term, from any point or points in Manitoba; the other, from Lake Manitoba to the Boundary Line, near St. Joseph.

The intention of the first Act was to cover the ground between Fort Garry and Pembina. Of the second, to cover a parallel line commencing at or near the Portage, each line to communicate with the railway system of the United States.

They were, therefore, liable to the same objection as the Telegraph Bill, while one of them was open to still another. Assuming the jurisdiction of the Legislature to be sufficient, it did not seem to me as a question of discretion, to be wise to allow any company, organized under the general wording of the first Act, to embarrass or thwart any operations that might be undertaken on the interoceanic railway, under the provisions of an Act of the Dominion.

Bill No. 47 authorizes the construction of a bridge across Red River.

This river is navigable at certain seasons for 400 miles above this, and at all times for a considerable distance above and below the point indicated as a site for the bridge.

Without entering into the question of jurisdiction, it did not seem to me desirable to give authority to make any obstruction to the navigation of the River.

This Bill not only makes no provision for the passing of ships, but exposes to heavy penalties any interference with what, as an obstruction to a public highway, would at Common Law be liable to abatement as a nuisance.

The intention, I understand, was to construct the bridge with boats moored in the river, the spaces between the boats being connected by a timber flooring.

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

(Signed) ADAMS G. ARCHIBALD.

The Honourable the Secretary of State for the Provinces,
Ottawa.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 29th November, 1871.

The Committee of Council have had under consideration the annexed memorandum, dated 25th November, 1871, from the Honorable the Minister of Justice, on the despatch of the Lieutenant-Governor of Manitoba, of 14th July last, enclosing copies of four Bills passed by the Legislature of that Province, but reserved by him for the signification of Your Excellency's pleasure thereon; and they respectfully advise that the said report be approved, and that the said Bills be dealt with in the manner therein recommended.

Certified.

(Signed) WM. H. LEE,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 25th November, 1871.

The undersigned, to whom was referred the despatch of the Lieutenant Governor of Manitoba, dated the 14th July last, enclosing copies of four Bills passed by the Legislature of Manitoba, but reserved by him for the signification of the pleasure of His Excellency the Governor General, has the honor to report as follows:

Chapter 44.—The Bill, chap. 44, intituled "An Act to empower the Lieutenant-Governor in Council to authorize the construction of railways in this Province," empowers the Lieutenant-Governor in Council to authorize, by Order in Council, "the construction, by any sufficient company, of a line or lines of railway from any point or points within the Province to any other point or points within it, and, for that purpose, to give such company power to enter upon any lands required for such construction, and for all work in connection therewith, and to lay a line or lines of railway thereon, and generally to do any act or thing which may be necessary in constructing and maintaining such line or lines of railway."

This Act seems to be contrary to the first principles of legislation. By it the Lieutenant Governor in Council has the power to give to any association of individuals the right to build railways anywhere in the Province, and to take possession of any lands whether belonging to the Crown or to individuals, no sufficient provision being made for compensation for any infringement of the rights of property or other vested rights.

As the Government of Canada is pledged to construct a line of railway connecting the Atlantic and Pacific, and as such railway will pass through the Province of Manitoba, it is obvious that this Act, if put in force, might put it in the power of any company authorized to build railways, to thwart or greatly impede any operations which might be undertaken for the construction of such Interoceanic Railway.

The Act is so objectionable in every respect that the undersigned respectfully recommends that His Excellency's assent be not given to it.

Chapter 45.—The Bill, Chap. 45, intituled "An Act to authorize the construction of a Telegraph Line in this Province" empowers the Lieutenant-Governor "to authorize by Order in Council, the North-Western Telegraph Company or other sufficient Company, to construct a line or lines of telegraph from any one or more points within the Province, to any other point within it, and for that purpose to give such Company power to enter upon any lands required for such construction, for the erection of posts or other work in connection therewith, and to erect posts thereon and to attach wires thereto, and generally to do any Act or thing which may be necessary in erecting or constructing and maintaining such Telegraph Line."

The North-Western Telegraph Company mentioned in this clause the undersigned understands to be an incorporated Company existing in the United States, which desires to extend its line across the boundary to the Town of Winnipeg. If such be the case, the Act should more properly be passed by the Parliament of the Dominion.

The Act, however, is objectionable for the reasons given with respect to the one previously mentioned, and the undersigned recommends that His Excellency's assent be not given to it. There will be no difficulty in obtaining an Act of the Canadian Parliament authorizing the extension of the line of telegraph from the frontier to Winnipeg, under the agreement entered into between the Canadian Government and the North-Western Company, to which reference is made by the Lieutenant Governor in his despatch.

Chapter 46.—The Bill, Chap. 46, intituled "An Act to incorporate The Western Railway of Manitoba," authorizes such Company to construct a railway "from a point at or near Lake Manitoba, in the Province of Manitoba, to a point within the Province in proximity to St. Joseph, in the State of Dakotah, in the United States, and to construct branch lines from the said main line to other points within the said Province."

As this Act might interfere with the line of the Inter-Oceanic Railway to be built by the Government of the Dominion, the undersigned has the honor to recommend that His Excellency's assent be withheld from it for the present, until the line of such Inter-Oceanic Railway is settled by the Dominion Parliament.

Chapter 47.—The Bill, Chap. 47, intituled "An Act to incorporate the 'Red River Bridge Company' of Manitoba, and to authorize the construction of a Bridge across the Red River at a point opposite or near Fort Garry, and to levy tolls on said Bridge," is objectionable, inasmuch as the proposed bridge would interfere with and obstruct the navigation of the said River, a stream which, as the Lieutenant Governor mentions in his despatch, is navigable at certain seasons for 400 miles above the Town of Winnipeg.

The construction of a Bridge across a River of such size and importance is, in the highest degree, inexpedient, and the undersigned, therefore, recommends that His Excellency's assent be withheld from such Act.

All which is respectfully submitted.

(Signed) JOHN A. MACDONALD.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 22nd September, 1871.

The Committee of Council have had under consideration the annexed memorandum, dated 16th September, 1871, from the Hon. the Minister of Justice, reporting that, after a careful consideration of the Acts passed in the Fourth Session of the Legislature of the Province of Quebec, held in the 34th year of Her Majesty's reign, he is of opinion that the same should be left to their operation, and recommends accordingly.

The Committee advise that the Acts above referred to be left to their operation accordingly.

The Minister of Justice in submitting the foregoing recommendation offers certain observations with reference to certain of the Acts in question, and recommends that the points raised by him be brought under the notice of the Provincial Government.

The Committee concur in the observations submitted by the Minister of Justice, and advise that a copy of his said annexed memorandum be communicated to the Lieutenant Governor of the Province of Quebec.

Certified.

(Signed) WM. H. LEE,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 16th September, 1871.

With reference to the Imperial "British North America Act, 1867," and also to the Order in Council of the 9th June, 1868, on the memorandum of the undersigned, relative to the course to be pursued with respect to the Acts passed by the Provincial Legislatures, the undersigned has the honor to report,—

That, after a careful consideration of the Acts passed in the Fourth Session of the Legislature of the Province of Quebec, held in the 34th year of Her Majesty's reign, he is of opinion that the same should be left to their operation, and he respectfully recommends accordingly.

The undersigned, however, at the same time begs leave further to report, that he entertains considerable doubt whether the Act 34th Vic., Chap. 2, intituled "An Act to consolidate and amend the law respecting Licenses, and the duties and obligations of persons bound to hold the same" is not, in some respects, *ultra vires*.

The Act imposes licenses and license fees on taverns, shops, peddlers, &c., in accordance with the power given by the 92nd Section of the Union Act, which gives to the Provincial Legislatures the exclusive power of making laws in relation to shop, saloon, tavern, auctioneer and other licenses, in order to the raising of revenue for provincial, local or municipal purposes.

The Act in question goes further, however, in several of its provisions, than to provide for the raising of revenue by charging license fees. It contains a number of clauses providing for the regulation of taverns, stores and shops, which have no connection with any revenue purposes.

Now, by the Union Act, the duty of all legislation relating to regulation of trade and commerce is thrown upon the General Legislature, and, in the opinion of the undersigned, several of the provisions of the Quebec Act referred to are in regulation of trade, and do not concern the raising of revenue.

The undersigned, therefore, thinks it his duty to recommend that the attention of the Provincial Government be called to this matter as worthy of their consideration. The Act is a beneficial one in itself, and is mainly a consolidation of the previously existing law.

It will be for any persons feeling themselves aggrieved by any action under the Statute to test the question of its validity in the Courts.

The Act, chapter 38, intituled "The Municipal Code of the Province of Quebec," is, in the opinion of the undersigned, liable to the same objection as the one just mentioned, and the same remarks are applicable to it.

Chapter 36, intituled "An Act to amend the Act 20th Victoria, chapter 125, intituled 'An Act to divide the Quebec Turnpike Roads into two separate trusts, and to make other provisions relative thereto.'"

In the opinion of the undersigned, this is a private and local Act, affecting one of the assets belonging to the Provinces of Quebec and Ontario jointly, and, as such, due notice should have been given of it in the Quebec *Gazette*, according to the Rules of Parliamentary practice which obtain in that Province.

The provision of the Act is, in itself, unobjectionable. It merely increases the number of trustees from five to seven persons.

All which is respectfully submitted.

(Signed) JOHN A. MACDONALD.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 19th October, 1871.

On a memorandum, dated 17th October, 1871, from the Honourable the Minister of Justice, to whom were referred certified copies of the Acts passed by the Legislature of the Province of Manitoba, in the First Session of the First Parliament thereof, held in the 34th year of Her Majesty's reign, reporting:—

That he has carefully examined the same, and is of opinion that the legislation thereby effected is within the jurisdiction of the Legislature of Manitoba, except as regards certain powers conferred upon a Police Magistrate by the second section of Chapter 9, "An Act authorizing the appointment of Magistrates and Coroners."

That this section provides that a Police Magistrate "shall have all the powers possessed by one, two or more Justices of the Peace."

That it is obvious that if an Act of the Dominion Parliament, relating to Criminal Law, provided for the trial of an offender before two Justices of the Peace, no Provincial Legislature has the power of amending such provision by giving any one person, although a Judge, or Stipendiary or Police Magistrate, the power conferred by the Dominion Act on two Justices.

That the Act in question should, he suggests, be amended at the next Session of the Legislature by substituting the following words for those above quoted, viz.:—"In addition to all the powers possessed by any one Justice of the Peace, shall also have all the powers conferred by any Statute of this Province upon two or more Justices of the Peace."

He, therefore, recommends that all the Acts, with the exception of Cap. 9, be left to their operation, and that the latter be reserved for further report, when the Legislature shall have had an opportunity of amending the same as suggested.

The Committee submit the foregoing recommendation for Your Excellency's approval, and advise that the Acts in question, with the exception above made, be left to their operation accordingly.

Certified.

(Signed)

W. H. LEE,
Clerk, Privy Council.

COPY of a Report of a Committee, of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 19th October, 1871.

On a memorandum, dated 17th October, 1871, from the Hon. the Minister of Justice, to whom was referred certified copies of the Acts passed by the Legislature of the Province of Nova Scotia in the fourth Session thereof, held in the 34th year of Her Majesty's Reign, reporting:

That the two undermentioned Acts have been reserved for further consideration and report, viz:—

Chapter 32. "An Act to regulate Pilotage in the Bras d'Or Lake, in the Island of Cape Breton."

Chapter 57. "An Act to incorporate the Nova Scotia Mutual Fire Insurance Company."

That, with the exception of the two last mentioned, the said Acts are within the jurisdiction of the Provincial Legislature, and he recommends that the same be left to their operation.

The Committee advise that, with the exception of the two Acts above mentioned, the Acts passed by the Legislature of the Province of Nova Scotia, in the fourth session thereof, held in the 34th year of Her Majesty's Reign, be left to their operation.

Certified.

(Signed) WM. H. LEE,
Clerk, Privy Council.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 16th December, 1871.

On a memorandum, dated 6th December, 1871, from the Hon. the Minister of Justice, having reference to his previous report of the 17th October last, on the subject of the Acts passed by the Legislature of Nova Scotia at the last Session, and further reporting:

That as regards Act, Chapter 32, intituled "An Act to regulate Pilotage in the Bras d'Or Lake, in the Island of Cape Breton," he is of opinion that the Provincial Legislature has no power to regulate the fees of Pilots, and that such can only be done by Act of the Dominion Parliament, and he, therefore, recommends that this Act be disallowed.

That with respect to Chap. 57, intituled "An Act to incorporate the Nova Scotia Mutual Fire Insurance Company," he is of opinion that the 14th Section is unconstitutional, in so far as it declares that the President and Directors of the Company incorporated by the Act, shall, for certain Acts therein stated, be deemed guilty of misdemeanor.

That this is a matter relating to the Criminal law which can only be dealt with by the Parliament of Canada.

That the attention of the Government of Nova Scotia should be called to this clause so that it may be amended at the ensuing Session of the Legislature of that Province.

The Committee submit the foregoing recommendations for Your Excellency's approval.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

GOVERNMENT HOUSE, OTTAWA,
SATURDAY, 16th December, 1871.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

Whereas, the Lieutenant-Governor of the Province of Nova Scotia, with the Legislative Council and Assembly of the said Province, did, on the fourth day of April, A.D., 1871, pass an Act which has been transmitted, entitled as follows, viz. :—
“An Act to regulate Pilotage in the Bras d’Or Lake in the Island of Cape Breton;”

And, whereas, the said Act has been laid before the Governor General in Council, together with a report from the Minister of Justice setting forth that he is of opinion that it was not competent for the Legislature to pass such Act, and, therefore, recommending that the said Act should not receive the confirmation of the Governor General,—

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of his Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Nova Scotia, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

I, John, Baron Lisgar, Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Nova Scotia on the 4th day of April, 1871, entitled “An Act to regulate Pilotage in the Bras d’or, in the Island of Cape Breton,” was received by me on the 29th day of July, 1871.

Given under my hand and seal this 16th day of December, 1871.

(Signed) LISGAR. [L.S.]

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 21st January, 1870.

On a memorandum dated 17th January, 1870, from the Hon. the Minister of Justice, reporting with reference to the Imperial British North America Act, 1867, and also to the Order in Council of the 9th June, 1868, on his memorandum relative to the course to be pursued with respect to the Acts passed by the Provincial Legislatures;

That, in his opinion, all the Acts passed by the Legislature of the Province of Ontario in the third Session thereof (33rd Victoria), with the exception of those mentioned in the schedule hereunto annexed, are free from objection of any kind. He, therefore, recommends that the same be left to their operation.

The Acts named in the annexed schedule will, he states, be the subject of a further Report

SCHEDULE.

No. 3. An Act to amend an Act passed in the Session held in the 32nd year of the reign of Her Majesty, intituled “An Act to amend cap. 15 of the Con. Statutes of Upper Canada, intituled ‘An Act respecting County Courts.’”

No. 7. An Act to exempt from municipal taxation for a certain period therein mentioned, a Sugar Refinery proposed to be erected in the City of Toronto.

No. 8. An Act to remunerate certain members of the Court of Error and Appeal.

No. 20. An Act to amend the Laws relating to Bills of Lading.

No. 21. An Act respecting proceedings in Judges Chambers at Common Law.

No. 31. An Act to provide for the organization of the Territorial District of Parry Sound.

No. 57. An Act to amend the Act intituled: "An Act respecting Tavern and Shop Licenses."

The Committee advise that all the Acts passed by the Legislature of the Province of Ontario, in the third Session thereof (33 Victoria), with the exception of those mentioned in the preceding schedule (which are to be the subject of future report), be left to their operation.

Certified.

(Signed)

WM. H. LEE,
Clerk, Privy Council.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 24th October, 1870.

On a memorandum, dated 19th October, 1870, from the Honorable the Minister of Justice, reporting with reference to the Imperial "British North America Act, 1867," and to the Order in Council of the 9th June, 1868, on his memorandum, relative to the course to be pursued with respect to the Acts passed by the Provincial Legislatures.

That, in his opinion, all the Acts passed by the Legislature of the Province of Quebec, in the third Session thereof, 33rd Victoria (excepting Chapter 5, and including Chapter 10—the latter having been already reported upon) are free from objection of any kind. He, therefore, recommends that the same be left to their operation.

That with respect to chapter 5, entitled: "An Act to uphold the authority and dignity of the Houses of the Quebec Legislature, and the independence of the members thereof, and to protect persons publishing Parliamentary papers," he has great doubts whether the Legislature had jurisdiction, for reasons analogous to those contained in his report on the disallowance of the Act of the previous Session, entitled: "An Act to define the privileges, immunities and powers of the Legislative Council and Legislative Assembly of Quebec, and to give summary protection to persons employed in the publication of Parliamentary papers."

That as, however, the Act in question contains provisions necessary to uphold the authority and dignity of the Provincial Legislature, he deems it inexpedient to interfere with the operation of the Act, and, therefore, recommends that it should also be left to its operation, it being, of course, open to any parties affected by it to dispute before the legal tribunals the constitutionality of the Act.

The Committee concur in the foregoing report and advise that all the Acts referred to be left to their operation accordingly.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
14th July, 1869.

With reference to the following Acts passed by the Legislature of the Province of Ontario at its second Session, 32 Victoria, the undersigned has the honour to report as follows :

Chapter 3. That Chapter 3, intituled " An Act to define the privileges, immunities and powers of the Legislative Assembly, and to give summary protection to persons employed in the publication of Sessional papers," is objectionable.

By the 18th clause of the British North America Act, 1867, it is enacted that the privileges, immunities and powers to be held, enjoyed and exercised by the Senate and by the House of Commons of the Dominion of Canada, shall be such as shall be from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those held, enjoyed and exercised at the passing of such Act by the House of Commons of the United Kingdom.

It is to be assumed that the power to pass an Act defining those privileges was conferred upon the Parliament of Canada on the ground that without such a provision the Parliament of Canada could not have passed any such Act.

It is clear, from the current of judicial decision in England, that neither of the branches of a Colonial Legislature have any inherent right to the privileges of the Imperial Parliament. Perhaps, however, under the legislative powers given to the Dominion by the 91st section of the Union Act, to make laws " for the peace, order, and good government of Canada," it might have passed an Act without any enabling power from the paramount authority, establishing and defining the privileges of its two Chambers. However this may be with respect to the General Parliament, it is to be observed that there is no clause in the Union Act similar to the 18th, giving to the Provincial Legislatures power to define or establish their privileges, and that no general powers of legislation for the good government of the Provinces are given to their Legislatures.

Their powers are strictly limited to those conferred by the 92nd, 93rd, 94th and 95th Clauses of the Union Act.

By the Act in question it will be seen that the Legislature of Ontario has declared that the Legislative Assembly and its members shall enjoy the same privileges as those exercised by the House of Commons of Canada.

It would seem, therefore, that this Act is in excess of the power of the Provincial Legislature. If it has any power to legislate in the matter at all, it seems to follow that while the General Parliament can, under the 18th Clause, confer no greater privileges than those enjoyed by the Imperial House of Commons, the Provincial Legislature, being bound to no such limitation, might, if it were so disposed, confer upon itself and its members privileges in excess of those belonging to those of the House of Commons of England.

Chapter 22.—That the 2nd Section of Chapter 22, intituled " An Act to amend Chapter 15 of the Consolidated Statutes of Upper Canada, intituled " An Act respecting County Courts," is also objectionable.

That section provides that the Judges of those Courts are to hold office during pleasure, and shall be subject to removal by the Lieutenant Governor for inability, incapacity or misbehaviour, established to the satisfaction of the Lieutenant Governor in Council.

By the 96th Clause of the Union Act, the Governor General is to appoint County Court Judges, and by the 100th Clause the salaries, allowances and pensions of those Judges are to be fixed and provided by the Parliament of Canada.

The inconveniences that may arise from the appointing powers being in the Governor General, and the powers of removal also in him at his pleasure, while there at the same time exists an independent power of removal in the Lieutenant Governor, are obvious.

The Provincial Legislature evidently considered itself empowered to pass such an Act by the 14th Sub-section of the 92nd Clause of the Union Act, by which the

Provincial Legislatures have power to make laws in relation to the administration of justice in the Province, including the constitution, maintenance and organization of Provincial Courts.

Chapter 1. That the 6th Section of Chapter 1, being the Supply Bill for 1869, is also objectionable, as by the 96th and 100th Clauses of the Union Act it is provided that the Governor General shall appoint the Judges of the Superior Courts, and the Parliament of Canada shall fix and provide their salaries, allowances and pensions. It would seem that the Judges of those Courts cannot properly, and without a breach of its provisions, receive emolument of any kind from any but the power which appoints and pays them the legal salary attached to their judicial positions.

On these three Acts the undersigned, on the 20th February last, made a report to Your Excellency which you were pleased to transmit to the Secretary of State for the Colonies, for the purpose of being referred to the Law Officers of the Crown in England, and the Attorney and Solicitor General have given their opinion that it was not competent for the Legislature of Ontario to pass those Acts or either of them.

The undersigned recommends that the attention of the Government of Ontario be called to the two first mentioned Acts, and the sixth clause of the last Act, suggesting that they should be repealed next Session and no action taken upon them meanwhile.

He recommends also that a copy of Lord Granville's despatch on the subject and of the opinion of the Law Officers of the Crown be transmitted, with any Order in Council that may be adopted on this Report, to the Government of Ontario.

(Signed) JOHN A. MACDONALD.

The Secretary of State for the Colonies to the Governor General.

DOWNING STREET, 8th May, 1869.

SIR,—In compliance with the request contained in your despatch, No. 22, of the 11th March last, I caused a reference to be made to the Law Officers of the Crown, respecting the validity of certain Acts mentioned in the margin, lately passed by the Legislature of Ontario, and of a clause contained in the Supply Bill for 1869, passed by the same Legislature, relating to the increase of the salaries of the Judges of the Supreme Courts of the Province.

I transmit to you, for your information, and for that of your Privy Council, the enclosed copies of the reply which has been received from the Law Officers, and of the letter from this office in which their opinion was requested.

I have, &c.,

(Signed) GRANVILLE.

Governor the Right Honorable
Sir JOHN YOUNG, Bart., G.C.B., &c., &c.,

The Under Secretary of State, Colonial Office, to the Law Officers of the Crown.

DOWNING STREET, 27th April, 1869.

SIR,—I am directed by Earl Granville to transmit to you copies of a despatch from the Governor General of the Dominion of Canada, No. 22 of the 11th, March, 1869, and of a report from the Minister of Justice enclosed therein, upon certain Acts passed by the Legislature of the Province of Ontario, and to request that you will, jointly with the Solicitor General and Attorney General, favor His Lordship with your opinion whether it was competent for that Legislature to pass these Acts or any of them.

Copies of the Commission and instructions to Sir J. Young are annexed.

I am, &c.,

(Signed) FREDERIC ROGERS.

To the Attorney-General
and the Solicitor-General.

The Law Officers of the Crown to the Secretary of State for the Colonies.

TEMPLE, 4th May,*1869.

MY LORD,—We are honored with Your Lordship's commands signified in Sir Frederic Rogers' letter of the 27th April, 1869, stating that he was directed by your Lordship to transmit to us copies of a despatch from the Governor General of the Dominion of Canada, No. 22, of the 11th March, 1869, and of a report from the Minister of Justice enclosed therein, upon certain Acts passed by the Legislature of the Province of Ontario, and to request that we would favour Your Lordship with our opinion whether it was competent for that Legislature to pass the Acts, or any of them.

Sir Frederic Rogers was pleased to add that copies of the Commission, with instructions to Sir J. Young, were annexed.

In obedience to Your Lordship's commands, we have the honor to report:

That we have considered the three several Acts to which Your Lordship has been pleased to direct our attention, and we are of opinion that it was not competent for the Legislature of the Province of Ontario to pass such Acts, or either of them. We consider them inconsistent with the provisions of sections 92 and 96 of the British North America Act.

We have, &c.,

(Signed) R. P. COLLIER,
J. D. COLERIDGE.

The Right Honorable
The Earl of Granville, K.G.,
&c., &c., &c.

Mr. Asst.-Secretary Patteson to the Secretary of State of Canada.

PROVINCIAL SECRETARY'S OFFICE,
TORONTO, 27th September, 1869.

SIR,—I am commanded by the Lieutenant Governor to transmit to you, for the information of His Excellency the Governor General, a copy of a minute passed by the Executive Council of Ontario, having reference to three Acts of the Ontario Legislature passed at its last Session, and pronounced objectionable in a report of a

Committee of the Privy Council, made on the 17th July last, founded upon a report of the Minister of Justice, bearing date the 14th of the same month; copies of which documents, as also of a despatch and enclosures from the Colonial Office, were communicated to the Lieutenant Governor by letter from the Under Secretary of State for the Provinces.

A copy of the report of the Attorney-General of Ontario, upon which action has been taken by the Executive Council, is also transmitted herewith.

I have, &c.,

(Signed) THOS. C. PATTESON,
Assistant-Secretary.

Copy of Minute of Council, approved by His Excellency the Lieutenant-Governor, the 21st September, 1869.

The Committee of Council have had under consideration the annexed report of the Hon. the Attorney General on the subject of three several Acts of the Legislature of Ontario, passed during its last Session, as follows:—

32 Vic., Chapter 3, entitled “An Act to define the privileges, immunities and powers of the Legislative Assembly, and to give summary protection to persons employed in the publication of sessional papers.”

Chapter 22, entitled “An Act to amend Chapter 15 of the Consolidated Statutes of Upper Canada, entitled ‘An Act respecting County Courts.’”

Chapter 1. “The Supply Bill in as far as it effects the salary of the Judges of the Superior Courts,” which Acts have been objected to by the Honorable Privy Council at Ottawa, in their report, dated 17th July, 1869, adopting the report of the Hon. the Minister of Justice on the same subject, dated the 14th July, 1869.

The Committee concur in the report of the Hon. the Attorney-General, and in the reasons therein given for the constitutionality of the said Acts, and advise that the same be approved of.

Certified.

(Signed) JAS. ROSS,
Clerk, Executive Council.

EXECUTIVE COUNCIL CHAMBER,
TORONTO, 25th September, 1869.

Report of Mr. Attorney-General Macdonald.

The undersigned, to whom His Excellency the Lieutenant-Governor referred the letter of the under Secretary of State at Ottawa, dated the 24th day of July, last, transmitting therewith certain reports and communications as per margin and all bearing on specific objections to three several Acts passed during the last Session of the Ontario Legislature has the honor to submit the following observations for His Excellency's consideration.

1. Report of the hon. the Minister of Justice, dated 14th July, 1869, with copy of Minute of Privy Council, approving thereof, and dated 17th July, 1869.

2. Copy of Despatch of 8th May, 1869, from the Colonial Minister to His Excellency the Governor General.

With respect to Chapter 3, intituled an “Act to define the privileges, immunities and powers of the Legislative Assembly, and to give summary protection to persons employed in the publication of Sessional Papers,” it is said the powers of the Legislature of Ontario are strictly limited to those conferred by the 92, 93, 94 and 95 clauses of the Union Act, that there is no general

3. Copy of letter from Under-Secretary of State to Law Officers of the Crown, dated 27th April, 1869, and

4. Letter from Law Officers of the Crown, dated 4th May, 1869, with their opinion addressed to the right hon. the Earl of Granville, Colonial Minister.

power conferred on the respective Local Legislatures to enact laws for the good government of the Provinces as there has been to the general or Dominion Legislature, and that the express provision contained in the 18th section of the Union Act granting to the Senate and House of Commons of Canada, and to the members thereof respectively, "shall be such as are from time to time defined by the Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this Act held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof" shews that without such a provision the Parliament of Canada could not have passed such an Act. On these grounds it has been concluded that the Ontario Statute under consideration is in excess of the power of the Ontario Legislature.

To justify this conclusion it is said that if the Local Legislature can pass such a law because it is not trammelled, it may pass a law exceeding the limitation which has been placed on the Dominion Parliament by the 18th section of the Union Act.

It may not be quite easy to define precisely what power the Local Legislature may or may not lawfully exercise on the very numerous subjects which are within its jurisdiction.

It cannot be denied that the Legislature must possess the power, if not by mere regulation, by Statute at any rate, to provide for the orderly course of its proceedings—for freedom from arrest of its members—whilst attending their duties, and for a reasonable time before and after each Session for freedom of speech, not only against the Crown, but against private persons for the right to publish and distribute generally such matters as may be deemed conducive to the public interest without the risk of suit for publishing what might be otherwise deemed to be defamatory, and for the punishment of all persons guilty of contempt in the face of the House, or before its Committees.

For without such protection the Legislature would be enabled to maintain its dignity, and would be more feeble than a Justice of the Peace who has a right to punish for contempt committed at his Petty Sessions.

And it would be singular that a Legislative body which can confer such privileges upon any Court or Municipal body should not be able to grant them to itself.

The undersigned believes also that the Ontario Legislature could have gone beyond the privileges just named, and could have declared that members of the Legislature should be proceeded against in civil suits by a particular kind of process, and that all suits against them should be tried in a particular court, or that no civil suit at all should be commenced or prosecuted against them during the Session of the House, or for a certain time before or after the Session.

The undersigned is also of opinion that witnesses, summoned to attend before the House or a Committee, should be liable to be proceeded against by the House for contempt, in disobeying the process or in declining to give evidence or otherwise, and that all matters pertaining to election of members should be tried and determined by the House.

The only privileges which the House of Commons in England possesses which may not be considered as applicable here are, when it acts as the grand inquest of the nation, to enquire into grave offences, and when it accuses, for the purpose of a trial, for the offence found, and when it adjudicates upon and punishes contempts out of the House.

Yet, the undersigned believes there is nothing to prevent the Legislature of Ontario from granting the power of inquisition to itself by Statute.

It may, undoubtedly, withdraw the power from grand jurors by abolishing the grand jury system or by transferring the powers now exercised by grand jurors to any other power, body or person.

And that the Legislature may also grant to itself the power to try for and to

punish contempts not committed before the House. It is familiar to every one acquainted with the practise of the Superior Courts, to what extent contempts to the process and officers of such Courts are punished, though not committed in the precincts of the Courts. There is no decision, the undersigned believes, at all touching the jurisdiction of the Legislature to pass a statute for such purposes, though there are decisions that a legislative body has, as such, no inherent right to assume such power. Powers analagous to those which are exercisable by the British House of Commons, because the latter body has acquired theirs by long usage and custom only, and powers so acquired are not assumable by other bodies possessing general legislative authority in other places.

The Dominion Act contains nothing against the legislation in question.

It does not declare that the Legislature of Ontario shall have authority over those matters which are mentioned in the Act, but that it may exclusively make laws relating to those subjects therein enumerated.

And it seems difficult to maintain that a Legislature which may amend the Constitution of the Province, and may legislate on property and civil right and generally on all matters of a mere local or private nature, may not by Statute provide that the like power which the House of Commons of the Dominion and the members thereof possess, may be possessed also by the Legislative Assembly of Ontario, and the representatives of the people assembled therein and elected thereto by the same constituents who send Members to the Commons.

The argument that the Legislature of Ontario may grant to the Assembly greater powers to the matters alluded to, because not restricted from doing so, than the House of Commons of Canada possesses, because it is restricted from assuming or exercising greater privileges than those which the British House of Commons enjoyed, is not in the opinion of the undersigned an answer to the exercise of those powers which are not more extensive than the House of Commons does possess.

It does not follow that the Legislature of Ontario has the power to exercise greater authority than the House of Commons of Canada can exercise.

The limitation placed by the Union Act upon the greater body must no doubt be held by just construction of the Statute to operate by limitation upon the subordinate Legislatures as well.

The conclusion to which the undersigned has arrived with respect to the constitutionality of the Ontario Act, 32 Vic., Chap. 3, is that it is not liable to the exceptions which have been taken to it, and that sufficient consideration has not, in his humble opinion, been given to the important distinction between powers claimed by the authority of a Statute and powers claimed as inherently belonging to a Legislative body.

Chapter 22, 32 Victoria, is intituled "An Act to amend Chapter fifteen of the Consolidated Statutes of Upper Canada, entitled 'An Act respecting County Courts,'" it is said the first section of this Act is inconsistent.

The sentence is "The Judges of the several County Courts holding office when this Act takes effect, as well as the Judges hereafter to be appointed, shall hold their offices during pleasure, and shall be subject to be removed by the Lieutenant-Governor for inability, incapacity or misbehaviour, established to the satisfaction of the Lieutenant Governor in Council, anything in the Interpretation Act or any other Act to the contrary notwithstanding." The inconsistency is stated to be that the section provides that the Judges are to hold their offices during pleasure, that is the pleasure of the Governor General, and yet they are to be subject to be removed by the Lieutenant-Governor for inability, &c., &c.

If this be the objection taken to the Act it is not necessarily open to the exception. It may be that the Governor General should remove at pleasure without cause assigned, and that the Lieutenant Governor should not have that power, but the power to remove only for inability, &c., &c.

But to avoid any difficulty on that point, the clause may be modified so as to preserve to the Lieutenant-Governor in Council the right of removal for inability &c., which is the principal purpose of the enactment.

By the Union Act the Governor General, has the appointment of the Superior Court, District and County Court Judges, in the respective Provinces.

In Ontario the Superior Court Judges consisting of the Courts of Queen's Bench, Common Pleas and Chancery are to hold their office during good behaviour, but are removable by the Governor General on an Address of the Senate and House of Commons. The tenure of the County Court Judges, or their mode of removal, is not mentioned in the Act.

The Legislature of Ontario has express power to legislate respecting the establishment and payment of Provincial offices, and the appointment and payment of Provincial officers. The appointment and payment of County Court Judges are expressly reserved to the Governor General, but as it is only their appointment and payment that have been so vested in him, their seems no valid reason why the other power of the section should not be exercised by the Provincial Legislature relating to the tenure of the office of such Judges, particularly as it is the Ontario Legislature alone which can establish these Courts and the offices to which the Judges are to be afterwards appointed.

The undersigned is by no means satisfied that the enactment of last Session, declaring, the County Court Judges shall hold their office during the pleasure of the Governor General, is beyond the authority of the Legislature of Ontario.

The appointment to and the tenure of office are so entirely distinct one from the other, that the provision in the Union Act, that the Governor General shall appoint the officer, and the provision of the Ontario Legislature that the officer shall hold his office only during the pleasure of the Governor General, may well stand together without repugnancy, and even without inconvenience. But if it is thought there is any apparent clashing of rights the clause may be modified as before suggested.

The undersigned does not understand that any objection has been made to the power of removal for causes which has been conferred on the Lieutenant Governor.

It may, however, be as well to note what has occurred to the undersigned on this point. By the Consolidated Statutes of Upper Canada, Chap. 15, the Judges of the County Courts were appointed by the Governor, and were to hold their offices during good behaviour, but they were subject to be removed by the Governor for inability or misbehaviour, established to the satisfaction of the Court of Impeachment.

The Legislature of Ontario has, as it unquestionably had the right to do, abolished the last named Court, and in effect transferred the powers of enquiry to the Lieutenant Governor in Council, by the enactment under consideration. This enactment, undoubtedly, goes further than authorizing an enquiry to be made into the Judge's conduct, as it declares that the Lieutenant-Governor may, on being satisfied in Council of the truth of the charge, remove the Judge from his office, which was a power, before the late Union, to be exercised by the Governor.

The question then is, had the Legislature of Ontario the authority to confer the power of removal on the Lieutenant-Governor, as well as the power to investigate complaints against County Court Judges, or, by the late Union Act, is the power of removing these Judges to be exercised by the Governor General or by the Lieutenant Governor?

The 12th Section of the Union Act provides "That all powers, authorities and functions which, under any Act of the Legislature of Canada, are at the Union vested in or exercisable by the respective Governors or Lieutenant Governors of those Provinces, by those Governors or Lieutenant Governors individually, shall, as far as the same continue in existence and capable of being exercised, after the Union, in relation to the Government of Canada, be vested in and exercisable by the Governor General individually, as the case requires, subject, nevertheless, to be abolished or altered by the Parliament of Canada."

The like enactment is contained in the 65th Section of the Act applicable to the Province of Ontario, conferring all powers on the Lieutenant Governor, which were at the Union vested in or exercisable by the Governor of Upper Canada and Lower

Canada, "as far as the same are capable of being exercised, after the Union, *in relation to the Government of Ontario*," shall be vested in and exercisable by the Lieutenant Governor.

The question then is: Is the removal of the County Court Judges for cause a matter in relation to the Government of Canada, or a matter in relation to the Government of Ontario?

The Governor General appoints the Judges and the Dominion pays them, by the express provision of the Union Act.

The general rule is that the power which appoints may also remove.

These are reasons which it may be urged that the Governor General should alone remove, and why the tenure of such offices should therefore be considered to be a matter relating to the Government of Canada.

On the other hand, the Legislature of Ontario has, alone, jurisdiction over "the administration of Justice in Ontario, including the constitution, maintenance and organization of Provincial Courts both of civil and Criminal jurisdiction."

The Legislature of Ontario maintains the County Court, and can alter their constitution or abolish them, and the Lieutenant Governor has authority, for what the undersigned has before said, to hold inquisition of all complaints against these Judges for the purpose of enabling it to be determined whether they should be removed or not. Independently, therefore, of the arguments before submitting, relating to the tenure of these offices being vested in the Legislature of Ontario, which would conclude the question, there is strong reason for believing that the tenure of these Judges and their removal for cause should be held to be a matter relating to the Government of Ontario, and not a matter relating to the General Government of the Dominion.

In taking a review of the particular question, the undersigned is of opinion there is not the inconsistency in the section of the Statute which it has been stated appears there,—for the Governor General to remove without cause is not opposed to the power of removal by the Lieutenant Governor for cause.

If it be supposed or insisted upon that the inconsistency suggested is so manifest as to require amendment, the section can be altered to meet the difficulty raised.

The Legislature of Ontario has power to regulate the tenure of office of the County Court Judges, because the tenure is a matter which has been specially delegated to it by the Union Act.

And the Lieutenant Governor may remove for cause, because the removal is, by the Union Act, a matter relating to the Government of Ontario, and not to the general Government.

The Lieutenant Governor, under sec. 65 of the Union Act, would have had the power, and not the Governor General, upon an adverse finding of the Court of Impeachment, if that Court had still been in existence—the powers of that Court having been in effect transferred to the Lieutenant Governor in Council. The Lieutenant Governor may now, by virtue of sec. 65, remove the County Court Judges.

The undersigned, on consideration of the whole question, suggests that the section of the Act of last Session objected to, should be amended by enacting that the said Judges shall hold their offices during good behaviour, but shall be subject to be removed by the Lieutenant Governor for inability, incapacity, or misbehaviour, established to the satisfaction of the Lieutenant Governor in Council.

Chap. 1, 32nd Victoria.—With respect to section 6 of this Act, which relates to the increase of salary made to the Judges of the Superior Courts, and which is in the following words:—"And, whereas, under the altered circumstances of the County, and the increased expense of living, it has been found that the Judges of the Superior Courts are inadequately paid: be it, therefore, enacted that there shall be paid for the year one thousand eight hundred and sixty-nine, and for every year thereafter, out of the Consolidated Revenue of this Province, annually, to the President or Chief Justice of the Court of Error and Appeal, and to each of the Judges of the Superior Courts of Law and Equity in this Province, the sum of one thousand dollars."

That it has been objected that the Judges of these Courts cannot properly, and without a breach of the provisions of the Union Act, receive emolument of any kind

from any but the power which appoints and pays them the legal salary attached to their judicial positions.

The meaning of this objection, no doubt, is that the only power which can legally pay these Judges in Ontario is the Dominion Government.

As a matter of policy, apart from the legal consideration of the question, it may be conceded that the Judges should be paid only by the General Government for the performance of those duties which necessarily attach and belong to them as Judges of the Courts to which the Governor General nominates them.

If, however, the Local Legislature establish a new Court, and appoint the Judges of the Superior Court to discharge the duties of it, there is no objection that occurs to the undersigned against the Legislature allowing to the Judges a special compensation for the extra duties cast upon them.

The Judges are prohibited from taking fees of any kind unless from the Crown. But when the Local Legislature awards payment, it is on a footing of a grant from the Crown as well as when payment is made by the General Government.

Now, the Government of Canada has no power over the Ontario Court of Error and Appeal or over the Judges of that Court.

There is nothing, therefore, in the opinion of the undersigned to prevent the Ontario Legislature granting to the Judges of that Court such compensation as they may think proper for the services which they specially render as Judges thereof.

An additional allowance, the undersigned has been informed, was spoken of by the late Government of Canada as proper to be made to the Judges as Judges in Appeal, and those extra and very onerous, but unrequited services were in the consideration of those who took part in the addition in question and influenced them in their action, though such fact was not embodied in the statute itself.

The undersigned, therefore, suggests that it would be advisable to amend the sixth section of the Act objected to by making the addition of one thousand dollars to the yearly salary of the Judges as compensation specially for their services as Judges of the Ontario Court of Error and Appeal.

(Signed) J. S. MACDONALD.

1st September, 1869.

Copy of a Report of a Committee of the Honorable the Executive Council, approved by His Excellency the Governor General in Council on the 23rd October, 1869.

The Committee of Council have had under consideration the annexed memorandum, dated 22nd October, 1869, from the Hon. the Minister of Justice, having reference to certain correspondence between the General Government and the Government of Ontario, and a Minute in Council of the latter Government respecting the three Acts of the Legislature of Ontario passed last session, viz., 32 Vic., cap. 3; 32 Vic., cap. 22; and 32 Vic., cap. 1, to which objections were taken by the Minister of Justice in his report dated 14th July last, and they humbly advise that the suggestions contained in the said annexed memorandum be approved, and that a copy of it and of the present Minute be transmitted to the Lieutenant Governor of Ontario as therein recommended.

Certified.

(Signed)

WM. H. LEE,
Clerk, Privy Council

DEPARTMENT OF JUSTICE,

OTTAWA, October 22nd, 1869.

The undersigned has had before him, the Minute of Council of the Government of Ontario, bearing date the 21st September, 1869. This Minute embodies and concurs in the report of the Honorable the Attorney General of Ontario, on the correspondence between the General and Provincial Governments on three Acts of the Legislature of Ontario, passed last Session, viz: 32nd Vic., cap. 3—32nd Vic., cap. 22—and 32nd Vic., cap. 1.

The Report of the Attorney-General, which is a very able State paper, discussed at length the objections taken by the undersigned to those Acts in his report to your Excellency, of the 14th July last, and makes certain suggestions with respect to future legislation on the subjects of the three measures.

These suggestions are worthy of all consideration, should the Legislature of Ontario pass measures founded upon them. It will answer, however, no good purpose to enter into their consideration at present.

Your Excellency, on receiving the report of the undersigned, thought it expedient to submit the three Acts in question to Her Majesty's Government, for the purpose of obtaining the opinion of the Law Officers of the Crown, and receiving specific instructions with respect to them.

The Attorney and Solicitor-General of England, having reported that in their opinion it was not competent for the Legislature of Ontario to pass those Acts, or any of them; and such report having been transmitted by the Secretary of State for the Colonies for your guidance and action, no other course is left to Your Excellency than to disallow the measures, unless they are repealed by the Legislature of Ontario at its approaching Session.

The undersigned would, therefore, recommend that a despatch be sent to the Lieut.-Governor of Ontario to that effect; stating, at the same time, that should the Legislature of Ontario, after repealing those Acts or any of them, pass other measures on the same subjects, Your Excellency will cause them to be taken into immediate consideration, with an anxious desire to meet the views of the Legislature.

It will, of course, be necessary that these Acts if repealed, should be repealed unconditionally, and any substituted legislation embodied in separate Bills.

The undersigned further recommends, that a copy of the Minute in Council, founded on this report, be transmitted to the Lieutenant-Governor of Ontario, and that he be requested to inform Your Excellency of the course proposed to be adopted by his advisers with regard to the three Acts.

All which is respectfully submitted.

(Signed) JOHN A. MACDONALD.

Mr. Secretary Langevin to Lieutenant-Governor Howland.

(No. 864.)

OFFICE OF THE SECRETARY OF STATE FOR THE PROVINCES,
26th October, 1869.

SIR,—I have the honor to transmit to you, herewith, for the consideration of the Government of the Province of Ontario, a copy of an Order of His Excellency the Governor General in Council, under date 23rd instant, together with a copy of the memorandum of the Honorable the Minister of Justice, referred to in the Order of Council on the subject of certain correspondence between the General Government and the Government of Ontario, respecting three Acts of the Legislature of Ontario, passed last Session, viz.: 32nd Vic. Cap. 1, 32nd Vic. Cap. 3, and 32nd Vic., Cap. 22.

I am, at the same time, to intimate to Your Excellency that, for the reason set forth in the accompanying memorandum, no other course is left to His Excellency than to disallow the Acts cited in the Order in Council, unless they are repealed by the Legislature of Ontario at its approaching session.

May I request you to give me timely notice for His Excellency's information of the course proposed to be adopted by your advisers with regard to the three Acts under consideration.

I have, &c.,

(Signed) HECTOR L. LANGEVIN,
For the Secretary of State for the Provinces.

The Hon. W. P. HOWLAND, C.B.,
Lieut.-Governor, Toronto, Ont.

DEPARTMENT OF JUSTICE,
OTTAWA, 24th Nov., 1869.

With reference to the reports of the undersigned of the 14th July and 22nd October last, relating among other things to the Act passed by the Legislature of the Province of Ontario at its last Session, being 32nd Vic., chap. 3, intitled:—“An Act to define the privileges, immunities and powers of the Legislative Assembly, and to give summary protection to persons employed in the publication of Sessional papers.”

And with reference also to the correspondence with the Government of Ontario on the subject, the undersigned has now the honor to report that, in his opinion, it was not competent for the Legislature of the Province of Ontario to pass such Act, and he therefore recommends that the same should not receive the confirmation of Your Excellency.

All of which, &c.,

(Signed) JOHN. A. MACDONALD.

For Proclamation of disallowance of this Act see *Canada Gazette* of the 4th December, 1869.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 17th August, 1869.

The Committee have had under consideration a memorandum, dated 12th August, 1869, from the Hon. the Minister of Justice, having reference to the Imperial “British North America Act, 1867,” and to the Order in Council of the 9th June, 1868, on his memorandum relative to the course to be pursued with respect to the Acts passed by the Provincial Legislatures.

The Minister of Justice reports that he considers the Acts mentioned in the annexed Schedule passed by the Legislature of the Province of New Brunswick in the fourth Session of the 22nd General Assembly thereof, (being the second Session since the passing of the “British North America Act, 1867,”) to be free from objection of any kind. He therefore recommends that the same be respectively left to their operation.

The Committee advise that the Acts mentioned in the said annexed Schedule be respectively left to their operation exclusively.

Certified.

(Signed) W. H. LEE,
Clerk, Privy Council.

Schedule.

Chapters, Nos. 1, 2, 4, 5, 7, 8, 10, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 83, 84, 85, 87, 88, 89, 90, 91.

(Signed) JOHN A. MACDONALD.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 30th October, 1869.

On a report, dated 29th October, 1869, from the Honorable the Minister of Justice, stating that, after full consideration, he is of opinion that the following Acts passed by the Legislature of the Province of Ontario at its second Session (32nd Vic.) should, in addition to those mentioned in his reports of the 19th February and 12th July last, be left to their operation, viz :

32nd Vic. Cap. 6. The Law reform Act of 1868.

32nd Vic. Cap. 21. An Act respecting election of members of the Legislative Assembly.

32nd Vic. Cap. 26. An Act to repeal certain Acts and enactments therein mentioned, and to abolish the Court of Impeachment for the trial of County Judges.

The Committee recommend that the above mentioned Acts be respectively left to their operation accordingly.

Certified.

(Signed) WM. H. LEE.
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 3rd November, 1869.

With reference to the following Act, passed by the Legislature of the Province of Quebec, in its second Session (32nd Victoria) the undersigned has the honor to report as follows:—

That Chapter 4, intituled "An Act to define the privileges, immunities and powers of the Legislative Council and Legislative Assembly of Quebec, and to give summary protection to persons employed in the publication of Parliamentary papers" is objectionable.

By the 18th clause of the "British North America Act, 1867," it is enacted that the privileges, immunities and powers to be held, enjoyed and exercised by the Senate and by the House of Commons of the Dominion of Canada, shall be such as shall be from time to time defined by the Act of the Parliament of Canada; but so that the same shall never exceed those held, enjoyed and exercised at the passing of such Act by the House of Commons of the United Kingdom.

It is to be assumed that the power to pass an Act defining those privileges, was conferred upon the Parliament of Canada, on the ground that without such a provision the Parliament of Canada could not have passed any such Act.

It is clear, from the current of judicial decision in England, that neither of the branches of a Colonial Legislature have any inherent right to the privileges of the Imperial Parliament. Perhaps, however, under the legislative powers given to the Parliament of the Dominion, by the 91st Section of the Union Act, to make laws "for the peace, order and good government of Canada" it might have passed an Act without any enabling power from the paramount authority establishing and

defining the privileges of its two chambers. However this may be with respect to the General Parliament, it is to be observed that there is no clause in the Union Act similar to the 18th, giving to the Provincial Legislatures power to define or establish their privileges and that no general powers of legislation for the good government of the Provinces are given to their Legislatures. Their powers are strictly limited to those conferred by the 92nd, 93rd, 94th and 95th clauses of the Union Act.

By the Act in question it will be seen that the Legislature of Quebec has declared that the members of the Legislative Council and the Legislative Assembly of that Province shall enjoy the same privileges as those exercised by the Senate and House of Commons respectively.

It would seem, therefore, that this Act is in excess of the power of the Provincial Legislature. If it has any power to legislate in the matter at all, it seems to follow that while the general Parliament can, under the 18th clause, confer no greater privileges than those enjoyed by the Imperial House of Commons, the Provincial Legislature being bound by no such limitation might, if it were so disposed, confer upon itself and its members privileges in excess of those belonging to the House of Commons of England.

The Legislature of Ontario having at its last Session, passed a similar Act to the one in question, the undersigned, on the 20th February last, made a Report thereon to Your Excellency, which you were pleased to transmit to the Secretary of State for the Colonies for the purpose of being referred to the Law Officers of the Crown in England, and the Attorney and the Solicitor General have given their opinion that it was not competent for the Legislature of Ontario to pass such an Act.

The undersigned recommends that the attention of the Government of Quebec be called to this Act, suggesting that the same should be repealed at the next Session of their Legislature.

He also recommends that the copy of Lord Granville's despatch, and of the opinion of the Law Officers of the Crown, hereunto annexed, be transmitted with any Order in Council that may be adopted on this Report to the Government of Quebec; and that their attention be particularly called to that portion of such opinion which refers to the Act of the Legislature of Ontario herein mentioned.

All which, &c.

(Signed) JOHN A. MACDONALD.

N. B.—The opinion of the Law Officers of the Crown in England, referred to in the above report, will be found attached to Report of Minister of Justice of 14th July 1869, on the Acts of Ontario.

Mr. Secretary Langevin to Lieutenant Governor Belleau.

(Translation.)

OFFICE OF THE SECRETARY OF STATE,
OTTAWA, 11th November, 1869.

SIR,—I have the honor to forward you, herewith enclosed, for the information of the Government of the Province of Quebec, a copy of an Order of His Excellency the Governor General in Council, respecting an Act passed by the Legislature of the said Province, in the Second Session thereof, intituled, "An Act to define the privileges, immunities and powers of the Legislative Council and Legislative Assembly of Quebec, and to give summary protection to persons employed in the publication of Parliamentary papers."

You will also find herewith enclosed, copies of the laws, and documents mentioned in the Order:—These documents have been forwarded to you, in accordance with the provisions of the Order, and for the objects set forth therein.

I have the honor to be,
Your obedient servant,

(Signed) HECTOR L. LANGEVIN,
Secretary of State.

To the Honorable
Sir N. F. BELLEAU, Lieut.-Governor,
Quebec.

Mr. Secretary Chauveau to the Secretary of State of Canada.

(Translation).

PROVINCE OF QUEBEC, SECRETARY'S OFFICE,
QUEBEC, 20th November, 1867.

SIR,—I have the honor, by order of the Lieutenant-Governor, to acknowledge the receipt of your letter, dated the 11th November instant, and of the documents therewith in relation to an Act passed in the last Session of the Legislature of Quebec, intituled "An Act to define the privileges, immunities and powers of the Legislative Council and Legislative Assembly of Quebec, and to give summary protection to persons employed in the publication of Parliamentary papers," and to pray you to inform His Excellency the Governor General, that the Government of the Province of Quebec will give its best attention thereto, and that representations in relation to the matter will be transmitted to His Excellency.

I am further directed by the Lieutenant Governor to pray His Excellency to make known to him the nature of the objections which have been formulated against another Act of the Legislature of Quebec, intituled: "An Act respecting District Magistrates."

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

(Signed) PIERRE J. O. CHAUVEAU,
Secretary.

The Honorable
The Secretary of State,
Ottawa.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 4th November, 1869.

The Committee of Council have had before them the annexed memorandum, dated 3rd November, 1869, from the Hon. the Minister of Justice reporting, with reference to the Imperial "British North America Act, 1867," and to the Order in Council of 9th June, 1868, on his memorandum relative to the course to be pursued with respect to the Acts passed by the Provincial Legislature.

That he considers the Acts mentioned in the annexed Schedule, passed by the Legislature of the Province of Quebec, in the second Session thereof, to be free from objection of any kind, and that he therefore recommends that the same be respectively left to their operation.

The Committee advise that the Acts mentioned in the said annexed Schedule be left to their operation accordingly, that is to say:

SCHEDULE.

32nd Victoria Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96.

Certified.

(Signed)

WM. H. LEE,
Clerk, Privy Council.

Petition of certain Inhabitants of the City of St. John.

To His Excellency the Right Hon. Sir John Young, Baronet, K.G.C.B., M.G. &c., &c., &c., Governor General of the Dominion of Canada, &c., &c.

The petition of the undersigned humbly sheweth:

That the European and North American Railway, for extension from St. John westward, was incorporated by Act of the General Assembly of the Province of New Brunswick, in the year 1864.

That the requirement of the Act incorporating the said Company not having been violated, your petitioners claim that they were released and discharged from all liability, and, in consequence, refused to pay the assessments made, from time to time, upon the stock of the said Company.

That the Directors of the said Company being advised that the payment of the said subscriptions could not be enforced by process of law, made application to the Local Legislature of this Province, at its last Session, for an Act to legalize their proceedings, and enable them to enforce payment of such subscriptions.

That a rule of both Houses of the Legislature requires that Notices of Bills intended to be brought before the House, should be first published, a copy of which rule is hereto attached marked "A."

That the 26th Rule of the House, published in the *Royal Gazette* of this Province, states that no Bill of a private nature shall be received by the House after the fourteenth day from the opening of the Session, both inclusive.

That the House met on the 4th March last, and, in defiance and contradiction of this rule, the Act before referred to, and hereto annexed, was introduced on the 30th March last.

That the said Act was, in its nature, both local and private, and was in amendment of a former Act.

That no notice of any description was ever published, as required by the said rule of the said Legislature, and the first intimation your petitioners had of the existence of the said Act, was a telegraphic despatch in the *St. John Evening Globe*, of the 19th April, inst., stating that "a Bill to compel subscribers to stock in the European and North America Railway to pay up" had passed both branches of the Legislature.

That your petitioners believe that the application for such Bill was never sanctioned at any meeting of the stockholders of the said company, nor was there any meeting of stockholders called to consider the subject.

That the said Bill was introduced in the House of Assembly by Mr. Needham, Member for York County, on the 30th March, inst., and then read; that the second reading was on the following day; and on the 1st April, inst., it was referred to a Committee composed of Mr. Needham, Mr. Hibbard, Member for Charlotte, and Mr. Flumelling, Member for Kings County,

That the said Bill passed both Houses of the Legislature on the 17th of April, instant.

That your petitioners have procured from the Clerk of the House of Assembly, a

copy of the said Bill, which is hereunto annexed, and to which your petitioners beg to refer Your Excellency.

Your petitioners believe that if the said Bill become law, a most dangerous precedent of *ex post facto* legislation will be established, and your petitioners will be deprived of their rights without a hearing.

That if your petitioners had received any notice of the said Bill, or been aware that the same was before the House of Assembly, they would have opposed it most strenuously.

Your petitioners therefore humbly pray that Your Excellency will disallow the said Bill, which your petitioners regard as unconstitutional and unjust, and as an invasion of private rights, and as an attempt on the part of the said Directors of the said Company to deprive them of their legal rights.

And your petitioners, as in duty bound, will ever pray.

(Signed)	Z. Ring, J.P.,	(Signed)	John Hastings,
"	Wm. Thomson, J.P.,	"	S. Gardner,
"	Alex. Barnhill, J.P.,	"	John D. Purdy,
"	John McLachlan, J.P.,	"	James A. Harding,
"	Hall & Fairweather,	"	Chas. R. Ray,
"	R. C. Adams,	"	Jas. L. Dunn,
"	Wm. Davidson,	"	Robt. J. Leonard,
"	Geo. Carville, J.P.,	"	Charles McLauchlan,
"	John Walker,	"	J. R. Currey & Co.,
"	William Firth,	"	Robt. Thomson, jun.,
"	Thomas Furlong,	"	W. Jack, jun.,
"	D. V. Roberts,	"	I. Allen Jack,
"	Troop & Son,	"	J. Tucker,
"	George McLeod,	"	Geo. Flemming,
"	Wm. A. Robertson,	"	James Nevins,
"	G. E. Thomas,	"	Charles Nevins,
"	Timothy McCarthy,	"	Wm. Fleming,
"	John W. Cudlip,	"	Geo. Stymest,
"	Wm. Wedderburn,	"	W. C. Fraser & Co.,
"	John A. Wright,	"	John Stewart,
"	W. H. Tuck,	"	W. Scovil,
"	John Clark,	"	John Vassie,
"	Forbes & Sinnott,	"	W. G. Lawton,
"	D. Robertson,	"	W. O. Smith, per A. C. Smith,
"	Charles W. Weldon,	"	Beard Venning,
"	C. H. Estabrook, J.P.,	"	R. W. Crookshank,
"	John W. Nicholson.	"	Henry R. Ranney.

ST. JOHN, N.B., 30th April, 1869.

"A."

"That no Bill of a private or local nature, or Bill for making any amendments of a like nature to any former Act, shall be received by the House, unless a notice specifying the several objects desired to be attained has been published four successive weeks previous to the meeting of the Legislature, or to the introduction of the Bill, in some one of the newspapers published in the city or county interested in the measure, or in the locality where the parties affected reside; and when no newspaper is published in either of such localities, then in some newspaper published in the nearest adjoining county, or in the *Royal Gazette*," &c.

Petition of Millowners, &c., on West Musquash River.

To His Excellency the Right Honorable Sir John Young, Baronet, G.C.B., G.C.M.G., &c., &c., &c., Governor General of the Dominion of Canada.

The Petition of certain millowners and owners and lessees, and licensees of land on the West Musquash River, in the Parish of Lancaster, in the City and County of Saint John, and Province of New Brunswick, HUMBLY SHEWETH:—

That by the first section of an Act passed at the last Session of the Legislature of New Brunswick, intituled "An Act to incorporate the Musquash River Stream Driving Company," one Charles F. Clinch, and one Samuel R. Clinch, were created a corporation "for the purpose of clearing out and building dams on the West Musquash River, from the mill at the head of tide water, in the parish of Lancaster, on the said river, to the head waters of the same, including all its branches, to facilitate the driving of logs and timber thereon."

That by the second section of said Act, the said Charles F. Clinch and Samuel R. Clinch "have power to enter in and occupy for that purpose, any lands bordering on said river, its lakes or any of its branches within the limits before defined, as shall be necessary for constructing sluices, building dams and making other improvements which may be required to facilitate the driving of logs and timber thereon, doing no unnecessary damage thereto, and the said Charles F. Clinch and Samuel R. Clinch shall be liable for all damages sustained by the taking of any land necessary to be taken and used for the purposes of the said Act, or for any damage arising from the operations under the said Act."

That by the third section of the said Act, the said Charles F. Clinch and Samuel R. Clinch, are "authorized to demand and receive tolls of and from all persons, owners of logs, timber and other lumber passing along said river, as follows: For every thousand superficial feet of logs, timber and other lumber passing through the dam, to be built at Log Falls, twenty-five cents; for every thousand feet of logs, timber and other lumber passing through the dam, and other improvements at and on the outlet of Sherwood Lake, fifty cents; for every thousand superficial feet of logs, timber and other lumber passing through the dam, to be built on Queen's Lake stream near its outlet, at the head of Sherwood Lake, seventy-five cents, and proportionate rates or every other dam that may be built by the said Charles F. Clinch and Samuel R. Clinch, and deemed absolutely necessary for the purpose of driving logs on the said river or any of its branches."

That by the fourth section of the said Act, the said Charles F. Clinch and Samuel R. Clinch "shall have a lien on all logs and timber passing through such portion of the river as may be improved under the provisions of the said Act, for the payment of all tolls assessed; and in case of refusal or neglect to pay, so much of said logs or timber of each owner thereof so neglecting or refusing, as may be necessary to meet such assessment with the expenses, may be sold by the said Charles F. Clinch and Samuel R. Clinch, to pay the same after having given ten days' notice thereof, and the surplus, if any, to be returned to the party."

That by the fifth section of the said Act it is provided that, "in case the said Charles F. Clinch and Samuel R. Clinch, shall fail to expend within one year from the passing of the said Act for the purpose of improving the said river or its branches, a sum not less than three thousand dollars, then the said Act to become null and void."

That by a joint rule of both branches of the Legislature, adopted at the Session of 1864, it is provided, "That no Bill of a private or local nature, or Bill for making amendments of a like nature to any former Act shall be received by the House, unless a notice specifying the several objects desired to be obtained has been published four successive weeks previous to the meeting of the Legislature, or to the introduction of the Bill in some one of the newspapers published in the city or county interested in the measure, or in the locality where the parties affected reside, and

when no newspaper is published in either of the said localities, then in some newspaper published in the nearest adjoining county, or in the *Royal Gazette*," as may be seen by reference to a copy of the *Royal Gazette* of New Brunswick.

That the said Bill was introduced into the House of Assembly of the Province of New Brunswick, on the 27th day of March last, when the rule prepared by the said Joint Committee requiring Bills of a private or local nature to be published in some newspaper was suspended for the purpose of the said Bill as may be seen by reference to the Journals of the House of Assembly, page 82.

That your petitioners being millowners or lessees or licensees of land on the West Musquash River, in the said parish of Lancaster, are seriously affected by the said Act, yet they were wholly ignorant of any intention to introduce the same, or of the nature of it, the necessary publication never having been made, and were therefore prevented from petitioning against the passage of the said Bill.

That your petitioners object to the provisions of the said Act, because that it gives to the Messrs. Clinch an entire monopoly of the lumbering upon the said river, and renders the mill property and timber lands of your petitioners quite valueless.

That the tolls fixed in and by the said Act are ruinously high.

That logs are now, and have long been driven from the Sherwood Lake to the head of tide-water, for the sum of twenty-five cents per thousand superficial feet, while by the Act in question the Messrs. Clinch are empowered to exact a toll of twenty-five cents per thousand feet on all lumber passing Log Falls, situate between Sherwood Lake and the head of tide-water, and a further toll of fifty cents per thousand feet on all lumber passing through the dam at the Sherwood Lake, making in all seventy-five cents per thousand feet, thereby increasing the cost of driving logs from Sherwood Lake fourfold, or in other words, from twenty-five cents to one dollar per thousand feet.

That the tolls on logs driven from Queen's Lake to the head of tide water will, under the Act, amount to one dollar and fifty cents, an amount in itself double the cost of driving logs at the present time from Queen's Lake to tide waters.

That, in addition to the above rates of toll, the Messrs. Clinch are authorized to charge proportionate rates for every other dam that may be built by them.

That the river below Sherwood Lake has been driven for more than forty years and the Sherwood Lake has been driven from for twenty years.

That Justus E. Knight, one of your petitioners, has driven down the said river from two to three millions feet of lumber annually for the past nine years.

That while the Messrs. Clinch are required to expend, in improvements, the sum of three thousand dollars, the receipts from tolls under said Act will be enormous.

That, within two years, four millions feet of lumber can come into the said river below Sherwood Lake which, at twenty-five cents per thousand feet, will yield one thousand dollars.

That within the same period eight million feet of lumber can come into the said river from Sherwood Lake which, at fifty cents toll at Sherwood Lake and twenty-five cents toll at Log Falls, will yield six thousand dollars.

That the country above Sherwood Lake is an extensive country capable of yielding, during the time that the proposed improvements must last, say ten years, from twenty to thirty millions feet of lumber, which, basing the calculation upon the lowest estimate, would yield thirty thousand dollars, and this amount is liable to be largely increased by the tolls in respect of such other dams as the Messrs. Clinch may deem it necessary to build.

That the said Act, besides authorizing the imposition of extravagant and ruinous tolls, does not provide proper safeguards for the efficient maintenance by the Messrs. Clinch, of the dams which they are empowered to make, while it gives them full powers over the land and milling rights of your petitioners.

That Justus E. Knight, one of your petitioners has just erected a large mill on the river below the head of tide water, with the expectation of getting a supply of lumber out of the said river upon fair and equal terms with others, which mill will be rendered almost wholly, if not entirely, valueless if the said Act be not disallowed.

That the rest of your petitioners are either interested in mills on the east and west branches of the Musquash River, dependent for their supply of lumber upon the said Musquash, West Branch, in whole, or in part, or owners, lessees or licensees of lands on the said West Musquash whose rights must be largely derogated from if the said Act be not disallowed.

Your petitioners, therefore, humbly pray that Your Excellency will be pleased to disallow the said Act of the Legislature of the Province of New Brunswick, intituled "An Act to incorporate the Musquash River Stream Driving Company."

And, as in duty bound, will ever pray, &c.,

(Signed)	JUSTUS E. KNIGHT,
"	JAMES DONNOLLY,
"	ROBERT DONNOLLY,
"	FRANCIS WOODS,
"	ADAM WOODS,
"	JOHN ARMSTRONG.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 9th November, 1869.

The Committee of Council have had before them the annexed memorandum, dated 4th November, 1869, from the Hon. the Minister of Justice, reporting, that after full consideration he is of opinion that the several Acts mentioned in the said memorandum, being Acts passed by the Legislature of the Province of New Brunswick, in the fourth Session of the twenty-second General Assembly thereof, (being the second Session since the passing of the "British North America Act, 1867,") should, in addition to those mentioned in his report on the 12th August last, be left to their operation.

The Committee advise that the Acts mentioned in the said annexed memorandum be left to their operation accordingly.

They further advise that the attention of the Government of New Brunswick be called to the suggestion of the Minister of Justice with respect to the Act Cap. 3, mentioned in the said memorandum.

Certified.

(Signed)	W. A. HIMSWORTH.
	<i>Clerk, Privy Council.</i>

DEPARTMENT OF JUSTICE,
OTTAWA, 4th November, 1869.

The undersigned has the honour to report, that after full consideration, he is of opinion that the following Acts passed by the Legislature of the Province of New Brunswick in the fourth session of the twenty-second General Assembly thereof, (being the second Session since the passing of the "British North America Act, 1867,") should, in addition to those mentioned in his report of the 12th August last, be left to their operation, viz.:

Chapter 6, intituled "An Act relating to presentations to Rectories of the Church of England in the Province of New Brunswick."

Chapter 9 "An Act relating to Lunacy."

Chapter 11, intituled "An Act to repeal Sec. 29 of Part 1, Title 4, Cap. 40, of the Revised Statutes of the Post Office."

Chapter 15, intituled "An Act to repeal Cap. 36, Title 3 of the Revised Statutes, intituled 'of desertion from Her Majesty's Forces.'"

Chapter 34, "An Act to alter and amend the Act 18th Vic. Cap. 24, intituled "An Act relating to Jurors."

Chapter 54, intituled "An Act to amend an Act intituled 'An Act to incorporate the European and North American Railway Company, for extension from St. John, westward.'"

Chapter 69, intituled "An Act to amend the Law relating to the weight of oaths."

Chapter 80, intituled "An Act to protect Butter and Cheese Manufacturers."

Chapter 86, intituled "An Act to incorporate the Musquash River Stream Driving Company."

Chapter 3, intituled "An Act in amendment of the Act of Assembly, 24 Vic., cap. 30, relating to the Police Force in the City of St. John."

The undersigned, whilst recommending that the last mentioned Act be left to its operation, it being a beneficial one, would, at the same time, desire to call the attention of the Government of New Brunswick to its terms, in order that they may consider whether it may not be held by the Courts to be a measure affecting criminal procedure, in which case it would be beyond the jurisdiction of the Provincial Legislature by the terms of the "British North America Act, 1867," Section 91, paragraph 27.

He would also beg leave to point out that there seems to be a necessity for an amendment of the Act in so far as the words "guilty under" are concerned; as it stands, a party is declared guilty without charge, trial or hearing. If the words are to be construed as "guilty after conviction" the provision would seem to be nugatory.

All which is respectfully submitted.

(Signed) JOHN A. MACDONALD.

DEPARTMENT OF JUSTICE,
OTTAWA, 24th November, 1869.

With reference to the report of the undersigned of the 3rd instant, relative to the Act passed by the Legislature of the Province of Quebec, at its last Session, being 32 Vic., Cap. 4, intituled: "An Act to define the privileges, immunities and powers of the Legislative Council and Legislative Assembly of Quebec, and to give summary protection to persons employed in the publication of Parliamentary papers;"

And also to the correspondence with the Government of Quebec on the subject, the undersigned has now the honor to report that, in his opinion, it was not competent for the Legislature of the Province of Quebec to pass such Act, and he therefore recommends that the same should not receive the confirmation of Your Excellency.

All which is respectfully submitted.

(Signed) JOHN A. MACDONALD.

DEPARTMENT OF JUSTICE,
OTTAWA, 24th November, 1869.

With reference to the Reports of the undersigned, of the 14th July and 22nd October last, relating among other things to the Act passed by the Legislature of the Province of Ontario at its last Session, being 32 Vict., chap. 3, intituled "An Act to define the privileges, immunities and powers of the Legislative Assembly, and to give summary protection to persons employed in the publication of Sessional papers;"

And with reference also to the correspondence with the Government of Ontario on the subject, the undersigned has now the honor to report that, in his opinion, it was not competent for the Legislature of the Province of Ontario to pass such Act, and he therefore recommends that the same should not receive the confirmation of Your Excellency.

All which, &c.

(Signed) JOHN A. MACDONALD.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 21st December, 1869.

On a memorandum dated 20th December, 1869, from the Hon. the Minister of Justice, reporting with reference to the Imperial British North America Act, 1867 and also to the Order in Council of the 9th June, 1868, on his memorandum relative to the course to be pursued with respect to the Acts passed by the Provincial Legislatures;

That he considers the Act passed during the present Session of the Legislature of the Province of Quebec, 32 Vict., intituled: "An Act to amend the Law respecting the constitution of the Superior Court," to be free from objection of any kind. He therefore recommends that the same be left to its operation.

The Committee advise that the Act above referred to be left to its operation accordingly.

Certified.

(Signed) WM. H. LEE,
Clerk, Privy Council.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 4th July, 1868.

On a memorandum, dated 16th June, 1868, from the Honorable the Minister of Justice and Attorney General, reporting with reference to the Imperial British North America Act, 1867, and also to the Order in Council of the 9th of same month, on his memorandum relative to the course to be pursued with respect to the Acts passed by the Provincial Legislatures, that he considers the Acts mentioned in the annexed Schedule, passed by the Legislature of the Province of Ontario, in the first Session thereof, to be free from objection of any kind. He therefore recommends that the same be respectively left to their operation.

The Committee advise that the Acts mentioned in the annexed Schedule be left to their operation accordingly.

Certified.

(Signed) WM. H. LEE,
Clerk, Privy Council.

SCHEDULE.

Chapters 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 15, 16, 18, 21, 22, 23, 24, 25, 26, 27, 28, 31, 33, 34, 35, 36, 37, 39, 43, 46, 47, 48, 49, 50, 51, 57, 58, 59, 60, 61, 62, 63, 68, 69, 70, 71, 72, 74, 75, 76, 77, 78, 79.

(Signed) JOHN A. MACDONALD.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 4th July, 1868.

On a memorandum, dated 26th June, 1868, from the hon. the Minister of Justice and Attorney General, reporting, with reference to the Imperial "British North America Act, 1867," and also to the Order in Council of the 9th June ultimo, on his memorandum relative to the course to be pursued with respect to the Acts passed by the Provincial Legislatures, that he considers the Acts mentioned in the annexed schedule, passed by the Legislature of the Province of Quebec, in First Session thereof, to be free from objection of any kind; and that he therefore recommends that the same be respectively left to their operation.

The Committee advise that the Acts mentioned in the annexed schedule be left to their operation accordingly.

Certified.

(Signed)

WM. H. LEE,
Clerk, Privy Council.

SCHEDULE.

Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59.

(Signed) JOHN A. MACDONALD.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 4th July, 1868.

On a memorandum, dated 26th June, 1868, from the Hon. the Minister of Justice and Attorney-General, reporting with reference to the Imperial "British North America Act, 1867," and also, to the Order in Council of the 9th June ultimo, on his memorandum relative to the course to be pursued with respect to the Acts passed by Provincial Legislature, that he considers the Acts mentioned in the annexed schedule passed by the Legislature of the Province of New Brunswick, in the First Session thereof to be free from objection of any kind.

The Committee advise that the Acts enumerated in the annexed schedule be left to their operation accordingly.

Certified.

(Signed)

WM. H. LEE,
Clerk, Privy Council.

SCHEDULE.

Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, 17, 18, 19, 21, 22, 23, 24, 27, 28, 29, 30, 33, 34, 35, 36, 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 58, 59, 60, 61, 63, 64, 67, 68, 69, 70, 71, 72.

(Signed) JOHN A. MACDONALD.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 12th September, 1868.

On a Report, dated 7th September, 1868, from the Honorable the Minister of Justice, stating that after full consideration he is of opinion that the following Acts passed by the Legislature of the Province of New Brunswick, at its last Session, 31st Victoria, should be left to their operation :—

31st Victoria, Chaps. 13, 16, 20, 26, 31, 32, 37, 39, 54, 55, 62, 65, 66.

He further states that the Acts Chapters 39, 54 and 55, will, of course, be subject to legislation by the Parliament of Canada relating to navigation.

The Committee advise that the Acts above-mentioned be left to their operation accordingly.

Certified.

(Signed)

WM. H. LEE,
Clerk, Privy Council.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 18th September, 1868.

On a memorandum, dated Ottawa, September 16th, 1868, from the Honorable the Minister of Justice, reporting that after full consideration, the following Acts passed by the Legislature of the Province of New Brunswick at its last Session, 31st Victoria, should, in his opinion, be left to their operation :

31st Victoria, Cap. 10.—“An Act to authorize the Town of Woodstock to aid further in the construction of the Woodstock Railway, and to authorize the Woodstock Railway Company to give security therefor.”

31st Victoria, Cap. 57.—“An Act to extend the time for the building of the Albert Railway.”

With respect to the latter Act the Minister of Justice thinks it necessary to call the attention of Your Excellency to the fact that the Albert Railway is one of those to which a subsidy was granted by the 27th Vic., Cap. 3, of New Brunswick.

That this subsidy is a liability of that Province, for which, under the Union Act, the Dominion must provide ; that it is, however, clear that only those liabilities that existed at the time of the Union are to be met by the General Government, and that the obligation to pay the subsidy cannot be extended by the Provincial Legislature by any legislation since that time. He submits that the attention of the Provincial Government should be called to this, so that they may, should they deem it expedient, submit a measure to the Provincial Legislature granting a subsidy to the Railway if commenced and completed under the Act in question.

The Committee advise that the two Acts above-mentioned be left to their operation, and that the suggestion of the Minister of Justice with respect to the Act, Chapter 57, be approved and acted on.

Certified.

(Signed)

WM. H. LEE,
Clerk, Privy Council.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 27th December, 1875.

On a Report, dated 23rd December, 1875, from the Hon. the Minister of Justice, with reference to the (2) Orders in Council, dated 23rd November last, passed upon his (2) Reports dated the 16th November, upon three private and four public Acts, passed at the last Session of the Legislature of Ontario ;

The Committee concur in the Report of the Minister of Justice, and accordingly recommend that the said Acts be left to their operation; and that the Government of Ontario be requested to promote the legislation last indicated in the said Report.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE.

OTTAWA, 23rd December, 1875.

With reference to the (2) Orders in Council, dated 23rd November last, passed upon the (2) Reports of the undersigned, dated 16th November, upon the following three private and four public Acts, passed at the last Session of the Legislature of Ontario;

Private Acts.

Chapter 44, intituled, "An Act to enable the Corporation of the City of Kingston to close up a part of Union Street with the water slip in front of the same in the said City, and for other purposes."

Chapter 67.—"An Act to incorporate the Canada Fire and Marine Insurance Company."

Chapter 68.—"An Act to incorporate the Industrial and Commercial Life Assurance Company of Canada."

Public Acts.

Chapter 4, intituled, "An Act respecting the operation of the Statutes of Ontario."

Chapter 12, intituled, "An Act to amend the Act respecting Division Courts."

Chapter 19, intituled, "An Act respecting apprentices and minors."

Chapter 18, intituled, "An Act to provide for voting by ballot at municipal elections."

The undersigned has the honor to report that an Act amending the said Acts in several particulars, in respect of which objection was taken thereto in the said reports, has been this day assented to in the Legislature of Ontario, with a view to obviate the disallowance of the said Acts.

The undersigned, without expressing any opinion as to whether all the amendments were necessary, considers that they are such as to render it fit that the several Acts referred to should be left to their operation, having regard, as to Chapter 67, to the observation that he has been informed by the Attorney General of Ontario that he will be prepared to promote further legislation with a view to substitute some other word for the word "Canada" in the title of the Company incorporated by that Act, this objection not having been remedied by the amending Act.

The undersigned, therefor, recommends that the said Acts be left to their operation, and that the Government of Ontario be requested to promote the legislation last indicated.

(Signed) EDWARD BLAKE.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 30th November, 1875.

On a Report, dated 22nd November, 1875, hereunto annexed, from the Honorable the Minister of Justice upon the Acts passed by the Legislature of the Province of Ontario at its Session held in the 38th year of Her Majesty's reign, being the fourth Session of the second Parliament of said Province, stating that the right of disallowance ought not to be exercised in respect of the Acts mentioned in said report, and recommending that they be left to their operation.

The Committee concur in the foregoing recommendation, and submit the same for Your Excellency's approval.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 22nd November, 1875.

Upon the Acts passed by the Legislature of the Province of Ontario at its Session held in the 38th year of Her Majesty's Reign, being the fourth Session of the second Parliament of said Province, the undersigned has the honor to report that the right of disallowance ought not to be exercised in respect of the following Acts, and he therefore recommends that they be left to their operation:—

Chapters 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 68, 69, 70, 71, 72, 73, 74, 76, 77, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94.

(Signed)

EDWARD BLAKE.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 23rd November, 1875.

On a Report dated 16th November, 1875, from the Hon. the Minister of Justice, having reference to the following five private Acts, passed in the year 1874, by the Legislature of Ontario, namely:—

Chapter 78, intituled, "An Act respecting the Methodist Church of Canada."

The Minister states that by the 1st section, the real or other property held in other Provinces by certain church bodies belonging to those Provinces, is in effect declared to have become vested, along with property in Ontario of certain church bodies of that Province, in a new church body.

That as to this clause he refers to his report upon chapter 75 of the same Statutes, upon the reasoning of which it would appear to him that as to property outside of Ontario the clause is *ultra vires* and inoperative, yet that he does not advise that the Act should be disallowed.

Chapter 44, intituled, "An Act to enable the corporation of the City of Kingston to close up a part of Union Street, with the water slip in front of the same, in the said city, and for other purposes."

That this Act besides making certain provisions within the competence of the Local Legislature, professes to give power to close up a part of the public harbor of Kingston. That it is true that all the powers given by the Act are expressed to be given only so far as the Legislature has jurisdiction in that behalf; but he is obliged

to recommend that unless the Act be amended by eliminating the provisions to which he refers, it should be disallowed.

Chapter 67, intituled, "An Act to incorporate the Canada Fire and Marine Insurance Company."

The Ministers observes that the powers professed to be conferred by this Act appears to him too wide—that it authorizes the Company to effect policies of fire insurance with any persons or bodies corporate, and to make contracts of marine insurance with any persons, in respect to loss of vessels navigating any waters from or to any ports; that it is not provided that the chief place of business shall be in the Province. Power is given to comply with the laws of other Provinces or States wherein the Company may carry on business, and the word "Canada," introduced into the name is, of itself, indicative of more than Provincial objects. That on the 31st March, 1875, Chapter 82 of the Statutes of Nova Scotia, for 1874, was disallowed upon grounds applicable to this Act. The Minister recommends that unless the objections are obviated by amendment this Act should be disallowed.

Chapter 68, intituled: "An Act to incorporate the Industrial and Commercial Life Assurance Company of Canada."

This Act, the Minister submits, is open to the objections suggested with reference to Chapter 67, besides containing an objectionable provision with reference to the insolvency of the Company, and he recommends that unless the objections are obviated by amendment, this Act should be disallowed.

Chapter 66, intituled: "An Act to incorporate the Alliance Insurance Company."

The Minister states that, by this Act, power is given to the company to borrow money on security of its debentures, to an amount not exceeding the amount of its paid-up capital stock.

That this provision seems open to serious objection as a matter of policy, but having regard to the course which has been pursued in reference to other Acts, giving objectionable power, he does not feel that he ought to recommend the disallowance of this Act on that ground. He remarks that, by the 17th Section of Chapter 67, and by the 23rd Section of Chapter 68, powers of the same character, though not so extensive, are given to the companies by these Acts incorporated.

The Committee concur in the report of the Minister of Justice, and submit the same for Your Excellency's approval.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 23rd November, 1875.

The Committee have had under consideration the Report, dated 16th November 1875, hereunto annexed, from the Honorable the Minister of Justice, having reference to the undermentioned four public Acts passed by the Legislature of Ontario in the year 1874, viz:

Chapter 4, intituled: "An Act respecting the operation of the Statutes of Ontario."

Chapter 12, intituled: "An Act to amend the Act respecting Division Courts."

Chapter 19, intituled: "An Act respecting apprentices and minors."

Chapter 28, intituled: "An Act to provide for voting by ballot at Municipal Elections."

And they concur in the recommendation expressed in said Report, that the attention of the Government of Ontario be called to the said Acts, in order to their considering the propriety of proposing amendments before the period arrives for determining as to their disallowance.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 16th November, 1875.

With reference to the undermentioned four public Acts passed by the Legislature of Ontario in the year 1874, the undersigned begs leave to report,—

Chapter 4, intituled: "An Act respecting the operation of the Statutes of Ontario."

Section 6.—The language is rather vague and is open to the construction that it applies to the Statutes of the Dominion and Statutes of former legislatures upon subjects within the legislative competence of the Dominion.

Section 12 enacts that several Statutes should be repealed as far as they relate to Ontario—some of these Statutes relating in part to criminal law and procedure are still in force, and the language with reference to their repeal is objectionably wide. It would be better to limit it to so much of the Acts as affect matters within the legislative authority of Ontario.

Chapter 12, intituled, "An Act to amend the Act respecting Division Courts."

The provision in this Act making it the duty of a County Court Judge to hold a Division Court in any county in the Province on being ordered to do so by the Lieutenant Governor in Council, &c., appears to be objectionable as assuming, though to a limited extent, the power of appointment vested in the Government of Canada. It would not be objectionable to impose the duty upon requirements by Order of the Governor General in Council made upon the request of Lieutenant Governor.

Chapter 19, entitled "An Act respecting Apprentices and Minors."

Sections 17 and 18 appear to trench upon the criminal law, most, if not all of the Acts to be dealt with by a Magistrate, being criminal.

Chapter 28, intituled, "An Act to provide for voting by ballot at Municipal Elections."

Section 30 provides against the forgery, counterfeiting or fraudulently altering, defacing or destroying ballot papers, &c., and imposes a punishment for any of these offences. This Section would appear to come within the objection taken by the predecessor of the undersigned, in his report of 2nd January, 1875, with reference to the Act of Prince Edward Island respecting Controverted Elections.

The undersigned recommends that the attention of the Government of Ontario be called to the Acts mentioned in this report in order to their considering the propriety of proposing amendments before the period arrives for determining as to their disallowance.

(Signed) EDWARD BLAKE.

Lieutenant Governor Morris to the Secretary of State of Canada.

GOVERNMENT HOUSE,
FORT GARRY, MANITOBA, 4th Nov., 1875.

SIR,—I have the honor to enclose herewith, for the signification of the pleasure of His Excellency the Governor General, with regard thereto, a duly certified copy of a Bill, intituled: "An Act respecting Land Surveyors and the Survey of Land in the Province of Manitoba," passed at the last Session of the Legislature, but which I reserved for submission to His Excellency the Governor General.

1st. The great bulk of the lands in the Province of Manitoba being yet Crown lands belonging to the Dominion, the Act in question prohibits anyone from acting as a Surveyor of Lands in Manitoba, unless possessing the qualifications specified in the Bill.

2nd. The Bill deals with the whole question of the mode of surveying lands in the Province of Manitoba.

3rd. As the Dominion Lands Act, 35 Vict., chap 23, provides, who shall act as

Surveyors of Dominion Lands, there would, if the Bill were assented to, be a conflict of authority created by it.

4th. The Dominion Land Act provides for the mode of Survey of Dominion Lands.

5th. The Dominion Land Act provides for a Board of Examiners for the admission of Deputy Surveyors, and the local Act, does likewise, so that there would be two Boards dealing with this matter in the Province.

6th. The provisions of the Bill are extremely illiberal and unjust, with regard to surveyors coming from the other Provinces, and would create a monopoly.

The first Section prohibits any one from acting as a Surveyor of Lands in the Province of Manitoba, unless qualified, *firstly*, under the laws of Assiniboia, or *secondly*, qualified by certificate, diploma, or commission to survey in some one of the Provinces of the Dominion of Canada, and having been employed as a Dominion Land Surveyor in the Province of Manitoba *previous* to the passing of this Act, or *thirdly*, become qualified under the provisions of this Act.

7th. The 11th Section provides, that any person becoming qualified, after the passing of the Act, to survey lands in some one of the other Provinces, may be admitted as a Surveyor by the Board, after serving six months of actual practice in the field, with a land surveyor duly admitted and practising in Manitoba, and thereafter undergoing examination proscribed by the Act.

8th. The effect of these two provisions, is, to shut out from surveying lands in Manitoba, all surveyors, qualified before the passing of the Act, in any other of the Provinces, unless they had actually been employed in surveying lands in Manitoba, and to compel all such surveyors, qualified after its passing, in any of the other Provinces to submit to a practical apprenticeship of six months here, and to a new examination, thus in effect throwing, should the Bill become law, the survey of lands in Manitoba, into the hands of a privileged few, and excluding men of experience from coming here to practise as surveyors.

9th. While, for these substantial reasons, I reserved the Bill for the signification of the pleasure of His Excellency the Governor General, I would remark that the question is not without difficulties; as the control of "property" is placed within the powers of the Local Legislatures, by the Confederation Act, an Act to provide for the survey of lands, would seem to fall within their competence; but yet the lands are, with the exception of the small quantity that has been patented Crown Lands of the Dominion, and therefore it is to be assumed, subject to their authority as to the survey thereof as being "public property" with regard to which the Dominion possesses "the exclusive Legislative authority."

I am disposed to think that it would be competent for the Legislature to pass such an Act as the one proposed, if confined to the lands which have passed from the Crown to private owners in the Province, but, in view of the whole circumstances of the case, I would desire to be advised as to the opinion of the Privy Council with regard to this important question, in order that if the present Bill be disallowed, the Legislature may be guided in the framing of a new measure, should such be introduced next Session.

I have, &c.,

(Signed) ALEX. MORRIS,
Lieutenant Governor Manitoba.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 7th February, 1876.

The Committee have had under consideration the reserved Bill of the Legislature of Manitoba, intituled, "An Act respecting Land Surveyors and the Survey of Lands in Manitoba," forwarded by the Lieutenant Governor in his despatch of the 4th November, for the signification of the pleasure of Your Excellency.

They have also had before them the Report of the Hon. the Minister of Justice, dated 29th January, 1876, upon the subject of said Act. The Minister refers to the approved report of his predecessor, dated September 24th, 1872, upon a reserved Bill from the same Province, intituled, "An Act respecting Land Surveyors," and also to the Minute approving that report. The Minister also refers to the despatch of the 4th November, enclosing the Act now under consideration, and states that he has caused communication to be had with the Minister of the Interior of Canada, who expresses the opinion that the Bill is at present premature and unnecessary.

Under all the circumstances appearing in the Despatch, and other papers hereinbefore referred to, the Minister recommends that the Governor General's assent be not given to the Bill in question.

The Committee concur in the foregoing recommendation, and accordingly advise that the said Bill be not assented to.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 29th January, 1876.

Upon the reserved Bill of the Legislature of Manitoba, intituled, "An Act respecting Land Surveyors and the Survey of Lands in Manitoba," forwarded by the Lieutenant-Governor in his despatch of 4th November for the signification of the pleasure of His Excellency, the undersigned would refer to the approved report of his predecessor, dated September 24th, 1872, upon a reserved Bill from the same Province, intituled, "An Act respecting Land Surveyors," and also to the Minute approving the report. The undersigned would also refer to the despatch of the 4th November, enclosing the Act now under consideration.

The undersigned has caused communication to be had with the Minister of the Interior, who expresses the opinion that the Bill is at present premature and unnecessary.

Under all the circumstances appearing in the despatch and other papers hereinbefore referred to, the undersigned recommends that the Governor General's assent be not given to the Bill in question.

(Signed) EDWARD BLAKE.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 26th October, 1875.

On a memorandum, dated 19th October, 1875, from the Hon. the Minister of Justice, reporting with reference to the Act of the Nova Scotia Legislature to establish County Courts, passed on the 7th May, 1874, that, by the 27th section of that Act the summary jurisdiction of the Supreme Court of Nova Scotia is abolished; that by the 55th Sec. the jurisdiction of the City Court of the City of Halifax in all cases of torts and for forcible entry and detainer is abolished and transferred to the County Court for District No. 1; that, by the 56th Section, so much of the existing law as is inconsistent with the Act is repealed; and, by the 57th Section, it is provided that the Act shall not go into operation until brought into force by proclamation of the Lieutenant Governor in Council.

That, during the last Session of the Canadian Parliament a Bill was brought in by the Government to provide for the salaries of the judges to be appointed under this Statute, but it was defeated in the Senate.

That the Nova Scotia Act has not yet been proclaimed, but, that he is led to believe that the question of bringing it into force immediately is under consideration.

That there are very grave difficulties in the way of appointing Judges before parliamentary provision is made for their salaries, and that it is obviously the most satisfactory disposition of the matter to postpone bringing the Act into operation until after the next Session of the Canadian Parliament when, it is to be expected this provision will be made.

That, on the other hand, should the Act be proclaimed earlier, if the Judges are not appointed, it seems probable that there will be a failure of justice in many cases, owing to the abolition of the summary jurisdiction of the Supreme Court and the non-erection of the substituted County Courts.

The Minister suggests that it would be advisable to communicate with the Lieut. Governor of Nova Scotia, suggesting the expediency, under the circumstances, of postponing, until after next Session, the proclamation of the Act.

The Committee concur in the foregoing report, and submit the same for Your Excellency's approval.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

Lieutenant Governor Morris to the Secretary of State of Canada.

GOVERNMENT HOUSE,
FORT GARRY, MANITOBA, 9th August, 1875.

SIR,—I have the honor to enclose two advance copies of some of the more important statutes of the last Session of the Legislature of Manitoba, passed by them and assented to by me. With regard to the first of these, Cap. 5, "An Act respecting the Administration of Justice," I have to call attention to the clauses 58 to 61, which I think are *ultra vires* of the powers of a Local Legislature, and trench on the powers of the Dominion.

The Bill was prepared by the Chief Justice. I called the attention of the Ministry and of the Chief Justice to my objection at the time, but the clauses were retained.

As there was much of value in the Bill, I did not think it desirable to reserve it, but determined to call the attention of the Minister of Justice to the clauses in question, as, if he shares my view, they can be repealed next Session.

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

(Signed) ALEX. MORRIS,
Lieutenant Governor.

The Honorable
The Secretary of State.

GOVERNMENT HOUSE, OTTAWA,
Wednesday, 16th August, 1876.

Present :

THE HON. WILLIAM BUELL RICHARDS, DEPUTY OF THE GOVERNOR GENERAL, IN COUNCIL.

Whereas, the Lieutenant Governor of the Province of Manitoba, with the Legislative Council and Legislative Assembly of the said Province, did, on the 14th day of May, 1875, pass an Act which has been transmitted, Chaptered 18, and intitled,

“An Act respecting Estreats, Fines, Penalties and Forfeitures;” and, whereas, the said Act has been laid before the Deputy of the Governor General in Council, together with a report from the Minister of Justice, setting forth that he is of opinion that it was not competent for the Legislature to pass such Act, and therefore recommending that the said Act should be disallowed.

His Honour the Deputy of the Governor General has thereupon this day been pleased, by and with the advice of the Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof, the Lieutenant-Governor of the Province of Manitoba and all persons whom it may concern are to take notice and govern themselves accordingly.

I, William Buell Richards, Deputy of the Governor General of Canada, do hereby certify that the Act passed by the Legislature of the Province of Manitoba on the 14th day of May, 1875, intituled, “An Act respecting Estreats, Fines, Penalties, and Forfeitures,” was received by His Excellency the Governor General on the 17th day of August, 1875.

Given under my hand at Ottawa, this 16th day of August, 1876.

(Signed)

W. B. RICHARDS.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Administrator of the Government in Council on the 16th August, 1876.

The Committee have had under consideration the Report hereunto annexed from the Hon. Mr. Scott, acting in the absence of the Hon. the Minister of Justice, having reference to an Act passed by the Legislature of the Province of Manitoba, and assented to on the 14th May, 1875, being:

Chapter 18, intituled “An Act respecting Estreats, Fines, Penalties, and Forfeitures.” And for the reasons therein given, they advise that the said Act be disallowed, and that a copy of the said Report be transmitted by the Secretary of State for the information of the Government of Manitoba.

Certified.

DEPARTMENT OF JUSTICE,
OTTAWA, 5th August, 1876.

Upon an Act passed by the Legislature of the Province of Manitoba, and assented to on the 14th May, 1875, being:

Chap. 18, intituled, An Act respecting Estreats, Fines, Penalties and Forfeitures, the undersigned has the honor to report:

That the 1st section provides that “all fines, issues, amerciaments, penalties and forfeited recognizances, set, imposed, lost or forfeited, by or before any Court in the Province of Manitoba, of superior or inferior jurisdiction, or by or before any Magistrate, Mayor, Coroner or Justice of the Peace, or by the mere operation of any law or statute in force heretofore, now or hereafter in the said Province, shall be paid over to the Provincial Treasury of the said Province by the person collecting the same, and shall form part of the annual revenue of the said Province.”

The 2nd and following clauses provide for the proceeding in case of the default of the recognizances, and how the same are to be estreated and put in judgment. It also provides in the 11th clause that the Sheriff shall, without delay, pay over to the Provincial Treasurer of Manitoba all moneys by him made or collected under this Act.

The 12th clause provides that with respect to any fine, issue, amerciamment,

penalty or forfeiture which is now or may hereafter become due and payable to the Crown within the Province of Manitoba by the mere operation of any law or statute in force in the said Province, heretofore, now or hereafter, it shall be sufficient for the Clerk of the Crown and Peace to take the necessary proceeding to estreat as therein provided.

The undersigned has grave doubts whether the subject on which this statute treats is not, as to the whole, a matter of criminal procedure, and, therefore, not within the competence of a Local Legislature.

Without dwelling, however, upon that point, he observes that a definite provision is made by the first clause, that all fines, penalties, &c., set, imposed, lost or forfeited in the Province of Manitoba, or by the mere operation of any law or statute in force heretofore, now or hereafter, shall be paid over to the Provincial Treasurer, and shall form part of the annual revenue of the Province.

By the 11th clause the Sheriff is to pay over all moneys received by him in such respect to the Treasurer of Manitoba; and by the 12th clause provision is made as to such fines, penalties or forfeitures, as may now or hereafter become due and payable to the Crown within Manitoba, by the mere operation of any law or Statute in force in the said Province.

This provision deals, therefore, with many matters which come within the exclusive legislative competence of the Parliament of Canada.

There are many fines, penalties or forfeitures in respect of which Parliament has legislated and made provision, both as to the mode of recovery and the appropriation thereof, such for instance as in the Inland Revenue and Customs Act.

In addition, also, as to pecuniary penalties and forfeitures, provision is further made as to their recovery and appropriation by the "Interpretation Act," 1867, 31st Vic., Chap. 1. Sec. 6, Sub-Sec. 22.

The undersigned is, therefore, of opinion that the Act in question deals with matters beyond the competence of a Local Legislature, and he recommends, therefore, that the Act passed by the Legislature of Manitoba in the 38th year of Her Majesty's reign, Chap. 18, intituled: "An Act respecting Estreats, Fines, Penalties and Forfeitures," be disallowed.

(Signed) R. W. SCOTT,
Acting Minister of Justice.

COPY of a Report of a Committee of the Honourable the Privy Council, approved by the Deputy of His Excellency the Governor General in Council on the 16th August, 1876.

The Committee of Council have had under consideration the report dated 3rd August, 1876, from the Honorable Mr. Scott, acting in the absence of the Minister of Justice, upon some of the more important Statutes of the Session of the Legislature of the Province of Manitoba, held in 1875, transmitted by the Lieutenant Governor in his despatch; received by the Secretary of State on the 17th August, 1875, and they submit their concurrence in the recommendations and opinions expressed in said Report, and advise that the same be approved and a copy of the Report transmitted to the Lieutenant Governor of Manitoba.

Certified.

DEPARTMENT OF JUSTICE,
OTTAWA, 3rd August, 1876.

The undersigned has the honor to report: That by despatch, received by the Secretary of State on the 17th August, 1875, the Lieutenant Governor of the Province of Manitoba transmitted copies of some of the more important Statutes of the then last Session of the Legislature of Manitoba.

Upon these, the undersigned has the honor to recommend that Your Excellency do not exercise the right of disallowance of the Statutes undermentioned, that is to say :

Chapter 7. An Act to provide for the payment by stamps of all fees payable to the Crown on civil proceedings of law.

Chapter 8. An Act respecting the office of Sheriff.

Chapter 10. An Act respecting overholding Tenants.

Chapter 11. An Act to make debts and choses in action assignable at law.

Chapter 13. An Act respecting Crown Attorneys.

Chapter 14. An Act respecting short forms of indentures.

Chapter 15. To secure to wives and children the benefit of Assurance on the lives of their husbands and parents.

Chapter 16. An Act to provide for the erection of Court Houses and Registry offices in the Province of Manitoba.

Chapter 17. An Act to provide for the erection of suitable building for the accommodation of the Court of Queen's Bench in Manitoba, and for other purposes.

Chapter 19. An Act respecting public aid towards the erection and maintenance of Public Works by County Municipalities.

The undersigned has the honor further to report upon,

Chapter 5. An Act respecting the administration of Justice.

With regard to this Act, Lieutenant Governor Morris calls attention to the clauses 58 to 61 which he thinks are *ultra vires* of the powers of a Local Legislature and trench on the powers of the Dominion.

He states that the Bill was prepared by the Chief Justice, and that he (the Lieutenant Governor) called the attention of the Ministry and the Chief to his objection at the time, but the clauses were retained.

As there was much of value in the Bill, he did not think it advisable to reserve it.

FRAUDULENT REFERENCES.

Sections 58 to 61, both inclusive, legislate as to the case of any person being in insolvent circumstances or unable to pay his debts, or on the eve of insolvency giving a preference or priority under such circumstances, and of the fraudulent departing of property.

The undersigned is of opinion that these sections entrench on the subject of insolvency, and are, therefore, not within the legislative competence of the Local Legislature.

Provision is made by the Parliament of Canada in the Insolvent Act of 1875, 38th Vic., Chap. 16, sec. 130 to 143, both inclusive, which provides very fully for the class of cases with which the Act of Manitoba has incorrectly dealt.

As to sec 60 of the Act of Manitoba in question, which provides a punishment for the fraudulent destruction or mutilation, or false entry in books of account, with intent to defraud creditors; that savours of criminal law, and is dealt with by the Parliament of Canada in the Insolvent Act, 1875, section 140.

The undersigned is of opinion that this section, both on account of its being on the subject of insolvency and forming a portion of the criminal law, is not within the competence of a Local Legislature.

The undersigned concurs in the opinion of the Lieutenant Governor, that there is much of value otherwise in the Act, and he is averse, therefore, to recommend that the Act should be disallowed.

He recommends, therefore, that the attention of the Lieutenant Governor should be called to the objectionable features of the Act, in the hope that his Government will take the necessary steps during the ensuing Session to repeal the clauses referred to, that is to say, No. 58 and 61, both inclusive; and that in this view the right of disallowance of this Act be not exercised.

Chapter 6.—An Act respecting Grand Jurors.

The undersigned has some doubt whether the subject of jurors is not a matter of

criminal law and procedure, and, therefore, within the jurisdiction of the Parliament of Canada.

This Act of Manitoba, has a provision that no person competent to serve as a grand juror shall be exempted from serving by reason of his being a Justice of the Peace.

By the Act of Canada 32 and 33 Vic., Chap. 29 (Criminal Procedure) sec. 44, it is provided that every person qualified as a grand or petty juror in criminal cases, according to the laws then in force in any Province, should be held to be duly qualified to serve as such juror in that Province, &c. If there be any irregularity in the Act of Manitoba it is cured by the Act of Canada above alluded to.

The undersigned recommends, therefore, that Your Excellency do not exercise the right of disallowance of this last mentioned Act.

Chapter 9.—An Act respecting the qualification of Justices of the Peace.

The undersigned has the honor to report: That by sec. 16 of this Act, it is provided, that, "if the statement in any oath or in any declaration under oath, taken or made in pursuance of the requirements of this Act be false to the knowledge of the person making the same, such person shall be liable to a fine of \$250, or six months imprisonment in the common gaol in default of payment."

The undersigned is of opinion that this is in effect perjury, and a branch of criminal law, and is, therefore, not within the competence of a Local Legislature.

The case is, indeed, provided for by the Act of Canada, 1869, 32 and 33 Victoria, chapter 23, section 2.

The undersigned, therefore, recommends that the attention of the Lieutenant Governor be called to this section, with a view to the repeal of the same, and that in this view the right of disallowance of this last mentioned Act be not exercised.

(Signed) R. W. SCOTT,
Acting Minister of Justice.

Lieutenant Governor Morris to the Secretary of State of Canada.

GOVERNMENT HOUSE,
FORT GARRY, MANITOBA, 19th July, 1875.

SIR,—I have the honor, in compliance with the request to that effect of the Minister of the Interior, to enclose a certified copy of an Act passed at the recent Session of the Legislature, to which I assented, and being intituled: "An Act to regulate proceedings against and by the Crown." In assenting to the Act in question, I believed that it only affected proceedings by and against the Crown, in so far as the same concerned the Crown in this Province, with regard only to Provincial matters, and I still believe that the Act can only have that effect.

Since assenting to it, however, the Chief Justice, in a judgment as reported in the *Nor'-Wester*, of the 5th July (a report which I believe to be authentic), in a case where he held that a person who had been recognised in a homestead, could not, under the special circumstances of the case, bring a suit for trespass, as the right of soil was in the Crown, used the following language: It was an easy thing for the Crown to put off the defendant. All it had to do was to permit the plaintiff to file an "information of intrusion" against the defendant; or, the plaintiff, under the Act of the last Session of the Manitoba Legislature, may now, with the consent of the Crown, obtained from the Crown Lands Agent, bring an ordinary action of ejectment in the name of the Queen, against the defendant, just the same as any ordinary action of ejectment may be included and conducted between individual subjects.

I do not concur in this view of the Act. The Dominion lands belong to the Crown, and the Crown acting by the Privy Council and Parliament of Canada alone, have control over them, and I do not think that the Provincial Act in question, could apply to such lands. Moreover, under the terms of the Act, the Crown Lands Agent

has no authority to allow a suit to be brought under it, as that power is expressly vested in the Lieutenant Governor.

Entertaining the view of the Act I do, I would not allow any matter affecting Dominion Lands to be litigated under it, but as the matter is one of importance, I submit it for the consideration of the Minister of Justice.

I believe that the scope of the Act is a proper one, but that it only affects the Crown in so far as under the distribution of powers, as defined by the Confederation Act, the Crown acts through the Provincial Executive, and that my assent to it should, therefore, be confirmed.

I have, &c.,

(Signed) ALEX. MORRIS,
Lieutenant Governor of Manitoba.

DEPARTMENT OF JUSTICE,
25th May, 1876.

Upon an Act passed at the Session of the Legislature of Manitoba, held in the month of April, 1875, intituled: "An Act to regulate proceedings against and by the Crown," the undersigned begs to report:

That it appears from the despatch of the Lieutenant Governor accompanying the Act, that since its passing the Chief Justice of Manitoba has judicially stated as follows:

"It was an easy thing for the Crown to put off the defendant; all it had to do was to allow the plaintiff to file an 'information of intrusion' against the defendant; or the plaintiff, under the Act of the last session of the Manitoba Legislature, may now, with the consent of the Crown, obtain from the Crown Lands Agent, being an ordinary action of ejectment in the name of the Queen against the defendant just the same as any ordinary action of ejectment may be included and conducted between individual subjects."

The Lieutenant Governor gives strong reasons for the view he himself entertains, that the Act in no particular affects the Crown in Canada but only the Crown in Manitoba.

The Act is similar in many respects to that passed by the Legislature of Ontario in 1872, upon which, in January, 1873, the then Minister of Justice reported as follows:

"With respect to this Act, the undersigned recommends that the attention of the Government of Ontario be called to the fact that it is so general in its terms that it might be held to apply to claims against the Government of the Dominion.

"It is presumed that this is not the intention, as the second clause of the Act provides that the fiat for a Petition of Right must be granted by the Lieutenant-Governor of the Province. Now, it is obvious that in case of claims against the Dominion the fiat should be granted by the Governor General.

"The passing of a short Act removing the doubt is suggested."

The Minister of Justice in that case recommended that the Act should be left to its operation, but it does not appear that the Legislature took any action upon the suggestion made in his report.

With reference to the Province of Manitoba the same doubt arises and its existence is of infinitely greater consequence, since the lands of Manitoba are lands belonging to the Crown in Canada, and the greater bulk of them are still ungranted, and consequently should the doubt be well founded most serious consequences might ensue.

The observations of the highest legal authority of the Province add also in this case to the difficulty of leaving the Act to its operation.

It is to be observed that the Parliament of Canada in the Petition of Right Act past during last Session, recited the intent of that Act to be to make provisions for the institution of suits "against the Crown in Canada" by Petition of Right, and thus took pains to avoid the suggestion or reference to that Act of the doubt referred to.

The undersigned inclines to the opinion that the view of the Lieutenant Governor is correct, but having regard to the judicial opinion already referred to, and seeing that but little or no inconvenience is likely to result from the absence for a short time of legislative provision in the particulars dealt with by the Act, the undersigned is of opinion that the safer course is to exercise the power of disallowance. The Provincial Legislature will thus be free to pass a Statute which, being confined in so far as it purports to authorize proceedings against the Crown to matters affecting the Crown in *Manitoba* will avoid the suggested difficulty.

With reference to that clause of the Statute upon which the judicial opinion already referred to proceeded, namely, the 7th, it appears to the undersigned that although from the reasoning of that opinion would flow the results suggested by the Lieutenant Governor, yet other considerations arise as to the expediency of more extensive legislation and the competency of the Provincial authorities to pass it, and the undersigned is of opinion that it would be advantageous in any fresh legislation upon this subject, if the Provincial Legislature should think fit without attempting to withdraw any of the existing rights as to procedure or otherwise of the Crown in Canada, to authorize the Crown in Canada to proceed in Manitoba as the subject may though it would not be competent for the Provincial Legislature to provide for the payment of cost of such proceedings by the Crown in Canada, the statutory arrangements for which purpose would no doubt be made by the Parliament of Canada.

The undersigned on the whole recommends that the said Act be disallowed.

(Signed)

EDWARD BLAKE,
Minister of Justice.

GOVERNMENT HOUSE,

OTTAWA, Tuesday, 6th June, 1876.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL, IN COUNCIL.

Whereas, the Legislature of the Province of Manitoba, did, on the 14th day May, 1875, pass an Act which has been transmitted, intituled as follows, viz., "An Act to regulate proceedings against and by the Crown."

And, whereas, the said Act has been laid before the Governor General in Council, together with a Report from the Minister of Justice recommending for reasons therein given that the said Act should not receive the confirmation of the Governor General.

His Excellency the Governor General has therefore, this day been pleased by and with the advise of His Privy Council to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the said Lieutenant Governor of the Province of Manitoba, and all other persons whom it may concern are to take notice and govern themselves accordingly.

I, Sir Frederick Temple Hamilton Blackwood, Earl of Dufferin, Governor General of Canada, do hereby certify that the Act passed by the Legislature of Manitoba, the 14th day of May, 1875, intituled: "An Act to regulate proceedings against and by the Crown;" was received by me on the 27th day of July, 1876.

Given under my hand and seal, this 6th day of June, 1876.

(Signed)

DUFFERIN.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Administrator in Council on the 14th June, 1875.

The Committee have had under consideration the Report dated 3rd June, 1875, from the Hon. Mr. Fournier, acting in the absence of the Minister of Justice, having referred to the (59) Acts passed by the Legislature of the Province of Quebec, at the Third Session of the Second Parliament in the 37th year of Her Majesty's Reign 1873-75.

The Minister states that with the exception of Chapters 8 and 55, he considers the all Acts of that Session unobjectionable, and recommends that they be left to their operation.

That with reference to Chapter 8 he has grave doubts as to the constitutionality of this Act which is already questioned before some Courts of Justice, but he is of opinion that inasmuch as Chapter 23 of 32 Victoria was allowed to go into operation, this Act should also be left to its operation.

With reference to Chapter 55, he is of opinion that the power given to the Ottawa Iron and Steel Manufacturing Company by the 4th Section, to construct, maintain and use all necessary wharves, piers and booms required for the purposes of the said Company, is such as might interfere with navigation, and that this Section would seem, therefore, *ultra vires*; and not deeming it necessary to interfere with the operation of the Act, he recommends that it should be left to its operation, and that the attention of the Provincial Government of Quebec be invited to the expediency of repealing this Section.

The Committee concur in the views and recommendations above set forth, and advise that the same be approved and acted on.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

MEM.—The papers relating to this case have been taken out of the Department and never returned; and they are not to be found in the Eastern Departmental Buildings.

(Signed) H. J. M.

1st March, 1877.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Administrator in Council on the 14th June, 1875.

The Committee of the Privy Council have had under consideration the Report hereunto annexed from the Honorable the Minister of Justice, in reference to An Act passed by the Legislature of the Province of Prince Edward Island, during the last Session thereof, intituled: "The Land Purchase Act, 1875," and they respectfully submit their concurrence in the said Report, and accordingly advise that the said Act receive the assent of Your Excellency in Council.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 26th May, 1875.

The undersigned has the honor to report: That at the last Session of the Legislature of Prince Edward Island a Bill was passed by both Houses, intituled: "The Land Purchase Act, 1875," which has been reserved by the Lieutenant Governor for the signification of the pleasure of Your Excellency in Council.

The objects in this Bill are the same as those contemplated in the Bill passed during the previous Session, intituled : "The Land Purchase Act, 1874," which was also reserved for the signification of Your Excellency's pleasure, but which was not assented to by Your Excellency, for reasons contained in a report of the Minister of Justice of the 23rd December, 1874. By referring to this report, it will be observed that the reason adduced for withholding Your Excellency's assent, was chiefly that no provision was made for an impartial arbitration, or in which the proprietors would have a representation in arriving at the value of their property, neither did it seem to provide for a speedy determination of the matters in dispute between the parties interested.

In the Bill which is now referred, those objections have been removed, and a fair representation of the interests of all parties concerned, has been provided for, and an impartial tribunal has been insured to each proprietor, the Bill providing for the appointment of three arbitrators, one to be named by the land proprietors, another to be named by the Lieut. Governor in Council, and the third by Your Excellency in Council.

The undersigned is of opinion, that the subject dealt with in the Bill is one coming within the competence of a Provincial Legislature, and inasmuch as the objectionable features of the previous Bill have been removed, the undersigned recommends that the reserved Bill, intituled, "The Land Purchase Act, 1875," receive the assent of Your Excellency in Council.

(Signed)

T. FOURNIER,
Acting Minister of Justice.

GOVERNMENT HOUSE, OTTAWA,
TUESDAY, 15th day of June, 1875.

Present :

HIS EXCELLENCY THE ADMINISTRATOR, IN COUNCIL.

Whereas, by an Act passed in the 31st year of Her Majesty's reign, intituled, "An Act for the Union of Canada, Nova Scotia and New Brunswick, and the Government thereof, and for purposes connected therewith," it is, among other things, enacted, that a Bill reserved for the signification of the pleasure of the Governor General shall not have any force unless and until within one year from the day on which it was presented to the Lieutenant-Governor for the Governor General's assent, the Lieutenant Governor signifies by speech or message to each of the Houses of the Legislature or by proclamation that it has received the assent of the Governor General in Council;

And, whereas, on the 27th day of April, 1875, the Lieutenant Governor of the Province of Prince Edward Island reserved a certain Bill passed by the Legislative Council and Assembly of the said Province, intituled, "The Land Purchase Act, 1875," for the signification of the Governor General's pleasure thereon;

And, whereas, the said Bill so reserved as aforesaid has been laid before the Administrator of the Government in Council, and it is expedient that the said Bill should be assented to,—

Now, therefore, the Administrator of the Government, in pursuance of the said Act, and in the exercise of the powers thereby reserved to the Governor General as aforesaid, doth by this present order, by and with the advice of his Privy Council, declare his assent to the said Bill.

And the Secretary of State is to give the necessary directions herein accordingly.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

Lieutenant Governor Hodgson to the Secretary of State of Canada.

PROVINCE OF PRINCE EDWARD ISLAND,
GOVERNMENT HOUSE, 19th May, 1875.

SIR,—I have the honor to transmit in triplicate two Acts passed in the late Session of the General Assembly, chaptered 5 and 6 respectively, and noted in the

margin, which were assented to by me, under the usual opinion from the Attorney-General, that I might constitutionally do so.

Chap. V: "An Act to appoint a Stipendiary Magistrate for the City of Charlottetown."
Chap. VI: An Act to amend the Act to extend the Criminal Jurisdiction of the Police Court in the City of Charlottetown."

These Acts, I am informed, were introduced and passed rather hurriedly, just previous to the close of the Session, and it now appears some doubts have arisen whether the subjects dealt with by them, are within the constitutional jurisdiction of the Local Legislature under the terms of the Act of Confederation so called.

I also transmit the Attorney-General's reasons for their passing, and explanatory of them, from which it will be seen, under the circumstances stated by him, how necessary some such measures are.

I beg respectfully to press upon the attention of the Government the necessity of as early a decision as possible upon the Acts in question, one adverse to the right of the Local Legislature, to deal with the subjects involved in them, must inevitably lead to most disastrous and ruinous consequences as regards the affairs and future well-being of the municipality of the City of Charlottetown.

I have, &c.,

R. HODGSON,
Lieutenant Governor.

Hon. the Secretary of State,
Ottawa.

Reasons of Mr. Attorney General Brecken.

CHAP. V

An Act to appoint a Stipendiary Magistrate for the City of Charlottetown.

By a late decision of the Supreme Court of this Province, the Police Court of the City of Charlottetown was held to be incompetent to try a certain class of offences arising under the by-laws of the Mayor and Common Council of such City.

The Police Court being in fact composed of the same persons who are under Act, as the Mayor and Common Councillors of said City, it was deemed illegal and unconstitutional thus for persons to be Judges in their own cause.

To obviate this difficulty this Act was passed. It in effect merely transfers the jurisdiction formerly held by the Mayor's Court, and the Police Court of this City to a Stipendiary Magistrate, giving him only the same powers and authorities as were formerly exercised by the said two several Courts.

These Courts prior to this Act exercised all the ordinary powers of a Justice of the Peace, besides having a summary jurisdiction in assaults and batteries, petty larcenies, trespasses and breaches of the peace within the limits of the City, with power to punish by fine not exceeding ten pounds Island currency, equal to \$32.44 Dominion currency, or by imprisonment not exceeding thirty-days in some cases, and in others not exceeding six months.

The salary of the Magistrate is by this Act made payable by the Mayor and Council out of the funds of the City.

This Act is forwarded at this time, as it is greatly to be desired that it should go into operation at once, if not beyond the powers of our Local Legislature.

CAP. VI.

An Act to amend the Act to extend the Criminal Jurisdiction of the Police Court of Charlottetown.

This Act was passed for the purpose of substituting a Stipendiary Magistrate for the Police Court. It deprives the Stipendiary Magistrate of the power of punishing persons convicted of larcenies, by fines which hath hitherto been the law. Experience has proved that it is desirable to amend the law in this respect.

This Act is consequent on the Act Cap. V, which accompanies it.

(Signed) FREDERICK BRECKEN,
Attorney General.

CHARLOTTETOWN, P. E. I., 19th May, 1875.

Lieutenant Governor Hodgson to the Secretary of State of Canada.

PROVINCE OF PRINCE EDWARD ISLAND,
GOVERNMENT HOUSE,
24th June, 1875.

SIR,—I have the honor to transmit, for the approval of His Excellency the Administrator of the Government, in triplicate, authenticated under the Provincial Great Seal, twenty-nine Acts of the General Assembly, passed in its last Session, to which I gave my assent, together with the Attorney General's report thereon.

Acts Nos. 1, 2, 3, 4, 7,
8, 9, 10, 11, 12, 13, 14, 15,
16, 17, 18, 19, 20, 21, 22,
23, 24, 25, 26, 27, 28, 29,
30 and 31.

Attorney General's Report on said Acts.

the Governor General,

Lieutenant Governor's
Despatch No. 29, of 14th
May last.

Lieutenant Governor's
Despatch No. 30, of 19th
May last.

Despatch, No. 30, of the 19th ultimo, and consequently are not amongst the Acts now transmitted.

Thirty-two Acts were passed in the Session alluded to, of that number the "Land Purchase Act, 1875," was not assented to by me, but reserved for the consideration of His Excellency and therefore is not numbered or noted in the Attorney General's Report herewith, but was authenticated, reported upon, and forwarded with my Despatch No. 29, of the 14th ultimo, and Act No. 5, intituled: "An Act to appoint a Stipendiary Magistrate for the City of Charlottetown," and Act No. 6, intituled: "An Act to amend the Act to extend the Criminal Jurisdiction of the Police Court in the City of Charlottetown," were also authenticated, reported upon and forwarded with my

I have, &c.,

(Signed) R. HODGSON,
Lieut. Governor.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 30th October, 1875.

On a Report, dated 27th October, 1875, from the Honorable the Minister of Justice, having reference to the Statutes of the Province of Prince Edward Island, passed in the Session of 1875, and reporting as follows:—

Chapter 1. "An Act to incorporate the Merchants' Marine Insurance Company of Prince Edward Island."

By this Statute certain persons are incorporated under the above title.

By the 2nd Section it is provided that the Company shall have power to make with any person or persons all insurances connected with marine risks against loss or damage either by fire or by peril of navigation of or to any vessel, &c., either sea-going or navigating upon lakes, rivers or navigable waters. It appears to him, the Minister, that under the express language of this clause it is attempted to give the Company power to do insurance business with persons not resident of the Province in respect of risks on vessels not touching Provincial ports—in a word, to do a universal insurance business.

The power of Provincial Legislatures to incorporate insurance companies is to be found, if at all, in the 11th Sub-section of the 92nd Section, British North America Act, 1867, which gives to the Local Legislatures authority to make laws for the incorporation of companies with Provincial objects. It appears to him that the powers attempted to be conferred on this Company are beyond any fair construction of these words, and he recommends that the attention of the Government of Prince Edward Island be called to the Act with a view to its amendment by such a limitation of the powers of the company as may obviate this objection.

Chapter 6. "An Act to amend the Act to extend the criminal jurisdiction of the Police Court in the City of Charlottetown."

This Act is in amendment of 22 Vic., Chap. 3, of the Statute of Prince Edward Island, intituled, "An Act to extend the criminal jurisdiction of the Police Court in the City of Charlottetown." By that Act it was provided that the Police Court of the City of Charlottetown should have power to hear and determine in a summary manner certain larcenies and the receiving of stolen goods within certain limits, and to punish the offender by fine not exceeding ten pounds, or by imprisonment with or without hard labor not exceeding six months. By the Act now under consideration it is provided that the Stipendiary Magistrate shall have the power so conferred upon the Police Court, and by the 2nd and 3rd Sections it is provided that the penalty for the crime shall be altered by striking out the words "by fine not exceeding ten pounds or."

It appears to him that this latter amendment is an interference with the Criminal Law beyond the competence of the Local Legislature, and that the attention of the Government of the Island should be called to this Act with the view of so amending it as to obviate this objection.

The Committee submit the foregoing recommendations for Your Excellency's approval.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

Telegram from Acting Secretary of State to Lieutenant Governor Hodgson.

OTTAWA, 25th May, 1876.

To Lieutenant Governor
Sir R. HODGSON,
Charlottetown, P.E.I.

Please telegraph immediately what action on Order in Council of 30th October, 1875, on Chapters one and six, Acts, sent you on with despatch dated 4th November.

(Signed) R. J. CARTWRIGHT,
for Secretary of State.

Reply.

OTTAWA, 29th May, 1876.

From Charlottetown, P.E.I.,
To Secretary of State, Ottawa.

Chapter one hundred and six amended in late Session of Legislature as suggested by Order in Council of thirtieth October, seventy-five.

(Signed) R. HODGSON,
Lieutenant Governor.

Telegram from Mr. Under Secretary Langevin to the Lieutenant Governor of Prince Edward Island.

OTTAWA, 6th June, 1876.

To Lieutenant Governor
Prince Edward Island, Charlottetown.

Please report action on Acts one and six of Session of last year in pursuance of Order in Council of 30th October last, and send copies of any Acts which may have been passed this year upon the subjects in question.

(Signed) EDOUARD J. LANGEVIN.

Reply.

OTTAWA, 7th June, 1876.

From Charlottetown, P.E.I.,
To Secretary of State, Ottawa.

Acts one and six, Session of seventy-five, amended in late Session, seventy-six, as suggested by Order in Council, thirtieth October last, so stated in my telegram to you of the twenty-seventh May; copies of amending Acts will be forwarded in a few days so soon as printed with Crown Law Officer's report.

(Signed) R. HODGSON.
Lieutenant Governor.

Lieutenant Governor Hodgson to the Secretary of State of Canada.

PROVINCE OF PRINCE EDWARD ISLAND,
GOVERNMENT HOUSE, 9th June, 1876.

Two Acts in duplicate, Caps. 18 and 19, passed in late Session of Legislature.

Solicitor General's reasons, in duplicate, for their passing.

SIR,—I have the honour to transmit herewith, in duplicate, under the Great Seal of this Province, and certified by the Solicitor General, in the absence of the Attorney General, two Acts passed in the late Session of the Legislature, which have recently been the subject of telegrams between your Department and myself, viz: Cap. 18, intituled, "An Act respecting the jurisdiction of the Stipendiary Magistrate's Court," and Cap. 19, intituled, "An Act to amend the Act to incorporate the Merchants' Marine Insurance Company, of Prince Edward Island," together with reasons, in duplicate, assigned by the Solicitor

General, for their passing, which Acts, that officer states to be in accordance with suggestions contained in an order of His Excellency the Governor General in Council, dated the 30th of October, 1875.

I have, &c.,

(Signed) R. HODGSON,
Lieutenant Governor.

Reasons given by Mr. Solicitor General Sullivan.

SOLICITOR GENERAL'S OFFICE,
CHARLOTTETOWN, P. E. ISLAND, 8th June, 1876.

Reasons for enacting, by the Legislature of the Province of Prince Edward Island, the following Statutes:—

39th Victoria, Cap. 18, "An Act respecting the jurisdiction of the Stipendiary Magistrate's Court."

This Act is in amendment of a Statute passed by the Provincial Legislature in the Session of 1875, intituled: "An Act to amend the Act to extend the Criminal Jurisdiction of the Police Court in the City of Charlottetown," and was enacted in pursuance of, and in order to carry out a recommendation contained in an Order of His Excellency the Governor General in Council, dated 30th October, 1875, a copy of which order was enclosed to His Honor the Lieutenant Governor of this Province, with a despatch from the Under Secretary of State, dated 4th November, 1875.

Chapter 19.—"An Act to amend an Act to incorporate the Merchants' Marine Insurance Company of Prince Edward Island."

This Act is in amendment of cap. 1 of the Provincial Statutes of 1875, intituled: "An Act to incorporate the Merchants' Marine Insurance Company of Prince Edward Island," and is intended to obviate the objection to the Act of 1875, as contained in the order of His Excellency the Governor General in Council, to which reference is above made.

(Signed) W. W. SULLIVAN,
Solicitor General.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 23rd November, 1875.

On a report, dated 28th October, 1875, from the Hon. the Minister of Justice, upon the Acts passed by the General Assembly of the Province of Prince Edward Island, at its Session held in the 38th year of Her Majesty's reign, being the Third Session of the twenty-sixth General Assembly, convened in the said Island, stating that the right of disallowance ought not to be exercised in respect of the following Acts, and recommending that they be left to their operation.

Chapter 2.—An Act for the appointment of clerks to Justices of the Peace, and to regulate proceedings laid before them.

Chapter 3.—An Act to incorporate the Citizens Skating Rink Company of Charlottetown.

Chapter 4.—An Act relating to Lunatics and to the custody of Lunatics.

Chapter 5.—An Act to appoint a Stipendiary Magistrate for the City of Charlottetown.

Chapter 7.—An Act to amend the Act of thirty-fifth and thirty-sixth Vic. Cap. nine, regulating the Registry of Deeds and Instruments relating to the title of lands.

Chapter 8.—An Act relating to amendments on appeals to the Supreme Court and the recognizance of appeal from the County Courts.

Chapter 7.—An Act to amend “An Act relating to the settlement and distribution of the estates of intestates, and to regulate the practice of the Surrogate Court, and to repeal certain sections of Acts therein mentioned.

Chapter 10.—An Act to authorize the Surrogate and Judge of Probate to issue commissions for the examination of witnesses out of the Province.

Chapter 11.—An Act to simplify the sale of lands under executions issued out of the Supreme Court.

Chapter 12.—An Act to amend an Act relating to bail and other practical parts of the law, and to consolidate, amend and reduce into one Act the laws heretofore passed on the same subject in this Island.

Chapter 13.—An Act to repeal certain sections, parts of sections and clauses in the Acts therein mentioned, referring to Criminal Law and Procedure.

Chapter 14.—An Act to increase the allowance of petit jurors.

Chapter 15.—An Act to amend an Act to establish County Courts of Judicature in this Island.

Chapter 16.—An Act relating to the Hillsborough Ferry.

Chapter 17.—An Act to prevent obstructions being placed on the ice contiguous to Charlottetown wharves.

Chapter 18.—An Act to enable the Sheriff of King's County to convey prisoners over such parts of the Prince Edward Island Railway, from Souris to Georgetown, which runs through Queen's County without being liable for an escape.

Chapter 19.—An Act for appropriating certain moneys therein mentioned for the services of the year of Our Lord one thousand eight hundred and seventy-five.

Chapter 20.—An Act to amend an Act to incorporate the Merchants' Marine Insurance Company of Prince Edward Island.

Chapter 21.—An Act to amend the Act to incorporate the Marine Insurance Company of Prince Edward Island.

Chapter 22.—An Act to incorporate the Georgetown Steam Navigation Company.

Chapter 23.—An Act to repeal an Act passed in the thirty-seventh year of the reign of her present Majesty Queen Victoria, chapter thirteen, intituled, “An Act to incorporate the Prince Edward Island Chamber of Commerce.”

Chapter 24.—An Act to incorporate the Masonic Temple Company.

Chapter 25.—An Act for the incorporation of the Summerside Cemetery Company.

Chapter 26.—An Act respecting the Methodist Church of Canada.

Chapter 27.—An Act concerning the congregations of churches connected with the Church of Scotland and the Presbyterian Church of the Lower Provinces in this Province.

Chapter 28.—An Act to incorporate the Ministers and Trustees of the Zion Church Congregation in the City of Charlottetown, in connection with the Presbyterian Church of the Lower Provinces.

Chapter 29.—An Act to incorporate the Mount Stewart Hall Company.

Chapter 30.—An Act to incorporate the Trustees of the Presbyterian Church at Montague.

Chapter 31.—An Act to authorise Isaac Prescott Knight to take the additional name of John.

The Committee advise that the said Acts be left to their operation

Certified.

(Signed,) W. A. HIMSWORTH,
Clerk, Privy Council.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 14th November, 1876.

The Committee of Council have had under consideration a Report dated 20th October, 1876, from the Hon. the Minister of Justice, upon the Statutes of the Legislature of the Province of Prince Edward Island passed, in 1876, 39th Victoria, and they concur in the several recommendations therein submitted and respectfully advise that the same be approved and acted on.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 20th October, 1876.

Upon the Statutes of the Legislature of Prince Edward Island, passed in 1876, 39 Victoria, the undersigned begs to report as follows:—

Chapters 1, 4, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 22, 23, 24, 25, 28, 29 and 30 do not appear to call for special observation or for the exercise of the power of disallowance.

Chapter 2.—“An Act regulating the sale by licence of Spirituous Liquors.”

The first Section of this Act requires a certificate from Justices of the Peace, with the view to the granting of a license.

The second section provides that any Justice of the Peace who shall grant a false certificate shall incur for each offence a penalty of \$50, or one month's imprisonment in default of payment. This would seem to be within the Criminal Law, and the word ‘offence’ is, for reasons already stated, objectionable.

The Act contains certain provisions restrictive of the sale of intoxicating liquors referred to in reports on former Acts, but in reference to which no interference is recommended.

In the 7th Section the word ‘offence’ is used.

The 16th Section provides that no liquors shall be sold or given by any person to any Indian, without a certificate from a clergyman or medical man, under a penalty of \$10 for every offence, one half of the fine to be paid to the informer and the other half to the Treasurer of the Province.

Upon this Section the undersigned obtained the views of the Department of the Interior, which points out that the provisions of the Section are in direct conflict with those of the Dominion Act passed last Session, both as regards the amount and disposition of the penalty imposed, and that it seems clear that local legislation, either in Prince Edward Island or elsewhere, on matters relating to the Indians, can hardly fail to cause great practical inconvenience and confusion, if not (as in the present case) actual conflict of laws.

Very full provision is made by the Canadian Act, 39th Vic., chapter 18, 1876, respecting Indians, in the 79th and following Sections.

It seems obvious that there should not be double Legislation upon such a subject.

The undersigned recommends that the attention of the Lieut. Governor should be called to the objection to this section with a suggestion that it should be repealed during the next Session, and before the time expires during which the Act can be disallowed.

Section 49.—This section provides that every person who obstructs, &c., any constable in the performance of the duties imposed upon him by the Act, shall forfeit for every such offence a sum not less than five nor more than ten dollars. This seems to come within the Criminal Law.

By 32 and 33 Vic., Chap. 20, resisting, &c. an officer of the Peace in the due execution of his duty is a misdemeanor.

Similar legislation in the case of the Province of Quebec has been upon two occasions remarked upon as objectionable.

The attention of the Lieut. Governor should be called to this section with a view to its amendment.

Section 52.—This section which uses the term ‘offence’ provides that it shall be the duty of the Grand Jury to make diligent enquiry and presentment of all and every such person or persons as shall be guilty of any breach of, or offence against the provisions of the Act. Such presentment shall be deemed to be the commencement of a prosecution for the offence therein set forth.

The term ‘offence’ as has been already observed is objectionable, and still more so when applied to action required to be taken by the Grand Jury which is to be the commencement of a prosecution.

The attention of the Lieut. Governor should be called to this section with the view to its amendment, so as to avoid any question of its trenching on the criminal procedure.

Sections 55, 58, 59, the objectionable words ‘offence’ and ‘offender’ are used in these sections.

Chapter 9.—“An Act to amend the Insolvent Debtors’ Act.”

This Act repeals the second section of the Act of the Legislation of Prince Edward Island, passed in the 14th Vic., Chap. 2, and substitutes certain other provisions.

It contains a clause preventing its application to any debtor against whom proceedings shall be pending, under the Insolvent Act, 1875.

The use of the phrases “insolvent” and “insolvent debtor” is calculated to create embarrassment; the subject of insolvency being within the exclusive jurisdiction of Canada.

In this particular case the law which is amended is, perhaps, not in the proper sense an insolvent law; it is rather a law which mitigates the hardships of imprisonment for debt, by providing under certain circumstances for the discharge from gaol of persons imprisoned for debt, but it does not provide for the satisfaction of the debt or the general administration of the assets of the insolvent or his general discharge.

Provision for this purpose had been made by the Local Legislature prior to Confederation, by the Act of 1863, 31 Vic., ch. 15, intituled, “An Act for the relief of unfortunate debtors,” amended by the Act of 1869, 32 Vic., ch. 16. Such legislation as is effected by these last mentioned Acts would, of course, be since the Union clearly *ultra vires* of the Local Legislature.

Legislation somewhat analogous to that now under consideration has taken place in some of the other Provinces, and the Statutes have been left to their operation. A similar course is recommended upon the present occasion; but the undersigned suggests that the attention of the Lieut. Governor should be called to the expediency of such legislation as may more accurately describe the object of the law, and remove the objection which exists to the use of the words “insolvent” and “insolvency” as designating its subject-matter.

Chapter 16. “An Act enabling the Stipendiary Magistrate of the City of Charlottetown to grant relief to insolvent debtors.”

This Act enables the Stipendiary Magistrate to grant relief to debtors confined within the limits of Queen’s County gaol, under the provisions of the Act 14 Victoria, ch. 2, referred to in the report on Chapter 9, Acts of this Session.

To this Act the observations made with reference to Chapter 9 are applicable.

Chapter 17. “An Act relating to Coroners’ Inquests.”

Upon this Act the undersigned would refer to the approved report of his predecessor of the 20th January, 1875, upon the Act of British Columbia, 37 Vic., No. 4, in which some doubt was expressed whether legislation on the procedure of Coroners’ inquests might not be a branch of Criminal procedure, and as such within the sole legislative competence of Canada. The late Minister, however, made no suggestion,

and the Act was left to its operation, a course which the undersigned recommends should be followed upon the present occasion.

Chapter 21. "An Act respecting the Town of Summerside."

In the latter part of the 4th Section the words "offence" and "offender" are used to describe cases of breach of Provincial Laws. It has already been repeatedly observed that it would be better to avoid the use of these words which rather indicate crime.

Chapter 26. "An Act to incorporate the Acadia Provident Association."

By this Act certain persons are incorporated with authority to effect contracts of insurance with any person or corporation on life or lives, &c.

There is no limit to the range of the business, although the institution is to be a mutual one, and from the character of the business it is not likely that it will be more extensive than can be authorized by Provincial legislation. It may be as well that some words should be inserted limiting its range, and the undersigned recommends that the attention of the Lieut. Governor should be directed to this point.

Chapter 27. "An Act for the incorporation of the Victoria Boring and Mining Company."

This Act incorporates certain persons under the given name, and provides that they shall have all the general powers and privileges made incident to a Corporation by the Local Act, 15 Vic, Chap. 14, relating to corporate bodies.

The Act in no other way limits the powers of the Company or the places in which its operations are to be carried on.

The Act 15 Vict., Chap. 14 does not contain any general limitation—even the name of the Company suggests no limitation. The powers of Local Legislatures to incorporate companies are restricted to companies with provincial objects, and it appears to the undersigned that upon the principle on which several Acts of incorporation have been objected to this Act is open to objection, and he recommends that the attention of the Lieutenant Governor should be called to it with a suggestion that the Act should be amended by limiting the powers of the Company to provincial objects during the next Session, and before the time arrives within which the question of its disallowance must be determined.

(Signed) EDWARD BLAKE,
Minister of Justice.

Lieutenant Governor Hodgson to the Secretary of State of Canada.

PROVINCE OF PRINCE EDWARD ISLAND,
GOVERNMENT HOUSE, 30th Nov., 1876.

SIR,—I have the honor to acknowledge the receipt of your despatch, No. 2367 on 1801, of the 16th instant, transmitting for the information of my Government, a copy of an Order of His Excellency the Governor General in Council, and of the report of the Hon. the Minister of Justice therein referred to, upon the Statutes of this Province passed in 1876.

Having at the earliest opportunity called the attention of my Government to the documents alluded to, and particularly to the suggestions of the Hon. the Minister of Justice contained in his report, I have been assured by them that the Acts to which they severally relate shall be amended agreeably to such suggestions at the first meeting of the Provincial Legislature.

I have, &c.,

(Signed) R. HODGSON,
Lieutenant Governor.

Hon. the Secretary of State, Ottawa.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 1st April, 1875.

The Committee have had under consideration a Report, dated 18th November, 1874, hereunto annexed, from the Honorable the Minister of Justice, upon Chapters 5, 7, 23 and 32 of the Acts of the Legislature of the Province of Ontario, passed in the 3rd Session of the second Parliament of Ontario, submitting certain suggestions and recommendations, and they concur therein, and advise that the same be approved and communicated to the Lieutenant Governor of Ontario.

Certified

(Signed.) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 18th November, 1874.

The undersigned has the honor to report upon certain Acts of the Legislature of the Province of Ontario, passed in the 3rd Session of the Second Parliament of Ontario, as follows:—

Chapter 5. "The Ballot Act 1874."

Section 27 provides punishment by imprisonment for different offences, amongst which is that of forging or counterfeiting or fraudulently altering ballot papers, &c.

It is suggested that it is not within the competence of a Legislature to legislate on the subject of forgery, and that this clause will be in conflict with 32nd and 33rd Vic. Chap. 19, or some sections thereof.

Chapter 7. "An Act to make further provision for the due Administration of Justice.

This Act provides for the appointment, in the manner prescribed by the British North America Act, 1867, of three additional judges who are to be called Justices of the Court of Error and Appeal.

The 2nd Section provides that "the additional judges, so to be appointed, may be selected from the judges, for the time being, of the Courts of Queen's Bench, Chancery and Common Pleas, or from such barristers as are eligible to be appointed Judges of those Courts."

It is suggested that this provision, although put in a permissive sense in so far as it limits the appointment of the Judges to such barristers as are eligible to be appointed Judges of the Courts mentioned, is *ultra vires*, as by reference to the British North America Act, 1867, clause 97, it will be found that the only limit upon the discretion of the Governor General in selecting Judges for the several Provinces is that they shall be selected from the Bars of the Province respectively.

It would appear, therefore, that this provision is ineffectual, as being beyond the jurisdiction of a Provincial Legislature, and that the Governor General would not, in this particular, be bound by such a limitation imposed on him in the appointment to the Bench.

The 5th Section deals with the question of rank and precedence. It gives the Chief Justice of the Court of Error and Appeal rank and precedence over all the other Judges of Her Majesty's Courts of Law and Equity in Ontario, "and the other Judges of the said Court of Error and Appeal appointed under that Act, and the Chief Justice of Ontario, the Chancellor of Ontario, and the Chief Justice of the Court of Common Pleas, shall have rank and precedence between themselves, according to their seniority of appointment to any of the said offices."

The undersigned suggests that the question of rank and precedence of functionaries appointed by the Crown is a matter which can be dealt with solely by the Crown, or by the authority to whom the Crown delegates the same.

There is no delegation to a Provincial Legislature of the right to grant the

same, and it can hardly be urged that the precedence of Judges can be deemed to be within the subject of the Administration of Justice within the Province, or of the constitution and organization of Provincial Courts; nor is it a matter of a merely local or private nature in the Province.

It is stated by Chitty (Prerogatives of the Crown) that the Judges, generally speaking, derive their authority only from the Crown. He states also "the Crown alone can create and confer dignities and honors; the king is not only the fountain, but the parent of them."

"To the Crown also belongs the prerogative of raising practitioners in the Courts of Justice to a superior eminence by constituting them Sergeants, &c, or by granting letters patent of precedence to such barristers as His Majesty thinks proper to honor with that mark of distinction, whereby they are entitled to such rank and pre-audience as are assigned in their respective patents."

Dodd, in his *Manual of Dignities*, states that "precedence is part and parcel of the law of England, subsisting under the authority of Acts of Parliament, solemn decisions in Courts of Justice, or public instruments proceeding from the Crown."

"It is to be observed * * * * seniority is amongst the leading principles of our system of precedence. * * * * Dates of patents and commissions determine the precedence which individuals of the same rank take amongst each other, and thus the station and degree of each are ascertained by means which rarely admit of controversy or doubt."

"Rank and precedence in England may of course be granted to any person by the supreme power of the Legislature; or it may be imparted by an exercise of the royal prerogative in the form of a patent or warrant. Where the Legislature is silent, or the Sovereign has not thought it necessary to interfere, the particular station confessedly held and fully recognized to belong to any class may be presumed to rest upon immemorial usage."

In England the rule appears to be undoubted that unless precedence of Judges is fixed by the exercise of the royal prerogative, or by Act of Parliament, they take precedence amongst each other according to seniority of appointment.

If it were necessary to make specific allusion to cases in which the point has arisen, it is believed that many precedents might be cited as being governed by this rule, but the undersigned suggests that the attention of the Lieutenant Governor be drawn to this matter with a view of making such amendment to the Act as his Government may deem most likely to meet the circumstances of the case.

Chapter 28. "An Act to amend and consolidate the Public School Law."

Sec. 184 provides that a person willingly making false declaration of his right to vote shall be guilty of a misdemeanour.

It is suggested that this is beyond the Provincial legislative competence; and the same remark applies to sec. 189, which provides that offenders, in respect of that section mentioned, may be indicted and punished for any of the offences thereinbefore mentioned as a misdemeanor.

Chapter 32. "An Act to amend and consolidate the Law for the sale of Fermented or Spirituous Liquors."

Section 24 provides that no person shall sell, by wholesale or retail, any spirituous, fermented or other manufactured liquors in the Province of Ontario without first having obtained a license under the Act authorizing him so to do.

Section 25 provides that no person shall keep, have in any house, &c., any spirituous liquor for sale unless licensed.

Section 26 provides that the last two sections shall not prevent any brewer, distiller, or other persons duly licenced by the Government of Canada for the manufacture of liquors, from keeping, having or selling any liquor manufactured by him in any building wherein the manufacture is carried on, &c.; Provided that any such brewer, distiller, or other person is further required to first obtain a license to sell by wholesale, under this Act, the liquor so manufactured by him when sold for consumption within this Province, and under which license the liquor may be sold, &c., but so that no such sale shall be in quantities less than those prescribed in section 4 of the Act.

The undersigned suggests that these sections are prohibitory in respect of trade and commerce, and recommends that the consideration of the Lieutenant Governor be invited to this point with a view to any amendment of the law which his Government may think necessary.

(Signed)

H. BERNARD,

Deputy Minister of Justice.

I concur.

(Signed)

T. FOURNIER,

Minister of Justice.

Mr. Assistant Secretary Eckart to the Secretary of State of Canada.

TORONTO, 6th October, 1875.

SIR,—I am directed to transmit herewith copy of an Order in Council, approved by His Honor the Lieutenant Governor, the 5th day of October, 1875, having reference to the report of the late Minister of Justice to His Excellency the Governor General, approved by His Excellency in Council, and communicated to His Honor the Lieutenant Governor by a despatch from the Under Secretary of State, dated 5th April, 1875, the subject being certain sections of four statutes passed at the third Session of the second Parliament.

I have, &c.,

J. C. ECKART,

Assistant Secretary.

The Honorable the Secretary of State, Canada,
Ottawa.

Copy of an Order in Council, approved of by His Honor the Lieutenant Governor on the 5th day of October, A.D. 1875.

The Committee of Council have had under consideration the annexed report of the Honorable the Attorney General with reference to the report of the late Minister of Justice to His Excellency the Governor General, approved by His Excellency in Council, and communicated to your Honor by a despatch from the Under-Secretary of State, dated 5th April, 1875, the subject being certain sections of four statutes passed at the third Session of the second Parliament of Ontario.

The Committee concur in the Report of the Honorable the Attorney General, and submit the same for the approval of your Honor, and advise that a copy thereof be transmitted to His Excellency the Governor General.

Certified.

(Signed)

J. G. SCOTT,

Clerk, Executive Council, Ontario.

The Honorable

The Provincial Secretary of Ontario.

Report of Mr. Attorney General Mowat.

The undersigned has had under consideration the Report of the late Minister of Justice to His Excellency the Governor General, approved of by His Excellency in Council, and communicated to His Honor the Lieutenant Governor by a despatch from the Under Secretary of State, bearing date 5th April, 1875, the subject being certain sections of four of the Statutes passed at the third Session of the second Parliament of Ontario.

The undersigned begs to submit the following observations upon this Report:—

1. Objection is made to part of the twenty-seventh section of Chapter five of 37 Vict., "The Ballot Act of 1874." This section provides that "no person shall," amongst other things, "forge or counterfeit, or fraudulently alter, deface or fraudulently destroy any ballot paper, or the name or initials of the deputy returning officer signed thereon;" and that "any person guilty of any violation of this section shall be liable, if he be a returning officer, to imprisonment for any term not exceeding two years, with or without hard labour, and if he be any other person, to imprisonment for any term not exceeding six months, with or without hard labour." The Report suggests that it is not within the competence of the Provinces to legislate on the subject of forgery, and that the clauses quoted will be in conflict with the Dominion Act 32 and 33 Vic., chap. 19, or some sections thereof.

It is probably the forty-fifth section of the Dominion Act with which the Ontario enactment is supposed to be in conflict. That section is as follows:—"Whosoever maliciously and for any purpose of fraud or deceit, forges any document or thing written, printed or otherwise made capable of being read, or utters any such forged document or thing knowing the same to be forged, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement; and the wilful alteration, for any purpose of fraud or deceit, of any such document or thing, or of any document or thing the forging of which is made penal by this Act, shall be held to be a forging thereof." Reading this section in connection with the rest of the Act, it does not appear certain that the section will be held by the Courts to apply to ballot papers, which are the creation of a subsequent Provincial Statute and until that question is placed beyond doubt by judicial decision, it is expedient that the Provincial Legislature should take care that in no event such an act of wrong-doing should escape liability to punishment, and the punishment provided by the Ontario Act is less than that provided by the Dominion Act. Experience has shown that it is impossible for either a Provincial Legislature or the Dominion Parliament, in the public interest, to abstain from legislation on matters the jurisdiction as to which may be open to more or less of question, as the Dominion Statute books, as well as the Statute books of the Provinces, from the time of Confederation, amply illustrate.

The criminal law is among the subjects of exclusive jurisdiction by the Dominion Parliament. But the Ballot Act is (with the exception of the clause in question) admitted to have been within the jurisdiction of the Ontario Legislature to pass; and a Provincial Legislature has, by the British North America Act, express power to provide for imposition or punishment by fine, penalty or imprisonment for enforcing the law of the Province, in relation to any matter coming within the jurisdiction of the Legislature. The Dominion Parliament may have authority to give additional force to Provincial enactments, by making the violation of a Provincial law a criminal offence, and such a jurisdiction was assumed when it was enacted (31 Vic. cap. 71, sec. 3, Dominion), that "any wilful contravention of any Act of the Legislature of any of the Provinces within Canada, which is not made an offence of some other kind, shall be a misdemeanour, and punishable accordingly." If the Dominion enactment first quoted (32 and 33 Vic. cap. 19, sec. 45) applies to the forgery of ballot papers, the penalties imposed by the Dominion and Provincial Statutes may in strict construc-

tion be regarded as cumulative, rather than conflicting, or at worst, the Provincial enactment is void.

2. The next objection to our legislation relates to parts of two sections of the "Act to make further provision for the due administration of Justice." (chap. 7) by which the new Appeal Judges thereby provided are required to be "selected from the Judges for the time being of the Court of Queen's Bench, Chancery and Common Pleas, or from such Barristers as are eligible to be appointed Judges of those Courts;" and by which the precedence which the Judges of the Appeal Court shall have, is laid down. The first of these enactments is said to be *ultra vires*, because the ninety-sixth and ninety-seventh sections of the British North America Act impose no such restriction on the authority of the Governor General to appoint the Provincial Judges. It may be observed that, though we have assumed that the Appeal Court Judges are to be paid and appointed by the Dominion Government, the Judges expressly mentioned in the ninety-sixth section, are the Judges of "the Superior District and County Courts" only, and the Court of Error and Appeal is not a "District" or "County" Court; nor is it one of the Courts which, by our law, was at the time of the passing of the British North America Act, called "Superior Courts," that expression being defined by the Consolidated Statutes (Canada) cap. 2 sec. 8, as meaning the Courts of Queen's Bench, Chancery and Common Pleas. Apart from this consideration, it is to be noticed, that the qualifications of the Judges of these Courts had been already provided for by Cap. 10, section seven, Cap. 12, section four; and that at the date of the British North America Act the Court of Error and Appeal consisted of the existing Judges of these three Courts, and any retired Judge of any of them. The Ontario Statute in authorizing the additional Judges to be appointed to the Court of Appeal, put an end to the necessity of such new Judges being Judges or retired Judges of the Superior Courts, and provided that the selections of other than Judges should be of Barristers "eligible to be appointed Judges of those Courts." The Judgeships being new, their qualifications had to be defined; and the legislative jurisdiction to define them was surely that which had the power and responsibility belonging to "the Administration of Justice," and "the Constitution of the Courts." The Ontario Legislature was not prepared to authorize the creation of the new Judgeships unless the qualification of the new Judges should be required by law to be those already enacted of other Judges, and it was for the Dominion Government to consider, whether they would accept the Provincial Act with the provision, or would take the responsibility of disallowing the Act, because these qualifications were demanded. If the Legislature had been attempting to impose new restrictions on the appointment of Judges, provided for by legislation before the British North America Act, the case would have been open to observations inapplicable to the Statute now in question.

As to providing by Provincial Legislation for the precedence of the Judges among themselves, the undersigned apprehends that such a provision is part of the "Constitution of the Courts," as to which the Provincial Legislatures have express jurisdiction, and is as clearly within the authority of the Provinces as is the regulation of the precedence of the Bar (36 Vic., Cap 4, Ontario). It may be observed, also, that the precedence of the learned Judges in appeal, as amongst themselves, was regulated by a Statute from a very early period (see Consolidated Statutes, Upper Canada, Cap. 10, Sec. 6; Cap. 12, Sec. 4, &c.) The argument that in England all matters of precedence belong, in the absence of legislation, to Her Majesty, may be admitted; for in the present case there is legislation; and the notion that no matters of prerogative can be legislated upon by any of the Confederated Provinces, the undersigned submits that he has in his Report (on the Escheat Act) dated 17th February, 1875, shown to be an error, a copy of this Report annexed to a copy of a Minute of Council approving thereof, was on the 22nd day of February, 1875, transmitted to the Dominion Government.

The next objection to Ontario legislation appears to be one of form merely. It relates to two sections (184 and 189) of the Consolidated School Law, Cap. 28, which

designate the violation of certain provisions as "Misdemeanor." The violation of a Provincial law having been made a misdemeanor by the Dominion Act, 31 Vict., Cap. 71, Sec. 3, the undersigned, in his report of 8th December, 1873, (transmitted to the Dominion Government with a copy of a Minute of Council approving thereof, on the 16th January, 1874), pointed out the propriety and usefulness of adopting in Provincial Acts the designation thus given by the Dominion Act to such acts of wrongdoing. But as it is Dominion legislation alone which appears to give to the violation of a Provincial law the name of misdemeanor, and as notwithstanding that legislation the Dominion Government has a second time objected to the use of the term in our legislation, the undersigned recommends that, as a matter of courtesy, the use of the term be avoided for the future.

The last objection of the late Minister of Justice refers to certain sections of the Act respecting the sale of Fermented or Spirituous Liquors (37 Vict., Cap. 32, Ontario). But it is unnecessary to discuss this objection, inasmuch as since the report of the late Minister of Justice was made the Court of Error and Appeals in the case of Regina vs. Taylor, has decided that the enactments complained of were within the jurisdiction of the Legislature and are valid.

(Signed) O. MOWAT,
Attorney General.

Mr. Ryland to His Excellency the Governor General.

MONTREAL, 8th February, 1875.

MY LORD,—Mr. Attorney General Church having introduced a Bill in the Legislative Assembly of Quebec to subdivide the Registry Office for registration division of Montreal into three divisions. I take the liberty of enclosing a copy of a communication I have made to him on the subject.

In the year 1856, the then Attorney General, now Mr. Justice Drummond, brought in a Bill for the division of Counties for registration purposes. It included a clause dividing Montreal into two offices.

This, His Excellency, Sir Edmund Head, insisted on being struck out, on the ground that it would interfere with the arrangement between the Imperial Government and myself, under which I held office, and might lead to unpleasant correspondence between the two Governments.

The present Bill is of a much more objectionable nature, and has been introduced, as I am credibly informed, for the sole purpose of rewarding certain members for their votes and support of the Tanneries Scandal Investigation.

The late season of the Session at which it has been introduced may perhaps prevent the determined opposition by the landed proprietors, and the legal profession in Montreal, which would otherwise have been offered to its passage through the House.

But as the measure will materially interfere with the guarantee under which I hold office, I respectfully submit that it is precisely one of those cases in which you would be justified in taking steps to protect vested rights involving the honor of the Crown you represent.

I have, &c..

(Signed) G. H. RYLAND.

His Excellency

The Right Hon. the Earl of Dufferin,
K.P., K.C.B. Governor General,
Ottawa, P. O.

Mr. Ryland to Mr. Attorney General Church.

MONTREAL, 6th February, 1875.

SIR,—I see, by the papers, that you have introduced a Bill for the sub-division of the Registry Office for the Registration Division of Montreal.

Without presuming to comment on the motives which induced you at this late season of the Session to bring forward a measure of such vast importance to the landed and monied interests of Montreal, without first consulting the Notarial Profession on the subject, I would call your attention to the arrangement between the Imperial Government and myself, under which I hold office, so that the local Government may not plead ignorance of facts when called upon to provide adequate compensation for any loss I may sustain.

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

(Signed) G. H. RYLAND.

L. R. CHURCH, Esq.,
Attorney General.

Mr. Ryland to the Minister of Justice.

MONTREAL, 2nd March, 1875.

DEAR SIR,—Perhaps I ought to have given you the enclosed copy of a communication, which, as a precautionary measure, I addressed to the Lieut. Governor of Quebec.

I have, &c.,

(Signed) G. H. RYLAND.

Hon. T. FOURNIER,
Minister of Justice, Ottawa.

Mr. Ryland to Mr. Secretary De Boucherville.

MONTREAL, 8th February, 1877.

SIR,—Although I have already written to Mr. Attorney General Church on the subject of the Bill introduced by him for the subdivision of the Registry Office for the Registration Division of Montreal, as the measure, if it passed, materially and injuriously affect the arrangement between the Imperial Government and myself, under which I hold office, I deem it right, officially, to bring the matter under the notice of His Excellency the Lieutenant Governor in Council, in order to guard against a possible plea of want of knowledge on the part of the Quebec Government, in regard to my vested right.

And that there may be no mistake in any quarter on the subject, I have, by this day's mail, brought the whole matter under the notice of His Excellency the Governor General, representing the Imperial Government.

I have, &c.,

(Signed) G. H. RYLAND.

The Hon. C. B. DE BOUCHERVILLE,
Secretary.

Mr. Assistant Secretary Jolicœur to Mr. Ryland.

SECRETARY'S OFFICE,

QUEBEC, 9th February, 1875.

SIR,—I have the honor, by command of the Lieutenant Governor, to acknowledge the receipt of your letter of the 8th instant, praying against the subdivision of the Montreal Registration Division, and to inform you that the subject will be submitted to His Excellency.

I have, &c.,

(Signed)

PH. J. JOLICŒUR,

Assistant Secretary.

G. H. RYLAND, Esq.,
Registrar,
Montreal.

Memorial of Mr. Ryland to the Governor General.

To His Excellency the Right Honorable The Earl of Dufferin, Governor General, &c., &c., &c., and The Honorable the Privy Council of the Dominion of Canada.

The Petition of George H. Ryland, Esquire, respectfully sheweth:—

That your petitioner, in 1841, held the Imperial and Patent appointment of Registrar and Clerk of the Executive Council of Canada;

That on public grounds and at the request of Her Majesty's Lord High Commissioner,* your petitioner, though not compellable to do so, consented to surrender this office, and to receive in lieu thereof the Registrarship of Quebec, subsequently transferred to Montreal with the guarantee of the representative of the Crown;

That this arrangement was afterwards adopted and confirmed by the Legislature of Canada in a joint address by both branches thereof to Her Majesty, dated 17th April, 1846;

That it was further adopted and confirmed by the House of Lords, on resolutions proposed and carried by His Grace the Duke of Argyle, on the 10th May, 1850;

That the Bill lately passed by the Legislature of Quebec, to divide the Registration Division of Montreal into three, virtually does away with the office conferred on your petitioner, as aforesaid, and will have the effect of depriving him of the income and advantages guaranteed by the arrangement between the representative of Her Majesty and himself;

Wherefore, your petitioner prays that Your Excellency in Privy Council, will take such steps, as in your wisdom may be thought proper, to protect him in his vested rights, and to arrest a measure at once injurious to the public, and involving the faith and honour of the Crown.

And your petitioner, &c., &c.

(Signed)

G. H. RYLAND.

MONTREAL, 27th February, 1875.

* See Lord John Russell's despatch, No. 52, dated 20th July, 1855.

Petition from Members of the Legal Profession, &c., of Montreal, to the Governor General.

MONTREAL, 11th May, 1875.

SIR,—We have the honor, by this day's post, to forward a petition to His Excellency the Governor General in Council, praying for the disallowance of the Bill lately passed by the Local Legislature of Quebec, for the sub-division of the present Registration Division of Montreal into three divisions. The petition, as you will perceive, is signed by all the large landed proprietors, capitalists, and most influential men of all classes in this community, and, as it merits more than ordinary attention, we respectfully urge that it be brought, as soon as possible, before the Privy Council, with a view to the immediate disallowing of the Act as prayed for.

(Signed) B. DEVLIN, *M.P.*
 “ L. A. JETTE, *M.P.*
 “ F. MACKENZIE, *M.P.*

The Hon. R. W. SCOTT.
 Secretary of State, &c., &c., &c.

To His Excellency the Right Honorable the Earl of Dufferin, &c., &c., &c.,
 Governor General, and the Privy Council of the Dominion of Canada :

The Memorial of the undersigned Members of the Legal Profession, Notaries,
 Landed Proprietors and citizens of Montreal, respectfully represents :—

That the law recently passed by the Local Parliament of Quebec, for the sub-division of the present Registration Division of Montreal into three, was run through both branches of the Legislature in a hasty manner, without reference to the wishes or interests of the inhabitants of this important portion of the Dominion.

That, if carried into execution, it will cause inconceivable difficulty and confusion, in procuring the necessary information in the transfer of property and investment of capital, and, in many cases, will quadruple the present cost and expense of registration.

That your petitioners are aware that certain reforms are necessary in the present Registry Office, but these reforms apply to the system, for which no remedy is provided by the new Registration Act, which only multiplies the evils of which men complain.

That the delay now complained of in obtaining searches will be seriously increased and, in fact, prove an insuperable obstacle to parties requiring prompt and accurate information relative to real estate.

Wherefore, your memorialists respectfully pray, that Your Excellency will use the authority vested in you to avert the threatened evils complained of, either by disallowance of the Act in question, or in such other manner, as in your wisdom, Your Excellency may deem right to adopt.

And your memorialists, &c., &c., &c.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 25th October, 1876.

The Committee of the Privy Council have had under their consideration a Report of the Minister of Justice upon an Act passed by the Legislature of the Province of Quebec, in the 38th year of Her Majesty's reign, assented to on the 23rd February, 1875, for the purpose of dividing the Registration Division of Montreal into three Registration Divisions, and they respectfully submit their concurrence in the said

Report, and advise that a copy thereof and of the petition of the inhabitants of Montreal therein alluded to be transmitted to the Lieutenant Governor of the Province of Quebec, as recommended.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 27th September, 1876.

The undersigned has the honor to report :

1. That an Act was passed by the Legislature of the Province of Quebec in the 38th year of Her Majesty's reign, assented to on the 23rd February, 1875, for the purpose of dividing the Registration Division of Montreal into three Registration Divisions, a certified copy of which, as being one of the Acts of that Session, was received by the Governor General on the 22nd day of November last.

The Act provides that after the period fixed by the Lieutenant Governor by Proclamation, the Registration Division of Montreal shall be divided into three Divisions for the register of deeds, &c., specifying the same.

Also, that the Registry office now established in the City of Montreal shall continue to be that of the Registration Division of Montreal West, and the present Registrar shall, without new appointment, but during good pleasure, continue the Registrar of such Registration Division.

The Registrar of each Registration Division is also required to give security to the amount of \$10,000.

2. On the 15th of March, 1875, Mr. Ryland transmitted a petition to the Governor General, a copy of which was immediately transmitted to the Lieutenant Governor, and the receipt of the same was duly acknowledged.

That petition recites, that Mr. Ryland, in 1841, held the Imperial and patent appointment of Registrar and Clerk of the Executive Council of Canada.

That on public grounds, and at the request of Her Majesty's Lord High Commissioner, Mr. Ryland, though not compellable to do so, consented to surrender that office and receive in lieu thereof the Registrarship of Quebec, subsequently transferred to Montreal, with the guarantee of the representative of the Crown.

That this arrangement was afterwards adopted and confirmed by the Legislature of Canada, in a joint address by both branches thereof to Her Majesty, dated 17th April, 1846. That it was further adopted and confirmed by the House of Lords on resolutions proposed and carried by His Grace the Duke of Argyle, on the 10th of May, 1850.

That the Bill lately passed by the Legislature of Quebec to divide the Registration Division of Montreal into three, virtually does away with the office conferred on Mr. Ryland, and will have the effect of depriving him of the income and advantages guaranteed by the arrangement between the representative of the Queen and himself. He prays, therefore, that steps may be taken to protect him in his vested rights, and to arrest a measure at once injurious to the public, and involving the faith and honor of the Crown.

3. In May last a petition was presented by the three Members for the Electoral Divisions of Montreal, "signed by all the large landed proprietors, capitalists, and most influential men of all classes in that community."

The petition states that "the law recently passed (to which allusion is above made) was run through both branches of the Legislature in a hasty manner, without reference to the wishes or interests of the inhabitants of this important portion of the Dominion; that if carried into execution it will cause inconceivable difficulty and confusion in procuring the necessary information in the transfer of property and investment of capital; and in many cases will quadruple the present cost and expense of

registration. That your petitioners are aware that certain reforms are necessary in the present Registry Office, but these reforms apply to the system for which no remedy is provided by the new Registration Act, which only multiplies the evils of which men complain. That the delay now complained of in obtaining searches will be seriously increased and, in fact, prove an insuperable obstacle to parties requiring prompt and accurate information relative to real estate. Therefore, your memorialists respectfully pray, that Your Excellency will use the authority vested in you to avert the threatened evils complained of, either by disallowance of the Act in question or in such other manner as in your wisdom Your Excellency may deem right to adopt."

4. The Acts of the Legislature of Quebec, comprising the one under consideration, were not received by the Secretary of State until the 22nd day of November, 1875, and the period within which the power of disallowance can be exercised consequently expires on the 22nd day of November, 1876.

5. The undersigned has received a letter from Mr. Ryland, dated 23rd September, 1876, recapitulating several points which he considers of moment in the consideration of the Act, and pointing out in detail the injurious manner in which the Act, if allowed to go into operation, would affect his official income and position. That portion of Mr. Ryland's letter is in the following words:

"I shall now proceed as concisely as possible to point out the injurious manner in which the Act in question, if allowed to go into operation, will affect my official income and position.

"Under my commission as Registrar of the Registration Division of Montreal, my jurisdiction extends not only over the City of Montreal, but all the neighbouring parishes, including the Counties of Hochelaga, Jacques Cartier, Isle Bizard, and in fact the whole Island of Montreal, the whole extending over a length of upwards of forty miles; whereas, by the present Act I should be restricted to an area of about five miles, flanked on both sides by the growing portions of the city.

"The Act of the Local Legislature overriding the whole of the arrangement between the Crown and myself, and without the slightest provision to compensate me, divides the present registration division into three.

"The first is to comprise the East Ward, the St. Mary's the St. Jacques, the Saint Louis and the Saint Lawrence Wards, in all of which transactions requiring registration are daily passed.

"In fact I may add that about one-half of the receipts of my office are derived from those quarters, including the growing village of St. Jean Baptiste, which is also taken away from me.

"The Second Division is to comprise the Centre, Western, St. Antoine and St. Ann's Ward within the city limit.

"The accompanying map will show you what this is. It contains the old part of the town, comprising the public buildings, court house, large stores, churches, banks, squares, colleges, seminary, and being, with the exception of a narrow, unbuilt strip, mostly property which never changes hands, and indeed where there is seldom a transaction passed requiring registration, and I think I am perfectly safe in saying that the receipts therefrom would not pay the current expenses of the office.

"This portion, however, of my present office, I am generously allowed to retain.

* * * * *

"The third division comprising the Counties of Hochelaga and Jacques Cartier, including all the parishes from the east end of Dorchester Street to Bout de L'Isle is about the most important, and, as regards registration, the most improving portion of my division, destined hereafter to provide a remunerating income to the Registrar, because the whole French working portion of the population, as well as the shipping interests and traffic, are moving that way."

6. With reference to the Petition of Mr. Ryland, the undersigned has examined into the facts relative to his appointment, and they appear to him to be correctly detailed in the address to Her Majesty of the Legislative Assembly of the la'

Province of Canada, passed in the year 1846, founded upon the report of a Select Committee made after a careful consideration of the documents and correspondence, which address is in the following words:—

“We, Your Majesty’s most dutiful and loyal subjects, the Legislative Assembly of Canada, in Provincial Parliament assembled, humbly beg leave to approach Your Majesty with our renewed expression of devoted attachment to Your Majesty’s Royal Person and Government.

“We humbly beg leave to lay before Your Majesty the particulars of a case which has resulted in serious injury to the circumstances of a faithful subject of Your Majesty, and we beg permission to submit for Your Majesty’s gracious consideration.

“Previous to the Union of the Provinces of Upper and Lower Canada in 1841, the office of Clerk of the Executive Council of the latter Province was held by George H. Ryland, Esquire, he having been appointed thereto in October, 1838, and having succeeded his late respected father, who had held the same office for a long period of years, and Mr. Ryland continued in the performance of the duties of the same office under the Government of the United Province, having been sworn in as such in February, 1841.

“The late Lord Sydenham, the then Governor General of the Province, in re-organizing the Executive Council, thought it proper to make several changes in the constitution of the Executive Council, and to transfer many of the duties, which up to that period had been performed by the Clerk, to the President of the Council, and in effecting this arrangement His Lordship proposed to Mr. Ryland to surrender the appointment, and to accept in its stead the office of Registrar of Deeds in the then Judicial District of Quebec, at the same time guaranteeing to him an annual income from the emoluments thereof equal to the sum of £515 currency, to which he would be entitled as a retiring allowance under the Imperial Statute, 4 and 5 Wm. IV, ch. 24.

“Mr. Ryland, on being thus guaranteed, and having reason to expect that the emoluments of the office offered to him would amount in the first year to a large sum, affording him ample compensation for vacating his original one, acceded to their proposal, and placed the latter at His Excellency’s disposal.

“But he expressly stipulated in his acceptance of the new appointment, as well as in answer to the circular of His Excellency Sir R. Jackson, Administrator of the Government, dated 18th December, 1841, that in the event of the Registrarship of the said District of Quebec not proving nearly equal in value to his appointment as Clerk of the Executive Council, the sum guaranteed was not to be considered as compensation in full, either for relinquishing that office, or for his claim upon the Government.

“The Registry Ordinance of Lower Canada did not come into operation until the 31st December, 1841, and the time within which all existing deeds were to have been enregistered, and from which the great amount of remuneration would have resulted, was extended, until eventually a material alteration was made in the Registration Law, establishing County instead of District Registry Offices, and causing Mr. Ryland to become Registrar of the County, instead of the District of Quebec, notwithstanding his remonstrance; and this alteration had the effect not only of depriving Mr. Ryland of a great proportion of the remuneration resulting from these arrears, but also of essentially reducing the annual income of the office.

“It is true, that at a subsequent period, namely, on the 8th July, 1845, Mr. Ryland was transferred to the more important office of Registrar of the County of Montreal, which he now holds, but the reports of the Commissioners appointed to examine into the Registry Offices, establish that both offices have been sources of labour and expense rather than of profit.

“From the circumstances hereinbefore detailed, the Legislative Assembly feel that the case of Mr. Ryland is one of great hardship; that his claims, the justice of which have been officially recognized by the late Governor General Lord Metcalfe, ought not to be avoided nor overlooked, and that he has a right to expect that the contract between the Governor General and him, of which he has performed his

part, should be carried out by the Imperial Government according to its terms, or as that may now be impossible, that he should be fully compensated for the non-fulfilment thereof.

"We, therefore, in reviewing these circumstances, humbly beg permission to call Mr. Ryland's claims, as herein set forth, to Your Majesty's gracious notice, and we humbly pray that Your Majesty will be pleased to take them into your most favorable consideration, and direct such measures to be adopted therein, as Your Majesty, in your wisdom may find them to deserve."

7. Mr. Ryland, at the date of this Address, held his present office of Registrar of Montreal, and he claimed amongst other things the performance of Lord Sydenham's guarantee of 23rd August, 1841, referred to in the address, and which was in the following words :

* * * * "But as it is possible that the emoluments of the Registrarship of Quebec may fall very far below those of your present office, His Excellency is willing to guarantee to you an income equal to the sum to which you would be entitled as a retiring allowance were your employment in the public service altogether discontinued.

"Assuming your income on an average of the last three years to be £1,030, currency, and your length of service as a public officer to be 24 years, you would be entitled under the scale established by the 4 and 5 William IV., chap. 24, to a retirement equal to one-half of your emolument, or £515 currency.

"That amount, therefore, His Excellency is willing to guarantee to you by making up your emolument from the employment in the public service which may hereafter be assigned to you, to that extent, should they be insufficient of themselves to do so—should they exceed it, you will of course be entitled to the excess."

8. It seems admitted on all hands that Mr. Ryland's transfer to the Registrarship did not affect his position, and that for all material purposes he stood and stands on the same ground, with reference to the Registrarship of Montreal, which he occupied with reference to that of Quebec.

9. For some time, while both the Imperial and Colonial Governments admitted that Mr. Ryland's claim had a just foundation, each Government submitted that the responsibility of satisfying these claims rested with the other.

10. In the course of these discussions, on the 10th of May, 1850, the House of Lords passed resolutions upon the subject expressive of the opinion that Mr. Ryland's claims ought not to be avoided or overlooked, and that he had a right to expect that the agreement entered into between him and the Governor General, of which he had performed his part, should be carried into effect according to its terms : or, as that might then be impossible, that he should be compensated for the non-fulfilment thereof.

11. On the 20th July, 1855, Lord John Russell, then Colonial Secretary, addressed the then Governor a despatch in the following words :

"The attention of Her Majesty's Government has again been called to the case of Mr. G. H. Ryland, formerly Clerk and Registrar of the Executive Council of the United Province of Canada.

"This case has been repeatedly brought under the consideration both of the Imperial and of the Colonial Governments, but no decision has been arrived at which can be considered satisfactory, because, whilst both Governments have admitted that the claims of Mr. Ryland have in themselves a just foundation, each of those Governments have contended that the obligation of satisfying those claims rests with the other.

"In 1846 the case was very carefully investigated by a committee of the Colonial Legislature appointed for that purpose.

"The report of the Committee was :—

"That Mr. Ryland's claims, the justice of which has been recognized by the late Governor General Lord Metcalfe, ought not to be avoided or overlooked, and that he has a right to expect that the contract entered into between him and the

Government, of which he has performed his part, should be carried out according to its terms, or, as that may now be impossible, that he should be fully compensated for the non-fulfilment thereof.

"In the same year Lord Grey, then Secretary of State for the Colonies, replied to an address founded on this report, that neither he nor his predecessor disputed Mr. Ryland's claim to compensation for whatever loss he may have sustained by the surrender of his office as Clerk of the Executive Council; and Lord Grey directed Lord Cathcart, then Governor General, 'strongly to urge on the House of Assembly the necessity of their providing for the reasonable compensation of the claimant.'

"It appears, therefore, from these, as well as from other facts connected with the case, that Mr. Ryland has failed hitherto in securing the satisfaction of his claims, not from any dispute as to their justice, but from difficulties in adjusting the manner in which compensation should be found.

"Considering the peculiar circumstances under which Lord Sydenham was sent as Governor General to Canada, and the large powers with which, for special purposes, he was invested, Her Majesty's Government are prepared to admit that the promise which he made, he had sufficient authority to make. They admit, farther, that that authority came from the Imperial Government and belonged to his position as representative of the Crown. On the other hand, it will not be disputed that the arrangement which he proposed to Mr. Ryland, and which that gentleman was induced to accept, was one exclusively connected with Colonial affairs, and that whatever advantages attended, or were expected to attend it, were derivable by the Colony alone.

"The peculiarity of Mr. Ryland's case does not depend only on the specific "written promise given by Lord Sydenham.

"It is farther distinguished by the circumstance that that promise was given in order to induce Mr. Ryland to take a step, which on the faith of that promise he did take, and which otherwise he would not have taken. He was induced to resign an office of which he was in actual possession at the time.

"Thus the loss to which he has been since exposed has arisen not merely from disappointed expectations, but from the sacrifice voluntarily made of advantages which he had actually enjoyed, and of which he might have retained possession.

"It cannot be satisfactory either to the Imperial or to the Colonial Government that an individual should be placed in such a position from such a cause, and Her Majesty's Government hope that the Colonial Government will readily co-operate with them in finding a solution of the difficulty which has hitherto impeded a satisfactory settlement of the case.

"It appears to Her Majesty's Government that this object would be best attained by the appointment of a Commission to examine and report upon the fair amount of compensation which would be due to Mr. Ryland under the terms of Lord Sydenham's guarantee.

"Should it appear from their report that a certain amount of compensation is still due to Mr. Ryland, Her Majesty's Government would be prepared to propose to Parliament to share equally with Canada the burthen of providing for the payment of that amount to Mr. Ryland."

12. The Canadian Government acceded to the proposal that a Commission should be appointed, but with the understanding that it should not be thereby pledged to pay any part of the compensation.

13. Mr. Carter, Chief Justice of New Brunswick, was appointed Commissioner. The basis of that gentleman's award, which by no means met the expectations of Mr. Ryland was the guarantee of Lord Sydenham already quoted. The Chief Justice in his award makes the following observations, viz:—

* * * * *

"The construction of this guarantee is perfectly clear and free from any doubt. It guarantees Mr. Ryland an annual income of £515 currency, to be derived from the emoluments of some public office, or to be made up from some other source, in the

event of these emoluments not being equal to that amount, and in furtherance of such guarantee the Registrarship of Quebec is offered to Mr. Ryland."

* * * * *

"I proceeded to state the principle on which it appears to me the amount due to Mr. Ryland, under Lord Sydenham's guarantee, should be ascertained, and the result of the application of that principle. I have already stated what appears to me the plain and obvious construction of that guarantee, viz: to secure to Mr. Ryland a clear annual income of £515 currency. It was, therefore, necessary to ascertain, in each year, since the giving of the guarantee, whether the profits of his office have been equal to that amount, and, if not so, how much has been the deficiency, wherever there has been such deficiency. I think Mr. Ryland should be allowed such an amount as would have made up his income for the year to £515, and interest on such amount from the end of each year. Mr. Ryland has received, since his relinquishment of the office of Clerk of the Executive Council, the annual sum of £111 from the Canadian Pension Fund, which, I think, ought, *pro tanto*, to be taken as fulfilment of the guarantee. This payment did not commence till 1845, when three years' arrears were paid, and, I think, Mr. Ryland should be allowed interest on £111 for those years. This allowance seems to have been suspended from the end of 1845 till the commencement of 1851, when the arrears were paid, and I think interest should be allowed for that period. In ascertaining the amounts of annual receipts and expenditure in the offices held by Mr. Ryland, at Quebec and Montreal, I have been, of necessity, obliged to rely on the returns made to the Canadian Government and the books of the offices, nor have I the least reason to doubt the correctness of the statements derived from these sources."

* * * * *

"I annex to this report a sheet marked (K) shewing the manner in which I have ascertained the amount of £7,735 12s. 6d. currency, which amount I beg to report as what appears to me the fair amount of compensation due to Mr. Ryland, under the terms of Lord Sydenham's guarantee, up to the end of the present year (1856). I am not at all sure that my instructions require me to go any further than this, but inasmuch as Mr. Ryland may have future claims, under Lord Sydenham's guarantee, should his office, in future years, not yield him an income of £515 currency. I venture to make one or two suggestions for the immediate settlement of future claims. One mode which might be adopted, with the sanction of the Canadian Government, would be to increase Mr. Ryland's allowance of £111 per annum to £515 from the Pension Fund of Canada, on Mr. Ryland's resigning his present office. Should this not be practicable, as I find the average amount for the last seven years chargeable under Lord Sydenham's guarantee would be about £140 per annum, I should say that if a sum of £1,264 7s. 6d. were added to what I have already reported as due to the past, making in all the gross sum of £9,000 currency, that would be a fair and proper amount to be paid to Mr. Ryland, as a final settlement of all his claims under the guarantee of Lord Sydenham, the annual allowance of £111 from the Pension Fund being, of course, continued."

14. It will be observed that Chief Justice Carter took the view (which appears to be clearly correct) that the compensation to be given to Mr. Ryland under Lord Sydenham's arrangement, was as follows:—

1. That he should become the Registrar of Quebec, for which office the Registrarship of Montreal was afterwards substituted.
2. That in case the emoluments of the office should in any year not yield him £515 currency, being the amount of the retiring allowance to which Mr. Ryland was at the time of the arrangement entitled, that amount should be made up to him.
3. That the Canadian pension of £111 received by Mr. Ryland should be taken *pro tanto*, as a fulfilment of this guarantee.

(Chief Justice Carter upon this basis calculates the amount due up to the end of 1856 at £7,735 12s. 6d. currency, and basing the calculation of the emoluments of the Registrarship of Montreal for the future upon the average of the preceding

seven years, he estimates a gross sum of £1,264 7s. 6d., as being the capitalized value of the future claims of Mr. Ryland by reason of future deficiencies in these emoluments.

15. The Imperial Government determined to accept, in the terms of Lord John Russell's despatch, the award of Chief Justice Carter.

16. The Canadian Government at first declined to bear any portion of the expense, but ultimately, on the 27th October, 1858, they advised that Parliament should be recommended to pay Mr. Ryland one half of the award. This recommendation was made and acted on.

17. It seems then, that the compensation to Mr. Ryland consisted in part of the office to which he was appointed, and, in addition, of a money payment to meet the amount by which the annual emoluments of the office might be less than his retiring allowance; that the money payment was finally settled by the award of Chief Justice Carter, and that to deprive Mr. Ryland of his office would be to disturb the arrangement.

18. It is quite plain that the private or vested interests of an individual are not to be suffered to over-ride the interests of the public, and that Governments and Legislatures are, notwithstanding the existence of such private or vested interests, to alter the compensation of public officers in whatever way the public good may demand; but, even where the public officer has received his appointment in the ordinary way, and not as a matter of contract, it seems to be the general rule that he should receive reasonable compensation for the individual loss inflicted on him by the change.

19. This rule is, however, subject to modification when it is considered that salaries have become excessive, or that the fees of an office have increased beyond reasonable limits, in which cases reductions have occasionally been made without compensation. Besides, a violation of this general rule, in matters purely local, would not, by itself, furnish ground for disallowance.

20. Mr. Ryland, however, puts his case on somewhat a higher ground, pointing out that he was absolutely entitled to a retiring allowance of a considerable amount, and that it was, in part, compensation for this allowance that he received his office.

Interference with his emoluments, under such circumstances, may be fairly said to be open to objections more serious than those which might apply were he an ordinary office-holder; and, certainly, in case the public good requires such interference, it should be accomplished in such a manner as to do the individual the least possible injury.

20½. By the statements which the undersigned has quoted it would appear that under the Act in question Mr. Ryland's registration district is to be divided into three parts. That the more valuable and remunerative divisions are to be taken away, and that he is, without compensation for the loss of the others, to remain Registrar of the least valuable, and, as he alleges, an absolutely unremunerative division.

21. Thus both the general rule to which the undersigned has adverted and the special circumstances of Mr. Ryland's case, appear to have been ignored.

No provision is made to compensate him for the loss he must sustain by the withdrawal of any part of his district.

Circumstances may be conceived which might justify the absence of such a provision; but he is not even retained as the Registrar of the most valuable of the new districts, and the undersigned is unable to reconcile with a just appreciation of Mr. Ryland's position the abstraction from him, in order to confer it on another, of all that makes his office valuable.

22. Upon the petition of the landed proprietors, capitalists and other citizens of Montreal, the undersigned would observe,

That the signatures to this petition are of the most respectable and weighty character, and that its representations do certainly deserve the greatest consideration at the hands of those entrusted with legislative power in the matters to which they relate. These matters, however important, are nevertheless essentially of a local character.

The representations should be addressed to the Government and Legislature of the Province of Quebec, and had they stood alone the undersigned could only have recommended the reference of the petitioners to the Local Government and Legislature.

23. But under the peculiar circumstances which attend the case of Mr. Ryland, involving, as the discussions shew, the unsettlement of arrangements of long standing, in which the Imperial as well as the Colonial Governments were concerned, raising also plausible claims for consideration, and, as Mr. Ryland insists, strong claims for compensation at the hands of the Imperial Government, of the Canadian Government, which is bound to meet the pecuniary liabilities of the late Province, and of the Governments of Ontario and Quebec, which are bound practically to indemnify the Canadian Government in respect of any such pecuniary liabilities. The undersigned, who is disposed to believe that the considerations to which he has adverted cannot have been brought to the attention of the local authorities, would recommend that they should be afforded the opportunity of reconsidering the legislation in question with the light thrown upon it by the petitions and representations before him.

24. Such a course will have the incidental advantage of giving an opportunity to consider also the representations of the general petitioners against the legislation.

25. The Act, although passed on the 23rd February, 1875, has not yet been put in force. It would, therefore, appear that there is no urgent necessity for its being acted upon, and the Local Legislature is summoned for despatch of business on the tenth day of November next, so that it will be possible before the period arrives for determining as to its disallowance, to take the sense of the Legislature on the question of its amendment or repeal.

The undersigned is not to be understood as having come to a final conclusion on the question whether Mr. Ryland would, on the passing of such an Act, have pecuniary claims capable of being forced against the Government referred to, or whether such an Act, if passed with full knowledge and after full consideration of the facts, should be persistently disallowed.

These are questions which, he ventured to hope, would not arise, and the authoritative determination of which it would, he submits, be better to postpone.

26. The undersigned recommends that a copy of the Petition of the inhabitants of Montreal, to which he has referred, and of this report, should be transmitted to the Lieutenant Governor of Quebec, for the information of his Government, with the request that the subject should be considered, and that His Excellency should be informed before the expiration of the time for determining as to whether the Act should be disallowed, of the views of the Local Government, and whether it is prepared to invite local legislation to repeal the Act or to amend it in any and what particulars.

(Signed) EDWARD BLAKE,
Minister of Justice.

(Translation.)

Mr. Secretary Scott to the Lieutenant Governor of Quebec.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 26th October, 1876.

SIR,—I have the honor to forward you herewith annexed, for the information and consideration of your Government, copies of a petition from citizens of Montreal, as well as of an Order of the Honorable the Privy Council, dated the 25th October instant, and of a Report of the Honorable the Minister of Justice, respecting a certain Act passed by the Legislature of the Province of Quebec, on the 23rd February, 1875, to divide the Registration Division of Montreal into three Registration Divisions.

I beg that you will kindly let me know, for the information of His Excellency the Governor General, before the time for disallowing the said Act has expired, what are the views of the Local Government, and whether it is prepared to bring forward local legislative measures to repeal the said Act, or to amend it in any way, and in what respect.

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

(Signed)

R. W. SCOTT,
Secretary of State.

(Translation)

Lieutenant Governor Caron to the Secretary of State of Canada.

GOVERNMENT HOUSE,

QUEBEC, 6th Novembre, 1876.

SIR,—I hastened to submit to my Government the Order of the Honorable the Privy Council, bearing date the 25th October instant, as well as the Report of the Honorable the Minister of Justice, and the petition of citizens of Montreal, respecting the Act of the Legislature of Quebec, 38 Vict., chap. 17, "To divide the Registration Division of Montreal into three Registration Divisions,"—and upon the advice of my Ministers, the honorable members of the Executive Council of the Province, I have the honor to submit for the gracious consideration of His Excellency the Governor General the following remarks:—

My Government has always endeavoured, with respect to the measures which it submitted to the Legislature of the Province of Quebec, to confine itself within the limits assigned to it by the British North America Act, 1867; and the Statute respecting the Registration Division of Montreal, assented to on the 23rd December last, is, especially, wholly within the classes of subjects for legislation which are exclusively assigned to it by the Imperial Act aforesaid.

Before submitting to the Legislature the measure in question, my Government knew perfectly the position of the former Registrar of Montreal; but, in order to become acquainted with that position in a more full and satisfactory manner, in order clearly to ascertain whether the public interest demanded changes in the state of affairs then existing in the Registration Division, and in order to avoid committing an injustice towards the Registrar, as well as to ascertain the manner in which the latter carried out the duties of his office, an enquiry was ordered by an Order in Council of the 21st December, 1874, and that enquiry closed on the 7th January, 1875, during the very session in which the measure was introduced.

From the evidence adduced in this enquiry, as well as from the information already in the possession of the Government, the measure was considered necessary, and in consequence it was submitted to the Legislature and passed by it on the 17th February, 1876.

Mr. Ryland, who now complains of this measure, had all the time necessary to present to the Quebec Legislature the objections which he alleges he has to raise against that legislation, and the allegation made by Mr. Ryland, and by the signers of the petition submitted to His Excellency, that this legislation was carried through "in a precipitate manner and without regard for the desires and interests of the public," is entirely gratuitous.

My Government maintain that the Registration Division, of which Mr. Ryland is to remain titular, far from being unremunerative, yields and will hereafter continue to yield an income more than sufficient to represent the pecuniary equivalent established by the award of Chief Justice Carter, on the guarantee of Lord Sydenham. And if Mr. Rymal had asked in the ordinary way in such cases, the redress of an

alleged grievance of which he complains, he would have been allowed to furnish evidence to the contrary, and to shew that his office as reduced by the new legislation would no longer represent that pecuniary equivalent.

Last Session (39 Vic.), with a new representation resulting from the general elections of 1875, also went by without Mr. Ryland thinking proper to enter any protest or make any complaint.

I shall take the liberty in this connection of asking His Excellency's special attention to the strange course pursued by Mr. Ryland, who refuses or neglects to submit his grievances to the Legislative Tribunal accessible to every citizen, and then comes forward and asks for the disallowance of a law which he did not think proper to oppose. If Mr. Ryland is suffering a wrong which he maintains to have been caused by an Act of the Legislature, should he not, in the first place, claim compensation from the power which inflicted it on him? While affirming the principle that the Government and the Legislature possess the absolute right to determine the compensation to be awarded to the subject whose personal interests are injured by a legislative Act, the Government of Quebec maintain that, in this case it was not their intention, and that they did not, in fact, deprive Mr. Ryland of the pecuniary compensation which he might claim in virtue of Lord Sydenham's promises and of the award of the Commissioner, Chief Justice Carter. Far from it, my Government have up to this moment refrained from acting on their undeniable right, which they might have exercised in view of the facts brought to their knowledge, of entirely cancelling Mr. Ryland's commission as a public officer.

My Government are desirous of faithfully respecting the engagements entered into by those who preceded them in power; but, on the other hand, they must jealously guard the immunities of the Provincial Legislature, when that body acts within the constitutional limits assigned to it; and I respectfully submit to His Excellency that, in this case, the Legislature of Quebec has not over-stepped those limits.

The essentially local character of the measure not being contested, and the facts represented by Mr. Ryland in support of his petition being incorrect in their most important part, I would respectfully represent to His Excellency, that my Government could not, with a due regard to its own dignity and to the respect it owes to the Legislature, propose the repeal of the law in question.

I desire, in conclusion, to assure His Excellency that the Government of the Province of Quebec is quite disposed to do full and entire justice to Mr. Ryland, and that the share of obligations to which the Province is in honor bound by the engagements mentioned by the Honorable Minister of Justice in the Report transmitted to me, has hitherto been and will hereafter be honorably and scrupulously fulfilled.

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

(Signed) ED. CARON,
Lieutenant Governor.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 16th November, 1876.

The Committee of Council have had under consideration a Report dated 10th of November, 1876, from the Hon. the Minister of Justice upon the despatch of the Lieutenant Governor of Quebec, of the 6th November, 1876, referring to the Order in Council of the 25th October, 1876, with reference to the Act for the purpose of dividing the registration division of Montreal into three divisions, and they concur in the views and recommendations therein submitted, and advise that the same be

approved and acted upon; they further advise that a copy of this minute and of the report of the Minister of Justice be transmitted to the Lieutenant Governor of Quebec.

Certified,

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 10th November, 1876.

Upon the despatch of the Lieutenant Governor of Quebec of the 6th November 1896, referring to the Order in Council of the 25th October, 1876, with reference to the Act for the purpose of dividing the Registration Division of Montreal into three divisions, the undersigned begs to report as follows:—

Without entering into a minute analysis of the representations, and not desiring to be understood as concurring in all the views put forward, the undersigned submits that these representations give a different complexion to the case from that given by Mr. Ryland.

His Excellency has no satisfactory means for investigating further into the accuracy of that gentlemen's statements, and under the circumstances, as between the assertions of a Provincial Government and an interested individual, faith and credit must be given to the representations of the former.

The undersigned is not without apprehension that difficulties may arise from the measure, and he would have felt greater embarrassments as to the course to be recommended, but for the assurances contained in the Lieut. Governor's despatch, that his Government is desirous of respecting faithfully the engagements made by the powers which preceded it, and from which it springs; and is altogether disposed to accord full and entire justice to Mr. Ryland, and that the share of the obligations to which the Province is in honor bound by the engagements of which the undersigned speaks in his report, has been, and will for the future, be honorably and scrupulously fulfilled.

The undersigned foresees the probability of a divergence of opinion as to the nature and extent of these engagements, and of the action of the Provincial Government and Legislature on the question, but he submits that it must after these assurances, be assumed that right will be done.

The undersigned has, throughout, fully recognized the local character of the Act in question, and the view that its policy is for the consideration of the Local Legislature, he submits that the representations and assurances contained in the Lieut. Governor's despatch so far mitigate, even though they may not altogether remove, the special difficulties adverted to in his former report, as to render it proper not to interfere with the operation of the Act, and he recommends accordingly.

He recommends further, that Mr. Ryland should be informed that His Excellency has not thought fit to exercise the power of disallowance in reference to this Act.

(Signed) EDWARD BLAKE,
Minister of Justice.

Mr. Ryland to the Secretary of State of Canada.

MONTREAL, 17th December, 1876.

SIR,—On Tuesday last I received through Mr. Assistant Secretary Langevin an official communication, dated the 11th instant, stating that “His Excellency the Governor General in Council, having had under consideration the Petition from certain members of the legal profession and other citizens of Montreal, in reference to the Act passed by the Legislature of the Province of Quebec in the year 1875, for the purpose of dividing the Registration Division of Montreal into three divisions, and that His Excellency had not thought fit to exercise the power of disallowance in reference to this Act.

Premising that this reply should have been sent to the three Members representing Montreal, through whom the petition and question was forwarded to His Excellency the Governor General in Council, in order that the Memorialists might be enabled to give publicity to the decision through the general press of the country, I would call your attention to the fact that I have not yet, as I had reason to hope, received any reply to my own remonstrance and petition, praying protection in vested rights, under the arrangement between the Imperial Government and myself, which was specially referred to the Minister of Justice for report.

As the recent decision of the Governor in Council on the petition of the people of Montreal may be considered as sanctioning the Act of the Quebec Legislature, I would beg to be informed to whom I am to look for compensation, the Imperial Government to whom I have been prevented from appealing, or the Dominion Government whose action in this matter overrides and renders nugatory in Canada the authority of the British Crown.

I have, &c.,

(Signed) G. H. RYLAND.

The Hon. R. W. SCOTT,
Secretary of State,
&c., &c., &c.

Mr. Under Secretary Langevin to Mr. Ryland.

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA.

OTTAWA, 21st December, 1876.

SIR,—I am directed to acknowledge the receipt of your letter of the 17th inst. in reply to my communication of the 11th inst., conveying to you the decision of His Excellency the Governor General in Council, with reference to the Act of the Quebec Legislature dividing the Registration Division of Montreal into three divisions, and calling attention to the fact that you have not received a reply to your petition praying protection in alleged vested rights, under an arrangement between the Imperial Government and yourself.

I have, &c.,

(Signed) EDOUARD J. LANGEVIN,
Under Secretary of State.

GEORGE H. RYLAND, Esq.,
Registrar, Montreal.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 11th January, 1875.

The Committee of Council have had under consideration the Report, hereto annexed, from the Hon. the Minister of Justice, having reference to certain of the Statutes passed by the Legislature of the Province of Manitoba, in the second portion of its fourth Session (1874); and they respectfully advise, as therein recommended, that Chapters 8, 9, 10, 11, 13, 16, 17, 18, 20, 21, 22, 23 and 24, be left to their operation, and that as regards Chapters 12, 14, 15 and 19, to the enactments of which some objections appear to exist, a copy of the said Report and of this Minute be transmitted to the Lieutenant Governor of Manitoba.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 8th January, 1875.

Upon the reference of the Statutes passed by the Legislature of the Province of Manitoba, at the second portion of its fourth Session, 1874, the undersigned has the honor to report:—

That the following Acts appear to be unobjectionable, and he recommends, therefore, that the same be left to their operations.

Chapter 8. "An Act to provide for a fair and equitable re-distribution of Electoral Divisions of the Province."

Chapter 9. "An Act to amend the Act for the Registration of Voters."

Chapter 10. "An Act to better define the boundaries of the several counties of the Province for Judicial and Registration purposes, and to include in such counties the whole of the Province."

Chapter 11. "An Act respecting the Treasury Department, and the Public Revenue Expenditure and Accounts."

Chapter 13. "An Act to amend the 36 Vic., Chapter 6, of the Statutes of Manitoba, intituled: 'An Act to establish a County Court in the Province of Manitoba, and for other purposes.'"

Chapter 16. "An Act to abolish Dual Representation."

Chapter 17. "An Act respecting mortgages and sale of personal property."

Chapter 18. "An Act to amend the Act 34th Vic., Chapter 8, intituled: 'An Act relating to Deeds by married women.'"

Chapter 20. "An Act to incorporate the Manitoba Southern Railway Company."

Chapter 21. "An Act to incorporate the Dean and Chapter of St. John's Cathedral Church."

Chapter 22. "An Act to incorporate the Finance Committee of the Church Missionary Society in the Province of Manitoba."

Chapter 23. "An Act to incorporate the Catholic Parishes and Missions in the Province of Manitoba."

Chapter 24. "An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government of the Province of Manitoba for the fiscal half year ending on the 30th June, 1874, and the fiscal year ending 30th June, 1875, and for other purposes connected with the public service."

With reference to the other statutes passed at that Session, the undersigned has the honor to report as follows:—

Chapter 12. "An Act respecting the Court of Queen's Bench in Manitoba."

The 2nd Section enacts that the "Court of Queen's Bench * * * * * shall possess and exercise all such powers and authorities as by the laws of England are incident to a Superior Court of Record of civil and criminal jurisdiction, in all

matters civil and criminal, whatsoever, and shall have, use, enjoy and exercise all the rights, incidents and privileges as fully to all intents and purposes as the same were on the day and the year aforesaid possessed, used, exercised and enjoyed by any of Her Majesty Superior Courts of Common Law, at Westminster, or by the Court of Chancery, at Lincoln's Inn, England."

The 3rd Section provides that the Court of Queen's Bench shall sit as a Court of Oyer and Terminer and General Gaol Delivery, and of Assize and Nisi Prius, for the trial of all criminal offences, &c., and shall possess and exercise all the powers possessed and exercised by the same Court in England.

The 7th Section enacts that the Court of Queen's Bench shall possess the same powers, authorities and jurisdiction as the Court of Chancery in England, possessed on the 15th day of July, 1870.

Upon these Sections the undersigned deems it proper to remark, that it is impossible to enter fully into the powers and authorities established and exercised by Her Majesty's Superior Courts of Common Law, or by the Court of Chancery in England, or all the Courts of Oyer and Terminer and General Gaol Delivery.

Those powers and privileges have been exercised by these Courts in England from remote times, and have accrued to them partly by custom and usage and partly by statutable authority.

Whilst under the British North America Act, 1867, the Legislature of a Province has the power to legislate in respect to the administration of Justice in the Province, including the constitution of Courts of criminal jurisdiction, yet it is reserved to the Parliament of Canada to legislate upon the criminal law including the procedure in criminal matters, and it may be a grave question whether the assumption to the Court of Queen's Bench of Manitoba, of similar powers and privileges to those exercised by the Superior Courts in England, may not entrench upon the criminal procedure as it is at present regulated by Acts of Parliament of Canada.

This point is suggested for the consideration of the Lieutenant Governor of Manitoba.

Chapter 14. "An Act respecting the Registration of Co-Partnership."

Chapter 15. "An Act to require certain foreign corporations, associations, and co-partnerships to re-register within this Province."

The first of these two Acts requires that all persons associated in partnership for trading, manufacturing or mining purposes in Manitoba shall register in the Court of Queen's Bench, a declaration of the particulars respecting the partnerships, and there shall be penalties imposed in forfeiture of compliance therewith.

The undersigned quite recognizes the right of legislation for Manitoba in respect of any companies with Provincial objects which may be incorporated by the Legislature, but it is possible that companies may be incorporated by the Parliament of Canada or under the "Joint Stock Companies' Act" of Canada, and the undersigned is of opinion that the application of the present Act to any such Companies would be in restriction of the rights granted to them by Canada.

He suggests, therefore, the consideration of this point by the Lieutenant Governor, with a view to amendment.

In respect to Chapter 15, it is to be observed that it provides that no company incorporated by any foreign power, nor any co-partnerships carrying on any description of trade or commerce, any of which such persons are resident in the United States of America, nor the agents of any such, shall do business in Canada until registration of the partnership is made, together with arrangements for effecting legal process upon the agent, and a penalty is imposed for failure in compliance with the Act.

The remarks which are made above apply somewhat similarly to the case, although, practically, the object contemplated is desirable, yet the Act appears to be in restriction of trade and commerce. It is also entrenching on the Parliamentary powers of Canada.

An instance may be cited of the fact, in that by the Act of Canada, 31 Vic.,

Chapter 48, Insurance Companies incorporated by some of the United States of America are licensed expressly to do business in any part of Canada after compliance with the provisions of that Act, and if this Chapter 15 remained as it is it would be in direct conflict with the Act in question.

Under these circumstances the undersigned recommends that the Lieutenant Governor should consider the propriety of the same being repealed.

Chapter 19. "An Act to amend the Act of 1873, to regulate the sale and traffic of intoxicating liquors."

Section 1 provides that no person shall be granted a license to sell intoxicating liquors by retail in Manitoba outside the limits of the City of Winnipeg, &c., &c., It is presumed that it is intended that no person shall be granted, by the proper Provincial authority, a license, &c., so that the section shall not act in restriction of the Parliament of Canada in this respect.

The undersigned recommends that this Act be also called to the attention of the Lieutenant Governor.

(Signed) H. BERNARD.

I concur.

(Signed) T. FOURNIER.

Lieutenant Governor Morris to the Secretary of State of Canada.

GOVERNMENT HOUSE,

FORT GARRY, MANITOBA, 15th March, 1875.

SIR,—In reply to your despatch of the 16th of January, respecting the Acts of the Legislature of Manitoba, passed during the fourth Session thereof, and chaptered 12, 14, 15 and 19. I enclose, by request of the Executive Council, a copy of a minute of Council adopted by them, for which they ask the consideration of the Privy Council. As regards Chapter 12, I have also been requested by the Council to enclose herewith a copy of a report of the Chief Justice of Manitoba respecting Chapter 12, being the Act relating to the Court of Queen's Bench.

I may state that the Act referred to was prepared for the Council by the Chief Justice, at their request.

I am further to request a reply at your earliest convenience, as the Legislature will meet on the 31st instant.

I have, &c.,

(Signed) ALEXR. MORRIS,
Lieutenant Governor.

Honorable The Secretary of State,
Ottawa.

EXTRACTS from Minutes of Council held at Government House, Fort Garry, on the Ninth day of March, A.D., 1875.

Council recommend the adoption of the following Minute relating to the Report of the Minister of Justice upon the Acts of Manitoba, 38 Vic., Chapters 12, 14 and 15, and request the Lieutenant Governor to forward a copy of the same to the Hon. the Secretary of State for the consideration of His Excellency the Governor General in Council.

The Council having had under consideration a despatch of the 16th January last to the Lieutenant Governor from the Secretary of State for Canada, enclosing an extract from a Report of the Minister of Justice, with regard to Statutes 12, 14 and 15 of the Acts of the Fourth Session of the First Legislature of Manitoba, have agreed

to the following minutes: 1st, with regard to the Act respecting the Court of Queen's Bench of Manitoba, the Council do not think that any difficulty such as the Minister of Justice suggests can arise from the passage of the Act in question.

The Council are fully aware that the Legislature of Manitoba has no power to legislate with regard to Criminal Law or the procedure in criminal matters, and they contend that the Act in question does not in any way interfere therewith.

The Act was deemed necessary, inasmuch as the Statutes of Assiniboia provided that the proceedings of the General Court should be regulated by the Laws of England not only of the date of Her Present Majesty's accession, but also such laws of England of subsequent date as may be applicable to the same.

Under the Manitoba Act and the British North America Act, all laws in force at the Union, and all courts of Civil and Criminal Jurisdiction were continued in force. At the date of the Union there was a Court of Civil and Criminal Jurisdiction existing in Assiniboia. The quarterly court and the common and statutory laws of England were in force, and these were continued.

In 1871 a Court was constituted for Manitoba by the Act of Manitoba, 34 Vic. Cap. 2, with jurisdiction in all matters of law and equity, all matters of wills and intestacy, and possessing such powers and authorities in relation to matters of Local and Provincial Jurisdiction as in England are distributed among the Superior Courts of law and equity, and of probate, and until the appointment of a Judge of the Supreme Court, those powers were declared to be inherent in the general court then in existence.

In 1872 the name of the court was changed to that of the Court of Queen's Bench, by the Act 35 Vic., Cap. 3, and it was declared to possess an appellate Civil and Criminal Jurisdiction, and, also the Jurisdiction of a Court of Error.

The object of the Act, criticized in the Minister of Justice's Report, was to declare the period at which the laws of England should cease, under the local statutes of Assiniboia, to be operative in Manitoba, as was done in the old Province of Upper Canada by the Act 2, George III, Cap. 1.

The Legislature having no powers to legislate with regard to criminal law, the Act can only be held to deal with matters within the powers of the Local Legislature, but it declares what was and is the fact, that the laws relative to property and civil rights existing in England on the 15th of July, 1870, so far as the same can be made applicable to property and civil rights, were in force here on that date, the object being to repeal the clause of the Assiniboia statute which adopted the statute law of England as from time to time enacted.

The English common law and the whole body of the statute law of Great Britain and Ireland having been in force here on the 15th of July, 1870, and the Legislature being authorized to make laws for the Administration of Justice in the Province, including the constitution, maintenance and organization of Provincial Courts, both of civil and criminal jurisdiction, and including procedure in civil matters in those Courts, it seems clear that the Legislature has not exceeded its powers in declaring that the Court of Queen's Bench, possessed all the powers of a Superior Court of civil and criminal jurisdiction as these were possessed in England on the 15th July, 1870, but in the exercise of these powers the court will be limited and controlled by the laws of England as they were on the 15th July, 1870, and by the laws of Canada relating to criminal matters or procedure with regard to criminal cases and other subjects within their jurisdiction passed or to be passed since the Union.

The Council regard the Act in question as one of great importance, inasmuch as it prevents the English Statute Law from running into this Province after the date in question, and gives the Court the benefit of the decisions of the English Courts on the Statute Law up to that period, while it is clear that in its operation it cannot be held to deal with criminal jurisdiction or criminal matters, which are *ultra vires* as regards the Legislature of a Province.

The clauses of the Act above alluded to, and to which objection is taken, are, in effect, similar to, and are in almost the words of the Act passed in Upper Canada, in

relation to the constitution of the Courts there, in a Province where, as here, the old common law prevailed, and under which these Courts still act. (*Vide Consolidated Statutes of Upper Canada, cap. 10, sec. 31.*)

The Council, therefore, trust that on re-consideration, the Minister of Justice will withdraw his objections to the Act in question, and that the Privy Council will leave the Act to its operation, and to its interpretation by the Court, in conformity with the laws in force in Manitoba.

2ndly.—With regard to the Act respecting the Registration of Co-partnerships, Chapter 14 deals with a subject which the Council are of opinion is strictly within the province of the Legislature.

They are strengthened in this view by the fact that a similar Act was passed by the Legislature of Ontario, viz., the 33 Vic., cap. 20, which was amended by the 35 Vic., cap. 28.

With regard to joint stock companies incorporated by the Dominion, the Council see no objection to excepting these from the operation of the Act, nor in fact to limiting the operation of the Act entirely to commercial partnerships.

As respects these, the Council can see no infringement of the power over trade and commerce enjoyed by the Dominion, in subjecting partnerships for trading, manufacturing or mining purposes in this Province to the necessity of giving information to the community as to the persons composing such partnerships. They believe such a regulation to be within the scope of their powers, and they assert the same right to exercise these powers, it having been acknowledged to exist in the Legislature of Ontario.

3rdly.—With regard to the Act, Chapter 15, respecting Foreign Corporations, the Council attach a large measure of importance to this measure, and are not disposed to repeal it, though it may be beneficially amended in some respects. The necessity for the Act was beyond question, and the Council believe that in passing it the Legislature did not infringe on the powers of the Dominion Parliament.

Before the passage of this Act, to take one notable instance, there was no means of enforcing process against a company of traders who had in their control exclusively the carrying trade by steamers and barges between the city of Winnipeg and Moorhead. The Council are of opinion that as the Legislature is empowered to legislate with regard to all matters of civil procedure, it has a right to subject foreign corporations or partnerships trading here to the necessity of affording to the community facilities for the affecting of the service of process on them, in order to which, in the case of unincorporated partnerships or associations, the disclosure of the names of the persons composing them is essential. The doing this is no hardship on such partnerships, while it is in the public interest.

The Council see no objection to exempting American Fire Insurance Companies, who have made the deposit required by the Dominion Statute cited, from that portion of the local Acts which required the disclosure of the names of the shareholders, but they are of opinion that they should remain subjected to the provisions of the Act affording facilities for service of process.

In this sense the Council would be disposed to ask the Legislature to amend the Act, but they have the strongest possible objections to its total repeal.

4th. With regard to the Act respecting the sale of intoxicating liquors, the Act merely substitutes a new Section for a similar Section in the License Act of 1873, which provides for the issue of licenses by the local authorities. Read with that Act there does not seem to be any ambiguity, but if there be it can be removed.

A true extract.

(Signed) SEDLEY BLANCHARD,
Clerk of the Executive Council.

Report of Chief Justice Wood.

WINNIPEG, 1st March, 1875.

DEAR SIR,—The question raised is, as to the Court of Queen's Bench as a Court of Criminal jurisdiction.

As a Criminal Court the Queen's Bench in Manitoba is by the Act criticised (38 Vict., Chap. 12), indeed it was by former Acts invested and clothed with all the powers, rights, privileges and incidents appertaining to the Superior Courts of law at Westminster, in England, on the 15th July, 1870, as respects its capacity, ability, authority and power to deal with crime and criminals, and the Criminal law of England, and the procedure in administering the same (as was in fact already done by Imperial and Canadian Acts, made applicable to Manitoba), are adopted, except as the same had already been changed, modified or superseded by any Act or Acts of the Parliament of Canada.

It is said "it may be a grave question whether the assumption by the Court of Queen's Bench in Manitoba of similar powers and privileges to those exercised by the Superior Courts in England may not entrench upon the Criminal Procedure Act as is at present regulated, or may hereafter be regulated by the Acts of the Parliament of Canada."

There can be no question "the Criminal law, except the constitution of Courts of Criminal jurisdiction, but including the procedure in Criminal matters," is exclusively within the Legislative jurisdiction of the Parliament of Canada, and the meaning of the "Criminal Law" and "the procedure in Criminal matters," and "the constitution of Courts of Criminal jurisdiction," or "the administration of Justice in the Province, including the constitution, maintenance and organization of Provincial Courts both of Civil and Criminal jurisdiction, and including procedure in civil matters in those Courts," are so plain, perspicuous, and so free from all ambiguity, and the limits of the Legislative jurisdiction of the Parliament of Canada and of the Legislatures of the Provinces, are so definitely and distinctly marked in terms level to the plainest understanding, that it is with some difficulty and considerable effort one is enabled to apprehend any doubt as to the proper construction of the constitutional Act, in regard to the distribution of the Legislative powers respectively conferred on Canada on the one hand and the Provinces on the other, or the gravity of the question arising as to the constitutionality of the provisions referred to in the Manitoba Act under consideration.

However it may appear to others, lawyers will readily comprehend what is meant by "powers and authorities" inherent in and inseparable from a Superior Court of Law, of record and of original jurisdiction, and inherent in and inseparable from a Court of Oyer and Terminer and General Gaol Delivery, and of Assize and Nisi Prius. These powers and authorities have certainly nothing to do with the definition or creation of crime, or with the criminal law, or with the procedure in criminal matters, but are referable exclusively to the administration of justice, including the constitution and maintenance "and organization of Courts both of Civil and of Criminal Jurisdiction."

It is submitted, with great deference and respect, that the expression "all the Courts of Oyer and Terminer and General Gaol Delivery in England" implies a confusion of ideas, or a misconception in respect of the Court of Oyer and Terminer and General Gaol Delivery in England. There is but one such court known to the law in England, and that Court, constituted by Royal Commission, and sitting from time to time by virtue of Commissions issued to the Common Law Judges at Westminster, whereby they and those associated with them on the various circuits in England by jurors summoned according to law, at the several Assize terms, hear and try treasons, felonies, &c., and every prisoner committed for every offence whatsoever, and clear the gaols throughout the Kingdom, directly springs from and form in fact part of the Queen's Bench. It is a Criminal Court, whose powers, authorities, rights, privileges and incidents are as well known to the English lawyer as the name and nature of the commonest offence over which it has jurisdiction

Not only are the provisions of the Act excepted to, manifestly within the legislative jurisdiction of the Province, considered in the light of the British North America Act alone, but express independent authority is equally conclusive on the same point.

By its charter, the Hudson Bay Company had power to establish a Court of original unlimited jurisdiction in matters both civil or criminal, and in or about the year 1839 such a Court was constituted for the District of Assiniboia, called the "General Court." (Judgment of Wood, C. J., in *Regina vs. Lepine*).

In 1864 by an ordinance of the Council of Assiniboia "the powers and authorities and the practice and procedure of the General Court are regulated by the laws of England, not only of the date of Her present Majesty's accession, so as they apply to the condition of the colony, but also by all such laws of England of subsequent date as may be applicable to the same; in other words, the proceedings of the 'General Court' shall be regulated by the existing laws of England for the time-being, in so far as the same are known to the Court, and are applicable to the condition of the colony."

It will be observed that the language used in the foregoing ordinance, with respect to the powers and authorities conferred upon the "General Court," are quite as large, wide and comprehensive as those excepted to in the Manitoba Act with respect to its Court of Queen's Bench.

By the last clause of Rupert's Land Act (31, 32 Vic., Chap. 105, Sec. 5) it is provided that Rupert's Land might be transferred to Canada, and that after such transfer the Parliament of Canada might make, ordain and establish within the land all such institutions, and constitute such Courts and officers as might be necessary for the peace, order and good government of Her Majesty's subjects and others therein, "provided, that until otherwise enacted by the Parliament of Canada, 'all the powers, authorities and jurisdiction' of these several Courts now established in Rupert's Land and the several officers thereof, and of all Magistrates and Justices acting within the said limits shall continue in full force and effect therein.

On the 15th July, 1870, Rupert's Land, with the Indian Territories of the North-West, was transferred to Canada, and a part of Rupert's Land was erected into the Province of Manitoba—being that part in which the General Court had jurisdiction.

On the 14th April, 1871, the Parliament of Canada passed an Act extending to Manitoba certain Acts of its Parliament relating to the Criminal Law and procedure in criminal matters; and by the 2nd Section it is enacted and declared that the Court known as the "General Court", and any Court thereafter to be established by the Legislature of Manitoba, clothed with the powers and authorities of the General Court, should have power to hear, try and determine, &c.

On the 3rd of May, 1871, a few days after the passing of the last mentioned Act, an Act was passed by the Legislature of Manitoba (34 Vic., Chap. 2) establishing a Supreme Court in this Province. The 1st Section is as follows:—

"There shall be constituted a Court of Justice for the Province of Manitoba, to be styled the Supreme Court, which shall have jurisdiction over all matters of wills and intestacy, and shall possess such powers and authorities in relation to matters of local or Provincial jurisdiction as in England, are distributed among the Superior Court of law and Equity and of Probate."

On the 21st February, 1872, (Manitoba Act 35 Vic., Chap. 3) the name of the Supreme Court is changed to that of the Queen's Bench. There are two Acts following regulating the times of the sitting of the Court, and then comes 38 Vic., Chap. 12, the Act whose provisions are impregnated as *ultra vires*, which in fact does nothing more than express in appropriate and comprehensive language what, as has been already shown, in more than one instance is found in the Ordinance of Assiniboia, in the Imperial Statutes, in the Acts of the Parliament of Canada and prior Statutes of the Legislature of Manitoba, which have never been questioned, no doubt for the obvious reason that constitutionally they were unquestionable.

It may not be inappropriate to observe what "powers and authorities" the Supreme Courts in the other Province of the Dominion possess.

The Revised Statutes of Nova Scotia, Part 3, Page 27, Section 1, reads as follows:—

“The Supreme Court shall have within this Province, the same powers as are exercised by the Courts of Queen’s Bench, Common Pleas, Chancery and Exchequer in England.”

In the Consolidated Statutes of Upper Canada, Cap. 10, Sec. 3, is found the following language:—

“The said Courts (Queen’s Bench and Common Pleas) shall be Courts of record of original and co-ordinate jurisdiction, and shall respectively possess all such powers and authorities as by the law of England are incident to a Superior Court of civil and criminal jurisdiction, and shall have use, and exercise all the rights, incidents and privileges as fully to all intents and purposes as the same are at the time this Act takes effect, used, exercised and enjoyed by any of Her Majesty’s Superior Courts of Common Law at Westminster in England, and shall and may do all things appertaining to a Superior Court of record in as full and ample a manner as on the time this Act takes effect, can or may be done in Her Majesty’s Court of Queen’s Bench, Common Bench, or in matters which regard the Queen’s revenue (including the condemnation of contraband or smuggled goods) by the Court of Exchequer in England.”

In so far as it relates to the subjects under consideration, Section five reads as follows:—

“And the Chief Justice and Justices of the said Courts, respectively, shall use and exercise all the rights, incidents and privileges of a Judge of a Court of Record, and all other rights, incidents and privileges as fully to all intents and purposes as the same are at the time the Act takes effect, used, exercised, or enjoyed by any of the Judges of any of Her Majesty’s Superior Courts of Common Law at Westminster.”

Chapter eleven of the same statutes explains what is meant by a Court of Oyer and Terminer and General Gaol Delivery, and of Assize *Nisi Prius*. It is in England incident to, springing from, and an emanation, and in fact is part of the Queen’s own Court.

Chap. 12 Sec. 25 and 26 confer upon the Court of Chancery in Ontario substantially the same equity powers, and in almost precisely the same language as are in this respect conferred upon and employed in respect of the Court of Queen’s Bench in Manitoba.

By reference to the Statutes establishing Supreme Courts of record of original jurisdiction in the other Provinces substantially the same powers and authorities are conferred upon the Courts by the same references, in the same language: but being the same in all this, it is thought it would be tiresome to make further references or citations on the subjects, and I do not think it advisable to pursue the investigation in this direction any further.

Under these circumstances, one can ill-appreciate the “gravity of the question” suggested in the criticism on the Act (38 V. C. 12) intituled, “An Act respecting the Court of Queen’s Bench in Manitoba,” unless Manitoba is to be placed in an inferior position to that conferred upon it by the British North America Act, and to that occupied by the other Provinces of the Dominion.

I am, Sir,
Your obedient servant,

(Signed) E. B. WOOD.

His Excellency,
The Lieutenant Governor,
Government House, Fort Garry.

Lieutenant Governor Trutch to the Secretary of State of Canada.

No. 32.

BRITISH COLUMBIA,
GOVERNMENT HOUSE, 23rd May, 1876.

SIR,—I have the honour to transmit for such actions as His Excellency the Governor General may be pleased to take thereon, duly authenticated copies of 29 Acts, the titles of which are set forth in the schedule hereunto annexed, to which I declared my assent in Her Majesty's name, in the Legislative Assembly, on the 19th instant.

I also enclose for His Excellency's consideration a copy of the report of my Attorney General on each several Bills.

I have, &c.,

(Signed) JOSEPH W. TRUTCH.

The Hon. the Secretary of State
for Canada, Ottawa.

Reports of Mr. Attorney General Elliott.

ATTORNEY GENERAL'S OFFICE, 18th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present Session of the Legislature, intituled: "An Act for granting certain sums of money required for defraying the expenses of Civil Government for the year, 1876, and for making good certain sums expended in the Public Service in 1875, and for other purposes."

This Act is drawn in the usual form, and is fit to receive Your Excellency's assent.

I have, &c.,

(Signed) A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 19th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present Session of the Legislature intituled: "An Act to amend the Victoria and Esquimalt Railway Act, 1876."

I see no objection to Your Excellency giving your assent to this Act.

I have, &c.,

(Signed) A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 18th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present Session of the Legislature, intituled: "An Act to provide for the better protection of cattle ranges."

This Act is not a compulsory one, that is only to be enforced on the petition of a certain proportion of the inhabitants of a district, and may be assented to by Your Excellency.

I have, &c.,
(Signed) A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE 17th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present Session of the Legislature, intituled: "An Act to authorize the issue of debentures for short temporary loans."

This Act is drawn in a fit shape to receive Your Excellency's assent.

I have, &c.,
(Signed) A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 11th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present Session of the Legislature, intituled: "An Act to repeal the 'Road Ordinance, 1869,' and amendments."

The repealed Acts have become unnecessary, owing to the fresh scheme of taxation inaugurated this Session, and the Act may be assented to.

I have, &c.,
(Signed) A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 4th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon the following Acts passed during the present Session of the Legislature, intituled respectively: "An Act to impose, levy, and collect tolls on goods carried over the trail from Telegraph Creek to the mines in the District of Cassiar," and "An Act to provide for the maintenance of the Waggon Road from Yale to Cariboo."

These Acts have been passed in order that the moneys raised thereunder may be used towards defraying the expense of improving and repairing the trails and roads leading to the mines, and for general purposes, and are similar to the Acts heretofore in force, which were repealed in the Session of 1872, and are fit to receive Your Excellency's assent.

I have, &c.,
(Signed) A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 6th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present Session of the Legislature, intituled, "An Act to provide for the services of legal process on foreign Companies carrying on business in British Columbia."

The want of a measure like this has long been felt, and the manner in which the Act deals with the subject is well-calculated to carry out the intention of the Act, which may receive Your Excellency's assent.

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

(Signed)

A. C. ELLIOTT,
Attorney-General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 12th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present Session of the Legislature, intituled, "An Act to pass, levy and collect taxes on property in British Columbia."

This Act has been passed to impose taxes on property and income; it is taken from the Ontario Act, 32 Vic., cap. 36, and is fit to receive Your Excellency's assent.

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

(Signed)

A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 17th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present Session of the Legislature, intituled, "An Act respecting the Methodist Church of Canada."

This Act is taken from, and is almost a copy of the Ontario Act, Vic. 35, cap. 107. It does not conflict with the "Religious Institutions' Ordinance, 1869," and is fit to receive Your Excellency's assent.

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

(Signed)

A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 17th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present Session of the Legislature, intituled, "An Act to amend and consolidate the Public School Acts."

The Act contains a few useful provisions, in addition to those of the old Acts, and may well receive Your Excellency's assent.

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

(Signed) A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 5th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present Session of the Legislature, intituled, "An Act to amend and explain the execution against Lands Act, 1874."

The Act exempts from the operation of the execution against "Lands Act, 1874," chattel interests, as defined in the Gold Mining Ordinance, 1867, and may receive Your Excellency's assent.

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

(Signed) A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 5th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present Session of the Legislature, intituled, "An Act respecting the challenging, and number of Jurors in Civil Cases."

This Act is passed to remedy the defect in the Jurors' Act, 1860, which only allows for favor, and is free from objection, and may receive Your Excellency's assent.

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

(Signed) A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 6th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present Session of the Legislature, intituled, "An Act to make debts and choses in action assignable at law."

This Act is almost a transcript of the Ontario Statute, 35 Vic., Cap. 12, and is in a fit shape to receive Your Excellency's assent.

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

(Signed) A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 8th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present Session of the Legislature, intituled, "An Act respecting Voluntary Conveyances."

This Act is merely a copy of the Ontario Statute, 31 Vic., Cap. 9, and may be assented to by Your Excellency.

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

(Signed) A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 8th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present Session of the Legislature, intituled, "An Act to make provisions as to Investment of Trust Funds, and appointment and powers of Trustees and Executors."

This Act is taken from the Trustees Act, 23 and 24 Vic., Cap. 145, and may receive Your Excellency's assent.

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

(Signed) A. C. ELLIOTT,
Attorney General.

Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 5th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present Session of the Legislature, intituled, "An Act to amend the Land Act, 1875."

This Act provides for compensation to be given to persons whose land or materials therefrom is required for public roads, and is fit to receive Your Excellency's assent.

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

(Signed) A. C. ELLIOTT,
Attorney General.

His Excellency The Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 5th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present Session of the Legislature, intituled: "An Act to make better provision for the qualification and registration of voters."

This Act repeals that passed last year and re-enacts, with a few slight alterations, the repealed Act of 1874, and is free from objection, and may receive Your Excellency's assent.

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

(Signed) A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 5th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present Session of the Legislature, intituled, "An Act to provide for the maintenance of Public Schools in the Province of British Columbia."

This Act imposes a tax of \$3 per head upon all male persons resident in the Province, and has been passed for the purpose of raising a revenue for the purpose of defraying the expenses of the school system in the Province, and is fit to receive Your Excellency's assent.

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

(Signed) A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 5th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present Session of the Legislature, intituled, "An Act respecting Breeding Stock." The Act as passed is almost the same as the repealed Act of 1872, except that the option of applying the Act to any particular district, heretofore given to settlers, is taken away.

The Act as it stands is free from objection, and fit to receive Your Excellency's assent.

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

(Signed) A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 8th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present Session of the Legislature, intituled, "An Act for giving to the parties to civil causes in the Supreme Court the option of having such causes tried by a Judge or Jury." This Act contains some very useful provisions and I can recommend it for Your Excellency's assent.

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

(Signed) A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 8th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present Session of the Legislature, intituled, "An Act to amend the Municipality Act, 1872, and amendment thereto." This Act contains many useful provisions and is a measure that may well receive Your Excellency's assent.

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

(Signed) A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 18th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present session of the Legislature, intituled, "An Act to amend the Licenses Act of 1867."

The Act enlarges the scope of the original ordinance, and has been passed in order to reach a class of persons doing a large business, who have hitherto evaded the payment of a license, and the Act may receive Your Excellency's assent.

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

(Signed) A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 19th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present Session of the Legislature, intituled, "An Act to further amend the Licenses Ordinance, 1867."

This is a similar Act to that already passed this Session, and is also fit to receive Your Excellency's assent.

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

(Signed) A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 8th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present session of the Legislature, intituled, "An Act respecting Boundary Fences and Watercourses."

This Act has been passed to obviate the difficulty that has frequently been felt in dealing with the various questions now provided for, and I see no objection to Your Excellency assenting to it.

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

(Signed) A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 8th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present Session of the Legislature, intituled, "An Act to amend the Power of Attorney Act, 1875."

This Act has been passed, owing to an intimation received from the Minister of Justice, that the provisions of the 7th clause of the repealed Act were beyond the power of the Local Legislature to pass. The Act as it now stands can receive Your Excellency's assent.

I have the honor to be, Sir,
Your obedient servant,
(Signed)

A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 8th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon the Act passed during the present Session of the Legislature, intituled, "An Act to amend the Gold Mining Amendment Act, 1873."

I see nothing objectionable in this Act, and can recommend it for Your Excellency's assent.

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

(Signed) A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 11th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon the Act passed during the present Session of the Legislature, intituled, "An Act to amend the Election Regulation Act, 1871."

This is a useful Act, and may be assented to by Your Excellency.

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

(Signed) A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

ATTORNEY GENERAL'S OFFICE, 11th May, 1876.

SIR,—I have the honor to report, for the information of Your Excellency, upon an Act passed during the present Session of the Legislature, intituled, "An Act for the Management of Public Works." I see no objection to Your Excellency assenting to this Act.

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

(Signed) A. C. ELLIOTT,
Attorney General.

His Excellency the Lieutenant Governor.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 4th November, 1876.

The Committee of Council have had under consideration the Report hereunto annexed, from the Hon. the Minister of Justice, having reference to Acts of the Legislature of British Columbia, passed in the first Session of the second Legislature, 39 Vic., 1876, and they respectfully submit their concurrence therein, and advise that a copy thereof, and of this Minute, be transmitted for the information of the Government of British Columbia.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 11th October, 1876.

With reference to the Acts of the Legislature of British Columbia, passed in the First Session of the Second Legislature, 30th Victoria, 1876, the undersigned begs to report as follows:—

He recommends that the following Acts be left to their operation, namely:

- Chapter 4. An Act to amend the "Election Regulation Act, 1871."
 Chapter 6. An Act for the management of Public Parks.
 Chapter 7. An Act to impose, levy, and collect Tolls on goods carried over the Trail from Telegraph Creek to the mines in the District of Cassiar.
 Chapter 9. An Act respecting the Methodist Church of Canada.
 Chapter 10. An Act to repeal the "Road Ordinance, 1869," and amendments.
 Chapter 13. An Act to authorize the issue of Debentures for short temporary loans.
 Chapter 14. An Act respecting Boundary fences and water courses.
 Chapter 15. An Act respecting Breeding Stock.
 Chapter 16. An Act to provide for the better protection of Cattle Ranges.
 Chapter 17. An Act for giving to the parties to civil causes in the Supreme Court the option of having such causes tried by a Judge or Jury.
 Chapter 18. An Act to amend and explain the "Execution against Lands Act, 1874."
 Chapter 19. An Act to provide for the service of legal process on Foreign Companies carrying on business in British Columbia.
 Chapter 20. An Act to make debts and choses in action assignable at law.
 Chapter 21. An Act respecting voluntary conveyances.
 Chapter 22. An Act to make provision as to investment of Trust Funds, and appointment and powers of Trustees and Executors.
 Chapter 23. An Act respecting the challenging and number of Jurors in Civil cases.
 Chapter 25. An Act to amend the "Land Act, 1875."
 Chapter 26. An Act to amend the "Gold Mining Amendment Act, 1873."
 Chapter 27. An Act to provide for the maintenance of Public Schools in the Province of British Columbia.
 Chapter 28. An Act for granting certain sums of money required for defraying the expenses of Civil Government for the year 1876, and for making good certain sums expended in the public service in 1875, and for other purposes.
 Chapter 29. An Act to amend the "Victoria and Esquimalt Railway Act, 1873."

With reference to Chapter 1. "An Act to amend the Municipality Act, 1872, and amendments thereto."

This Act contains several provisions with reference to licenses with respect to which the power to Local Legislatures is in controversy.

The undersigned recommends that the course hitherto pursued should be continued and the Act left to its operation.

Chapter 2. An Act to amend and consolidate the "Public School Acts."

Section 43; both by the character of the Acts with which it deals, and by the term which it applies to these Acts, namely: "offences" appears to trench upon the criminal law, and the undersigned recommends that the attention of the Lieutenant Governor should be called to this section with a view to its amendment.

Chapter 3. "An Act to provide for the maintenance of the waggon road from Yale to Cariboo."

This Act repeals the "Tolls Exemption Ordinance, 1865;" the "Tolls Exemption Ordinance 1865 amendment Act;" the "Tolls Exemption Act, 1871"; "the Thompson Bridge Act, 1864;" and the "Thompson Bridge Ordinance, 1868."

It establishes a toll of half a cent for every pound avoirdupois of goods, merchandise, stores, productions and chattels, other than those hereinafter excepted which shall respectively be carried over or across the Alexandra Suspension Bridge or the

Fraser River, within a distance of ten miles from the bridge, or carried from Clinton in the direction of Cariboo.

The 3rd Section exempts from tolls goods, merchandize, stores, productions or chattels, passing over the bridge from the direction of Cariboo towards Yale. It exempts also mining machinery, farming implements, wheat, beans, peas, oats, barley and grain of all kinds, hay, roots, vegetables and other agricultural produce the growth of the Province, and all flour and meal manufactured in the Province from wheat, beans, peas, oats, barley and grain of all kinds grown in the Province, and all cattle and all articles and things coming in the direction of the seaboard from the interior of the Province, whether intended for export or home consumption for the purpose of manufacture in the Province or any other purpose whatsoever.

The repealed ordinance, 1865, exempted from road and ferry tolls in British Columbia, on the ground that it was expedient to exempt agricultural produce of home growth from road tolls, all agricultural produce in an unprepared state, the growth of the colony.

The repealed ordinance of 1871 extended, the exemption to flour and meal manufactured from grain of all kinds, the growth of the colony.

The repealed Exemption Ordinance of 1871, recited that it was desirable to encourage the transmission of articles of export from the interior of the colony, and exempted all articles and things coming in the direction of the seaboard from the interior, whether intended for export or home consumption or for any other purpose, from liability to tolls.

It is obvious, therefore, that the Act now under consideration is in furtherance of a policy which had been pursued in British Columbia for several years; but the undersigned feels it his duty to call the attention of Council to this legislation which, in effect, places upon the consumers of imported goods the chief burden of maintaining the public roads which are established as well for the transport of articles of home production.

The undersigned does not recommend the disallowance of this Act, but he must point out that its principle might be so extended as to render it necessary to consider the question whether such legislation does not trench on the regulation of trade and commerce.

Chapter 5. "An Act to make better provision for the qualification and registration of voters."

Section 13 appears to trench upon the criminal law, and the undersigned recommends that the attention of the Lieutenant Governor be called to it.

Chapter 8. "An Act to assess, levy, and collect taxes on property in British Columbia."

The British Columbia Assembly passed in its Session of 1872, an Act to impose a Wild Land Tax, which was reserved. Upon that Act the following observations were made by the then Minister of Justice, viz:

35th Victoria, 1872. "This Act imposes a tax of four cents per acre upon all lands, with certain exceptions.

"By sub-section A, of the first clause of this Bill, lands vested in, or held in trust for Her Majesty, or for the public uses of the Province, are exempted from the tax, although under this exemption, the lands to be conveyed in trust by the Government of British Columbia to that of the Dominion, under the 11th section of the Terms of Union between British Columbia and the Dominion, will be free from the tax, it is clear that whenever these lands are conveyed to any company incorporated for the purpose of the construction of the Pacific Railway, the exemption will cease.

"Now, the imposition of so heavy a tax as four cents an acre upon this large tract of wild lands, will render it practically valueless.

"The Government of Canada are taking active steps to endeavour to induce capitalists to engage in the great undertaking of constructing a railway to connect the two oceans. The chief inducement to such capitalists is the promise of a large grant

of land in aid of the enterprise, and the imposition of such a tax upon these railway lands, would greatly diminish the prospect of a company being formed."

35th Victoria. "The Attorney General of British Columbia seems to agree with the undersigned in this opinion. Under the circumstances, therefore, the undersigned begs respectfully to recommend that the assent of Your Excellency be withheld from this Bill.

"He also begs leave to suggest that the Lieutenant Governor of British Columbia be instructed to press upon his Government the expediency of exempting these railway lands in any Act that may be hereafter passed imposing a land tax.

"He would further suggest to prevent the possibility of a doubt, that Sub-section A, above referred to, should, in any new Act, be amended by exempting lands now or at any time hereafter vested in, or held in trust for Her Majesty."

The Act was not assented to.

In 1873 the British Columbia Legislature passed an Act to impose a wild land tax by which an annual land tax of one per cent. upon the value per acre was assessed and levied upon all land, save as therein exempted. The first exemption is "land now, or at any time hereafter, vested in, or held in trust for Her Majesty or for the public uses of the Province."

This Act was left to its operation. It is by the Act now under consideration repealed and the following provisions are enacted:—

Section 8. "All land and personal property and income in the Province of British Columbia shall be liable to taxation, subject to the following exemptions, that is to say:

(1.) All property now or hereafter to be vested in or held in trust for Her Majesty, or now or hereafter to be held as Dominion Railway lands, and all lands to be conveyed to the Dominion Government under the 11th Section of the Terms of Union, or otherwise, or held by Her Majesty, or vested in any public body or body corporate, officer, or person, or trust for Her Majesty, or for the public uses of the Province; and also all property vested in or held by Her Majesty, or any other person or body corporate, in trust or for the use of any tribe or body of Indians, and either unoccupied or occupied by some person in an official capacity.

Section 9. "There shall be assessed, levied and collected from every person, and paid to Her Majesty, her heirs and successors, the sums following, that is to say:

"One-third of one per cent. on the assessed value of real estate.

Section 10. "In addition to the tax hereby imposed on real estate an annual tax of five cents per acre shall be levied upon all unoccupied land in the Province; provided that no such tax shall be levied or collected in respect of the following land:

(2.) "Land now, or at any time hereafter, vested in or held in trust for Her Majesty, or for the public uses of the Province.

(3.) "Land held for the benefit of any tribe or body of Indians."

The words "unoccupied land" mean land on which there shall not be existing improvements to the amount of \$5 per acre on each parcel of land.

It will be observed that the exemption from the fixed tax of five cents on unoccupied land is not as extensive as the exemption from the tax on the assessed value; and it might be argued to include lands "held as Dominion Railway lands, or to be conveyed to the Dominion Government under the 11th section of the terms of the Union," which are exempted from the operation of the 8th section.

The undersigned presumes that this cannot have been intended, and he suggests that the attention of the Lieutenant Governor be called to this difficulty, with a view to the amendment of the section before the period arrives for determining whether the Act should be disallowed.

Section 38 appears to trench upon the Criminal Law, and this fact should be suggested to the Lieutenant Governor.

Section 13, Schedule B.

These provisions trench on the subject of census and statistics but Provincial

legislation of a similar character has been repeatedly left to its operation, and the undersigned cannot recommend interference with this Act on that ground.

Chapter 11.—An Act to amend the "Licenses Ordinance, 1867."

The Licenses Ordinance, 1867, prohibited the carrying on of various descriptions of business, save under licenses, for which various sums were payable. The Act now under consideration provides that certain licenses must be taken out in addition to the licenses required to be taken out by the persons following the several trades, occupations, professions or businesses mentioned and set forth in Schedule A of the License Act, 1867.

The continuing validity of that ordinance is thus asserted, though the question whether it be wholly valid depends upon the question as to the regulation of trade to which the undersigned has referred as in controversy.

But the new Act raises an additional and very serious question. It requires that there shall be paid by way of license, the following sums, that is to say :

(*p.*) "By every person following the occupation of a commercial traveller, who is not a permanent resident of the Province, and is engaged in the business of selling merchandize, or of soliciting orders therefor by sample or otherwise, the sum of two hundred dollars, in advance, every year.

(*q.*) "By every person not being a permanent resident in British Columbia, and not being a commercial traveller, who trades or sells any goods whatsoever in the Province, one hundred and fifty dollars, in advance, every year. Provided, that in the Electoral District of Kootenay the sum of one per cent. only shall be paid by any person engaged in the business of packing, on the gross value of the cargo.

(*r.*) "By every person engaged in peddling or hawking any goods whatsoever in any part of British Columbia, not being farming produce of home growth, or home manufacture of any description, or fish or game, one hundred and fifty dollars, in advance, every year."

It further requires that these sums shall be paid in addition to any sums that may be imposed and collected by any municipality under any by-law passed for the same purposes.

Looking to the three sections, it seems sufficiently obvious that they are directed to, and will have the effect, of laying a duty or charge upon the sale, chiefly, if not exclusively, of imported goods, when effected by persons not permanent residents of the Province.

Section "*r*" expressly imposes a tax of \$150 on persons engaged in peddling or hawking any goods, not being farming produce of home growth, or home manufacture, or fish or game.

Section "*q*" imposes a tax of \$150 on every person, not a permanent resident in the Province, who trades or sells any goods whatsoever in the Province. This section is not in terms confined to imported goods, but it is obvious that its practical application would be chiefly to these goods. In the district of Kootenay one per cent. on the gross value of the cargo is substituted for the fixed tax.

Section "*q*" imposes a tax on every person following the occupation of commercial traveller, not a permanent resident in the Province, engaged in the business of selling merchandize or of soliciting orders by sample or otherwise, and this tax obviously, both from the description of the person and of the business, and from the circumstances of the country, implies to imported goods when sold by particular persons. The unequal and discriminatory character of these taxes and their injurious effect in the regulation of trade and commerce are very obvious.

The Act further recognizes the power of municipalities to pass by-laws for the imposition of taxes to an indefinite amount for the same purposes.

Besides the express provision of the British North America Act vesting exclusively in Canada the regulation of trade and commerce, it is to be observed that that Act vests in that Parliament the legislation on duties, customs and excise, and the funds produced thereby.

It also provides that, "all articles of the growth, produce or manufacture of any one of the Provinces shall, from and after the Union, be admitted free into each of the other Provinces."

The Local Act now under consideration appears to the undersigned, by reason of its peculiar provisions, both as to the classes of persons and the description of trade subjected to taxation, to involve an attempt to regulate trade and commerce in excess of the powers of a Local Legislature, opposed to the spirit of the Union Act, in violation of sound principles of taxation and of mischievous tendency, and he recommends that the attention of the Lieutenant Governor be called to it with a view to ascertaining whether the Local Government will agree that it should not be enforced until the next Session of the Legislature, and that legislation will then be promoted for its repeal, otherwise that it should be disallowed.

Chapter 12. An Act to further amend the "Licenses Ordinance, 1867."

This Act enacts that, in addition to the sums required to be paid by way of license in the Act recited, there shall be paid by every drover driving or bringing cattle, horses, sheep or hogs into the Province, a license of \$150 every six months, in advance.

The observations made with reference to Chapter 11 apply to this Act, and the undersigned recommends that the same course be pursued with reference to it.

Chapter 24. An Act to amend the "Power of Attorney Act, 1875."

This Act amends the 7th Section of the recited Act, by substituting for hard labor for the term of two years, any term not exceeding eighteen months. The recited Act was one upon which the undersigned, on the 5th January, 1876, reported, pointing out that this Section trenched upon the provisions of the Criminal Law, and suggesting that the attention of the Government of British Columbia should be invited to this difficulty with a view to their considering whether the Act should not be amended before the period arrives for determining as to its disallowance.

In answer to a subsequent application made to the Government of British Columbia as to their views, the Lieutenant Governor stated that the Act would be immediately amended to remove the objection taken to this section, and upon this assurance of the Government of British Columbia, the undersigned recommended that the Act should be left to its operation, which was accordingly done.

It is, however, to be observed that, notwithstanding the alteration of the penalty of two years, with or without hard labor, to eighteen months with or without hard labor, the section is still an invasion of the Criminal Law, and the undersigned recommends that the attention of the Lieutenant Governor should be called to the propriety of inviting its amendment.

(Signed) EDWARD BLAKE,
Minister of Justice.

Lieutenant Governor Hodgson to the Secretary of State of Canada.

PROVINCE OF PRINCE EDWARD ISLAND,
GOVERNMENT HOUSE, 15th June, 1876.

SIR,—I have the honor to transmit, in duplicate, an Act, cap. 3, intitled, "An Act further securing the independence of the General Assembly," passed in the late Session of the Local Legislature, duly certified and sealed under the Provincial Great Seal, and also to transmit therewith, in duplicate, reasons assigned by the Solicitor General, in the absence of the Attorney General, for its passing, to which Act my assent was given.

The period for which the present House of Assembly is elected, as defined by Statute, will expire in the month of April next, and my Government have informed me that it is their intention to advise a dissolution, in order that a general election may take place in the month of August next, which, they assert, will be the time most convenient to the constituency for such purpose.

Under these circumstances, it is very desirable that His Excellency the Governor General's pleasure should be pronounced upon the Act in question previous to a

dissolution, as effecting the status of persons eligible for seats in the Local Legislature, and I therefore beg to express the hope that it may be convenient for His Excellency to signify his pleasure thereupon at an early day.

I have, &c.,

(Signed)

R. HODGSON,
Lieut. Governor.

The Honorable the Secretary of State,
Ottawa.

Reasons of Mr. Solicitor Sullivan.

SOLICITOR GENERAL'S OFFICE,
CHARLOTTETOWN, PRINCE EDWARD ISLAND,
June 15th, 1876.

Reasons for enacting the following Statute, 39th Victoria, Cap. 3: "An Act further securing the independence of the General Assembly."

This Act was passed, as its title indicates, for the purpose of securing the independence of the General Assembly of this Province. Previous to its enactment there was no limit to the number of officials or persons in public employments, who might hold seats in the Local Legislature, many of whom under the then existing law were not required to seek re-election on obtaining such appointments, nor was there any law preventing persons from holding seats in the Provincial Legislature whilst being Members of the Senate or of the House of Commons of Canada. This state of things was considered derogatory to the independence of the Local Legislature, and the above-mentioned Statute was enacted for the purpose of limiting the number of officials and others in public employment, who may hold seats in the General Assembly, as well as of abolishing dual representation.

The Act also contains ordinary, and what have been deemed necessary, provisions for the regulation of the mode in which the Speaker and other Members of the Assembly may resign their seats.

(Signed)

W. W. SULLIVAN,
Solicitor General.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 21st July, 1876.

On the recommendation of the Hon. Mr. Scott, acting in the absence of the Minister of Justice, the Committee advise that the right of disallowance in regard to the Act of the Legislature of Prince Edward Island, chaptered 3, and intituled: "An Act further securing the independence of the General Assembly," be not exercised.

Certified,

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 24th June, 1876.

The undersigned has the honor to report:—

That by a despatch of the 15th June instant, (No. 23) the Lieutenant Governor of the Province of Prince Edward Island transmits an Act passed in the last Session of that Island.

Chapter 3, intituled, "An Act further securing the independence of the General Assembly," together with the reasons assigned by the Solicitor General for its passing, to which Act the Lieutenant Governor had given his assent.

The Lieutenant Governor, under the circumstances mentioned in his despatch, expresses a hope that the pleasure of the Governor General may be pronounced thereupon at an early day.

Upon perusal of the Act, and of the report of the Solicitor-General of Prince Edward Island, the undersigned has the honor to recommend that the right of disallowance in regard to this Act of the Legislature of Prince Edward Island, Chapter 3, and intituled; "An Act further securing the independence of the General Assembly," be not exercised.

(Signed) H. BERNARD,
Deputy Minister of Justice.

I concur.

(Signed) R. W. SCOTT,
Acting Minister of Justice.

Lieutenant Governor Hodgson to the Secretary of State of Canada.

PROVINCE OF PRINCE EDWARD ISLAND,
GOVERNMENT HOUSE, 21st June, 1876.

SIR,—I have the honor to transmit herewith, in duplicate, certified and sealed under the Provincial Great Seal, an Act, cap. 5, intituled, "An Act to facilitate the purchase of the Estates of Proprietors, under the Land Purchase Act, 1875," passed in the late Session of the Local Legislature, with reasons assigned by the Solicitor General, in the absence of the Attorney General, for its passing also in duplicate, to which Act my assent was given. The Act in question will be a valuable auxiliary to the Land Purchase Act of 1875, and its preamble, together with the Solicitor General's reasons, lucidly explain its object, and, as several of the proprietors are desirous to avail themselves of its provisions, I venture to express the hope that it will receive the favourable consideration of His Excellency the Governor General, and that it may be convenient for His Excellency to signify his consideration at an early period.

I have, &c.,

(Signed) R. HODGSON,
Lieutenant Governor.

The Honorable the Secretary of State,
Ottawa.

Reasons of Mr. Solicitor General Sullivan.

SOLICITOR GENERAL'S OFFICE,
CHARLOTTETOWN, P. E. ISLAND,
19th June, 1876.

Reasons for passing the following Act, 39th Victoria, Chap. 5. "An Act to facilitate the purchase of the estates of proprietors under "The Land Purchase Act, 1875."

This Statute empowers the Commissioner of Public Lands, on behalf of the Provincial Government, to accept voluntary conveyances from proprietors for whose lands awards have been made under "The Land Purchase Act, 1875." In that Act there is no provision authorizing such conveyances, and several proprietors having

expressed their willingness to execute deeds on payment to them of the sums awarded in their favour. This Act was passed to legalize such conveyances and payments.

(Signed) W. W. SULLIVAN,
Solicitor General.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 21st July, 1876.

On the recommendation of the Hon. Mr. Scott, acting in the absence of the Minister of Justice, the Committee advise that the right of disallowance by Your Excellency of an Act of the Legislature of Prince Edward Island, passed on the 29th April, 1876, and intituled, "An Act to facilitate the purchase of the estates of proprietors under The Land Purchase Act, 1875," be not exercised.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,

OTTAWA, 30th June, 1876.

Reference is made of a despatch of Sir Robert Hodgson, Lieutenant Governor of Prince Edward Island, enclosing certified copy of an Act passed by the Legislature of that Island, 39th Vic. Cap. 5, being "An Act to facilitate the purchase of the estates of proprietors under the Land Purchase Act, 1875."

The despatch also transmitted the report of the Solicitor General with reasons for its passage.

The Lieutenant Governor remarks that the Act in question will be a valuable auxiliary to the Land Purchase Act, 1875, and that as several of the proprietors are desirous of availing themselves of its provisions, he ventures to express the hope that it will receive the favourable consideration of the Governor General, and that it may be convenient for His Excellency to signify such his consideration at an early period.

The report of the Solicitor General states, that the Statute empowers the Commissioner of Public Lands to accept voluntary conveyances from proprietors for whose lands awards have been made under the Land Purchase Act, 1875.

In that Act there is no provision authorizing such conveyances, and several proprietors have expressed their willingness to execute deeds on payment to them of the sums awarded in their favour. This Act was passed to legalize such conveyances and payments.

Such is the effect also of the preamble to the Act which is borne out by the details of the Act itself.

The undersigned recommends, therefore, that the right of disallowance by His Excellency the Governor General, of an Act of the Legislature of the Province of Prince Edward Island, passed on the 29th April, 1876, and intituled, "An Act to facilitate the purchase of the estates of proprietors under the Land Purchase Act, 1875," be not exercised.

(Signed) R. W. SCOTT,
Acting Minister of Justice.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 19th September, 1876.

The Committee of Council have had under consideration the memorandum hereunto annexed, from the Hon. the Minister of Justice, having reference to certain Acts passed by the Legislature of Nova Scotia, in the 1st Session of the 27th Assembly, 38 Vic., 1875, and recommending that the power of disallowance be not exercised as regards certain of the said Acts therein mentioned, and submitting observations respecting certain other of the said Acts to which he recommends that the attention of the Lieutenant Governor of Nova Scotia be called.

The Committee advise that the Acts reported by the Minister of Justice to be unobjectionable be left to their operation, and that as regards the other Acts alluded to in a copy of the said memorandum, in which the Committee concur, be transmitted to the Lieutenant Governor of Nova Scotia.

Certified.

(Signed) W. A. HIMSWORTH
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,

OTTAWA, 15th September, 1876.

With reference to the Acts passed by the Legislature of Nova Scotia, in the first Session of the 27th Assembly, 38 Vic., 1875, the undersigned begs to recommend that the power of disallowance be not exercised as to the following Acts:—

1 to 24 inclusive, 26 to 28 inclusive, 30 to 65 inclusive, 67 to 74 inclusive, 80 to 88 inclusive, 93 to 116 inclusive.

With reference to Chapter 25, intituled: "An Act for amending the law relating to Election Petitions, and for providing more effectually for the prevention of corrupt practices at elections," the 74th section enacts that no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will tend to criminate himself, shall be allowed in any criminal proceeding against such person other than an indictment for perjury, if the Judge gives a certificate.

This provision would be *ultra vires* with respect to any rate to any criminal proceedings taken under the law of Canada. Nevertheless, the undersigned, while recommending that the attention of the Lieutenant Governor should be called to this objection, with a view to considering the propriety of proposing an amendment, does not recommend that the power of disallowance should be exercised.

With reference to Chapter 29, intituled, "An Act to continue the Acts of Incorporation of wharf, pier, and breakwater Companies," this Act provides that all Acts of incorporation of wharf, pier, or breakwater Companies, whether temporary or perpetual, heretofore passed by the Legislature of Nova Scotia, and now in force, are hereby continued and made and declared perpetual. The 3rd section provides, that nothing herein shall be construed to contravene or conflict with the British North America Act, 1867, or with any legislation (*intra vires*) of the Parliament of Canada. This Act does not appear free from objection. Presumably some of the wharf, pier and breakwater Companies whose charters were in force at the time of its passing had been given powers which could not be continued by the Legislature of Nova Scotia, and could be dealt with only by the Parliament of Canada. However, to the extent to which the first section of the Act might appear to continue such powers, it is of course, void, and considering this in connection with the character of these Companies, and with the third section limiting the construction of the Act, and preventing the Act from being construed so as to conflict with the British North America Act or any legislation of the Parliament of Canada, it is not likely that much confusion or embarrassment may result from the Act being left to its operation. The undersigned upon the whole, while recommending that the attention of the Lieutenant Governor

of Nova Scotia should be called to the difficulty, does not recommend that the power of disallowance should be exercised.

With reference to chapter 66, "An Act to incorporate the Louisburg Extension Railway Company;" the 11th section gives power to the Company to construct a railway over, under and across any harbour, &c. The 18th section provides that nothing in the Act contained shall be construed to authorise or empower the Company to interrupt, hinder or prevent the navigation of any navigable river or other navigable water. It is possible that this exception is not quite as wide as it ought to be, having regard to the rights in respect of public harbours which are vested in Canada, but the Act will of course be inoperative to give powers to interfere with these rights, and upon the whole the undersigned does not recommend that it should be disallowed.

Chapter 75. "An Act to incorporate the Protheroe Coal and Railway Company." The 12th section is open to observations such as those which have been made with reference to chapter 66; but the proviso in the 16th section is the same as the restrictive clause in that Act, and the undersigned does not recommend the disallowance of the Statute.

Chapter 76. "An Act to incorporate the Globe Marine Insurance Company." By the 11th section of this Act "the Company may, at their office in Halifax, commence and conduct the business of Marine Insurance on steamships, sailing vessels and freights only, and may transact the business of a Marine Insurance Broker; Insurer or Underwriter."

Chapter 77. "An Act to continue and amend the Acts relating to the Nova Scotia Marine Insurance Company."

By this Act the original Act of incorporation, being chapter 20 of the Acts of 1837, as amended, is continued and made perpetual. The original Act, which is to be found at p. 235 of the Private and Local Acts of Nova Scotia, appears to have been passed in the year 1835, and, by the 20th section, the Company is authorized to "commence and carry on, in their office in Halifax, or elsewhere in this Province, the business and operations of Marine Insurance, in all its branches, and shall and may receive and accept orders, directions and proposals for insurance, and make insurance upon all ships and vessels whatsoever, in port or at sea, or for or upon any voyage or adventures whatsoever, and for and upon all goods, merchandize, property and effects whatsoever; and all money, coins, bullion or other valuable things whatsoever in and upon any such ship, laden or to be laden, and in and upon the freight of goods or merchandize carried or to be carried upon any ship or vessel, or on any voyage whatsoever; and also upon moneys lent or advanced upon bottomry or respondentia, and upon expected profits and commissions or adventures by sea, and upon all subjects of marine insurance whatsoever; and the same shall and may insure against all losses, perils and dangers whatsoever of the seas, fire, enemies thieves and other risks of the seas and navigation usually insured against by underwriters, and either for or during the respective voyage, or any time or times whatsoever.

These powers do not appear to be limited by any of the amending Acts.

Chapter 78. "An Act to incorporate the Maitland Marine Insurance Company."

By the 11th Section of this Act, the Directors of the Company "may, at their office in Maitland, commence and conduct the business of marine insurance in all its branches, and may make insurance upon all subjects of marine insurance whatsoever, and may transact all matters to the business of a marine insurance broker, insurer or underwriter.

Chapter 79. "An Act relating to the Union Marine Insurance Company of Nova Scotia."

By this Act the Act incorporating this Company as altered and amended is continued in force for twenty years. The Act of incorporation was passed on the 20th March, 1838, and is to be found at page 253 of the Private and Local Acts of Nova Scotia. By the 21st Section the Company may "commence and carry on in their office in Halifax, or elsewhere in this Province, the business and operations of marine

insurance in all its branches, and shall and may receive and accept orders, directions and proposals for insurance, and make insurance upon all ships and vessels whatsoever in port or at sea, or for and upon any voyages or adventures whatsoever, or for and upon all goods, merchandize, property and effects whatsoever, and for and upon all money, coins, bullion or other valuable things whatsoever, in and upon any such ship laden or to be laden, and in and upon the freight of goods or merchandize carried or to be carried upon any ship or vessel or on any voyage whatsoever."

With reference to these Acts, Chapters 76, 77, 78 and 79, the undersigned would refer to his approved report of 27th October, 1875, upon the Prince Edward Island Act to incorporate the Merchants' Marine Insurance Company of Prince Edward Island, which report contains the following language:

"It appears, to the undersigned, that, under the express language of this clause, it is attempted to give the Company power to do an insurance business with persons not residents of the Province in respect of risks on vessels not touching Provincial ports, in a word, to do a universal insurance business. The power of Provincial Legislatures to incorporate insurance companies is to be found, if at all, in the 11th sub-section of the 92nd Section, British North America Act, 1867, which gives to the Local Legislature authority to make laws for the incorporation of companies with Provincial objects. It appears to the undersigned, that the powers attempted to be conferred on this company are beyond any fair construction of these words."

The undersigned would also refer to his approved report of 16th November, '75, with reference to the Ontario Act to incorporate the Canada Fire and Marine Insurance Company, which report contains the following language:

"The powers professed to be conferred by this Act appear, to the undersigned, too wide. It authorizes the company to effect policies of fire insurance with any persons or bodies corporate and to make contracts of marine insurance with any persons in respect to losses to vessels navigating any waters from or to any ports. It is not provided that the chief place of business shall be in the Province. Power is given to comply with the laws of other Provinces or States wherein the Company may carry on business, and the word "Canada" introduced into the name, is of itself indicative of more than Provincial power. On the 31st March, 1875, Chapter 82 of the Statutes of Nova Scotia for 1874 was disallowed upon grounds applicable to this Act."

Much of the language quoted appears to apply to all the Acts now under consideration. Chapter 76 indeed does not expressly authorize the doing of a universal insurance business, though its language is wide enough for such an interpretation, but the corporations created or perpetuated by the remaining Acts are expressly authorised to do a universal marine insurance business.

The undersigned recommends that the attention of the Lieutenant Governor of Nova Scotia should be called to the suggested difficulties, with an intimation that subject to such observations as he may make, it would seem that these Acts cannot be left to their operation.

Chapter 89. "An Act to incorporate the Colchester Lumber Driving and Manufacturing Company." This Act authorises the Company to build dams, sluices and breakwaters, and otherwise improve Little River in Brookfield in the County of Colchester, and its tributaries, so as to make the same navigable for logs, timber and lumber, and to levy tolls for conveying logs, timber and lumber down such river and its tributaries, and it provides for a lien on all logs, &c., passing through the dams, &c., and for the enforcement of such lien. The 6th Section provides that nothing in the Act contained shall be construed to authorize the Company to interrupt, hinder, or prevent the navigation of any navigable river or other navigable waters.

Chapter 90. "An Act to incorporate the St. Margaret's Bay Lumber and Timber Driving Company." This Act gives substantially the same powers with reference to the Ingraham and Indian Rivers and their tributaries.

Chapter 91. "An Act to incorporate the Cumberland Driving Company."

This Act gives substantially the same powers with reference to the Moose River, Apple River, Half-Way River and River Hebert, save that the power to levy tolls is confined to levying tolls for conveying logs, &c., down such of the river as the Company shall have so improved as to make navigable for logs, timber and lumber.

Chapter 92. "An Act to incorporate the Liscomb River Driving Company." This Act gives substantially like powers as are given by Chapters 89 and 90 with reference to the East and West Branches of the Liscomb River and their tributaries, but it does not contain the restrictive clause providing against the Company being authorized or empowered to interrupt the navigation of any navigable water.

The undersigned is not aware whether any of the rivers referred to in these Acts is, to any extent, at present navigable. If so, none of the Acts can be said to be wholly unobjectionable, as they appear to authorize the Companies to levy tolls not merely for the conveyance of the logs through the improvement, but also for their passage down those parts of the rivers which are navigable. It is further to be observed that it might become an important question whether works of this kind should be constructed under local authority in important navigable rivers, the navigation of which might, by a small expenditure, be improved. Chapter 92 is open to the additional objection that the restrictive clause is not inserted. It is presumed that none of these rivers are of great importance and that no serious embarrassment will result from the operations of the Companies. Of course they do not, in law, acquire by these local Acts any power to interfere with the free navigation of such parts of the river as are navigable, and, upon the whole, the undersigned submits, that notwithstanding the difficulties to which he has referred, they may be left to their operation, the attention of the Lieut. Governor being called to the difficulty.

(Signed) EDWARD BLAKE.

Lieutenant Governor Archibald to the Secretary of State of Canada.

GOVERNMENT HOUSE,
HALIFAX, N.S., 7th October, 1876.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 21st of September last, enclosing copy of an order of the Honorable the Deputy of the Governor General in Council, and of the report of the Honorable the Minister of Justice therein referred to, on the subject of the Acts passed by the Legislature of the Province of Nova Scotia, in the Session of 1875, and, in reply, beg to say that I have called the attention of my Cabinet to the objections made by the Honorable the Minister of Justice to certain clauses in the Acts specified in his memorandum, as to which, notwithstanding his objections, he does not recommend the Acts to be disallowed.

In reference to several Acts referring to Life and Marine Insurance, I have asked the Attorney General to let me know whether there is, in his judgment, any way by which the objections made by the Honorable the Minister of Justice to these Acts, can be met, without preventing their going into operation.

So soon as I receive his answer I shall communicate the result for the consideration of the Honorable the Minister of Justice.

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

(Signed) ADAMS G. ARCHIBALD,
Lieutenant Governor.

The Honorable
The Secretary of State, Ottawa.

Mr. Secretary Hill to the Hon. the Minister of Justice.

PROVINCIAL SECRETARY'S OFFICE,
HALIFAX, N.S., 18th October, 1876.

SIR,—I have the honor to acknowledge the receipt from His Honor the Lieutenant Governor, of a copy of a despatch from the Hon. the Secretary of State, under date September 21st, enclosing copy of an order of the Hon. the Deputy of the Governor General in Council, and of the report of the Honorable the Minister of Justice therein referred to, on the subject of the Acts passed by the Legislature of Nova Scotia in the 1st Session of the 27th Assembly, 38 Victoria, 1875.

I have carefully read the order and report; and with regard more particularly to the Act incorporating Marine Insurance Companies, or amending such Acts previously enacted, I would beg to call your attention to the fact, that a period of eighteen months has elapsed since the Acts referred to were passed, and that many liabilities, amounting in the aggregate to a very large sum, have been entered upon by the several companies supposed to be empowered to do so. Were the Acts now to be disallowed almost endless confusion and embarrassment would result, which it would be desirable to avoid if possible.

The reasons given in your report for believing that the powers assumed to be conferred on the several Companies are *ultra vires* of the Provincial Legislature, are doubtless very strong; and it appears to me that in such cases the only remedy will be for the Dominion Parliament to pass an Act ratifying and confirming the provisions of the local Acts, at its next Session.

Should you approve of this course, I would further suggest that the Acts be not officially published as disallowed; so long a time having elapsed since the passing of the Acts, no great injury can occur from the continuance of the same state of things until Parliament meets.

I do not see that the Legislature of this Province can remedy the defects in the Acts, for the same reason which would render the Acts already passed inoperative. It appears to me, therefore, that the power to apply a remedy lies in the Legislature of the Dominion alone; power to issue policies on voyages to or from the Province only would so restrict the business as to render it not worth undertaking.

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

(Signed) P. CARTERET HILL.

The Hon. EDWARD BLAKE,
Minister of Justice.

Telegram from Mr. Secretary Scott to the Lieutenant Governor of Nova Scotia.

DEPARTMENT OF SECRETARY OF STATE,
OTTAWA, 21st October, 1876.

(Immediate.)

To Lieutenant-Governor Archibald,
Halifax, Nova Scotia.

Letter of Provincial Secretary received. Unless your Government undertakes, by telegraph, on Monday, to promote amendatory legislation next Session concerning Insurance Acts, they will be disallowed; time expires next week. Companies interested must apply to Parliament in usual way if they desire Canadian legislation; same course adopted with Ontario Company last Session.

(Signed) R. W. SCOTT,
Secretary of State

Telegram in reply from the Lieutenant Governor of Nova Scotia, to the Honorable the Secretary of State.

HALIFAX, 23rd October, 1876.

I have submitted your message to the Government, who undertake at next meeting of the Assembly to promote legislation amending the Insurance Acts in the sense indicated in the memo. of the Minister of Justice, and in such form as he shall suggest, and Companies requiring Canadian legislation will apply for charters at Ottawa.

(Signed) A. G. ARCHIBALD.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 27th October, 1876.

The Committee have had before them a report, dated 24th October, 1876, from the Hon. the Minister of Justice, having reference to certain Acts passed by the Legislature of the Province of Nova Scotia, in the 1st Session of the 27th Assembly, 1875 (38 Victoria) chaptered 76, 77, 78, and 79 and relating to Insurance Companies, and, for the reasons stated in the said report, they advised that the right of disallowance be not exercised in respect of the said Acts.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 24th October, 1876.

The undersigned calls attention to the report of the Minister of Justice of the 15th September last, with reference to the Acts passed by the Legislature of Nova Scotia, in the 1st Session of the 27th Assembly, 38th Victoria (1875), with special reference to,

Chapter 76. An Act to incorporate the Globe Marine Insurance Company.

Chapter 77. An Act to continue and amend the Acts relating to the Nova Scotia Marine Insurance Company."

Chapter 78. An Act to incorporate the Maitland Marine Insurance Company.

Chapter 79. An Act relating to the Union Marine Insurance Company of Nova Scotia.

In that report the Minister recommended that the attention of the Lieutenant Governor of Nova Scotia should be called to the difficulties suggested by him, with an intimation, that subject to such observations as he might make, it would seem that these Acts should not be left to their operation.

In reply to the communication from the Secretary of State to the Lieutenant Governor, as suggested in the report, the Provincial Secretary of Nova Scotia communicated with the Minister of Justice by letter, dated 18th October instant. In reply, a telegram was sent by the Secretary of State to the Lieutenant Governor, in the following words:—

"Letter of Provincial Secretary received. Unless your Government undertakes, by telegraph, on Monday, to promote amendatory legislation next Session, concerning Insurance Acts, they will be disallowed. Time expires next week. Companies interested must apply to Parliament in usual way if they desire Canadian legislation. Same course adopted with Ontario Company last Session."

In reply to that telegram, the Secretary of State, on the 23rd instant, received from the Lieutenant Governor a telegraphic despatch as follows:—

“Have submitted your message to the Government, who undertake at next meeting of Assembly to promote legislation, amending the Insurance Acts in the sense indicated in the Memorandum of the Minister of Justice, and in such form as he shall suggest, and companies requiring Canadian legislation will apply for charters at Ottawa.”

The undersigned recommends that, on the representations and assurances given by the Government of Nova Scotia, with reference to the four Acts hereinbefore alluded to, that the right of disallowance be not exercised in respect of such Acts.

(Signed) R. W. SCOTT,
Acting Minister of Justice.

Lieutenant Governor Archibald to the Hon. the Secretary of State of Canada.

GOVERNMENT HOUSE,
HALIFAX, N. S., 23rd October, 1876.

SIR,—Adverting to your despatch No. ²⁰⁰¹/₁₀₃₅, of 1875, under date of the 21st ultimo, on the subject of the Report of the Honorable the Minister of Justice on certain Acts of the Legislature of Nova Scotia, passed in the year 1875, of which and of the Order in Council confirming the same, copies were enclosed, and to my reply thereto, under date of the 7th instant, in which I stated that I had called the attention of my Government to the objections to said Acts made by the Honorable the Minister of Justice.

I have now the honor to inform you, that I learn from the Honorable the Provincial Secretary that on the 18th instant, he addressed a letter to the Honorable the Minister of Justice in reference to various points contained in the memorandum in question, and that he has received some telegraphic despatches from the Minister on the subject, urging prompt action on the part of the Local Government.

As this correspondence did not pass through the regular official channel, I have directed Mr. Hill to furnish me a copy of his letter to the Minister, which I enclose hereafter in order that the correspondence may be passed on record.

I have also the honor to acknowledge the receipt of your telegraphic message of the 21st instant, in reference to the subject-matter of the memorandum and Order in Council, informing me that unless my Government undertook by telegraph, on the following Monday, to promote legislation concerning Insurance Acts, they would be disallowed.

Immediately on receipt of your message on Saturday last, I placed it in the hands of the Premier of the Province, and to-day the Government came to the conclusion to promote, at the next Session of the Assembly, such amendments to the Insurance Acts referred to in the memorandum, as would remove the objections entertained by the Honorable the Minister of Justice, and bring their provisions within the scope of the jurisdiction of the Local Legislature as interpreted by the Minister.

I accordingly despatched to you this morning a telegraphic message in that sense, and for fear of any errors in transmission, now have the honor to enclose you a copy of the same.

It is the intention, I understand, of the Companies incorporated under the Act to which the memorandum refers, to apply for incorporation to the Legislature at Ottawa.

I have, &c.,

(Signed) ADAMS G. ARCHIBALD,
Lieutenant Governor.

Lieutenant Governor Archibald to the Secretary of State of Canada.

GOVERNMENT HOUSE,
HALIFAX, N.S. 8th Nov., 1876.

SIR,—I have the honor to acknowledge the receipt of your despatch No. $\frac{2245}{1035}$, of 1875, under date of the 30th ultimo, referring to the correspondence by telegraph, and otherwise, between your department and myself, on the subject of certain Acts of the Legislature of Nova Scotia, passed in the Session of 1875, incorporating Insurance Companies, with its enclosures of a copy of a memo. of the Acting Minister of Justice made subsequently to such correspondence, and referring thereto on the subject of the said Acts, and of the Order of His Excellency the Governor General in Council in reference to said memo., in which it is stated that the Crown, for the reasons set forth, will not exercise the right of disallowance of said Acts.

I have now the honor to acquaint you, for the information of His Excellency the Governor General, that I have placed copies of the whole of these documents in the hands of my Ministry, who will be prepared to promote such legislation at the next Session of the Assembly as will remove the objections made by the Honorable the Minister of Justice to the Acts in question.

I have, &c.,

(Signed) ADAMS G. ARCHIBALD,
Lieutenant Governor.

The Honorable the Secretary of State,
Ottawa.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by the Deputy of His Excellency the Governor General in Council on the 7th October, 1876.

The Committee in Council have had under consideration the Report dated 6th October, 1876, from the Honorable the Minister of Justice, having reference to the statutes of the Legislature of Manitoba, passed in the Session thereof, held in the year 1875, 38th Victoria, and the concur in the several recommendations and suggestions therein contained, and submit the same for approval.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 6th October, 1876.

With reference to the Statutes of Manitoba, passed in the first Session of the Second Parliament, 38 Victoria, 1875, the undersigned begs to report as follows:—

Chapters 1, 3, 4, 23, 24, 25, 28, 29, 32, 34, 36, 38, 39, 40, 42, 43, 44, 45, 47, 48, 49, 51 and 52, do not appear to call for observation or for the exercise of the power of disallowance.

Chapter 2. "An Act respecting the election of Members of the Legislative Assembly of the Province of Manitoba." The heading of the first part is "Parliamentary Electors." The same phrase occurs before the 12th section, and in the latter part of the 13th Section, which provides that the list thereby established shall be the list of parliamentary electors for the electoral division. With reference to this phrase the undersigned refers to the report of the Minister of Justice, of July 1st, 1868, upon Chapter 30 of 31st Victoria of the Statutes of Ontario, in which report there is contained with reference to the same phrase the following observations:—

“ The 41st Section of the Union Act provides that all the laws of the several provinces relating to Parliamentary elections, in force at the time of the Union, shall remain in force until the Parliament of Canada otherwise provides.”

“ If the clause in question is intended merely to apply to elections for the Legislative Assembly of Ontario, it is inaccurate in expression.”

“ To avoid confusion, the Union confines the name of Parliament to the General Legislature, the Provincial legislative bodies are styled uniformly as Legislatures.”

“ The undersigned recommends that the attention of the Government of Ontario be called to this section, and suggests that the same should be amended so as to limit it expressly to elections for the Legislature of Ontario.”

The undersigned recommends that the attention of the Lieutenant Governor of Manitoba should be called to the use of this phrase, with a suggestion that it should be amended so as to limit it expressly to electors for the Legislative Assembly of Manitoba.

Section 32. It may be questionable whether some falsifications of the electors lists may not be crimes within the meaning of the law of Canada, in which event it would seem *ultra vires* of the Local Legislature to deal with them.

In Sections 33 and 34, and in other parts of the Act is used the phrase “ Parliamentary Electors ” already referred to.

Section 166 amongst other things embraces a penalty for the offence of forgery, and is so far clearly *ultra vires*.

Sub-section 3 imposes a penalty for the offence of destroying, taking, opening or manipulating, without authority, any ballot box or parcel of ballot papers used or to be used at an election, or attempting to commit such offence. These may be criminal acts within the meaning of the Criminal Law of Canada, the Act relating to malicious injury to property, 32 and 33 Victoria, Chap. 22, Sec, 59.

Sections 185 and 205 may also to some extent trench upon the Criminal Law.

Section 206 provides punishment for the offence of inducing any one to take a false oath. This is clearly subornation of perjury, a criminal offence under the law of Canada, and provided for by 32 and 33 Vic., Chapter 23, and the legislation seems *ultra vires*.

Section 235. Some of the provisions in this section seem also to trench upon the Criminal Law.

Section 237 provides that every punishment, by way of fine or imprisonment, imposed by the Act shall be, in addition to any punishment that may be inflicted by the Parliament of Canada, for the same offence. This section, in terms, acknowledges that some, at any rate, of the Acts which are to be punished under the law are crimes within the Criminal Law, and that the Legislation is, therefore, *ultra vires*.

The undersigned observes that prior Legislation of the other Provinces has, although objectionable in some of the particulars to which he has called attention, been suffered to pass without observation, and, upon the whole, he does not recommend the disallowance of this Act. There is, however, a growing tendency towards the invasion of the Criminal Law by Local Legislatures which is obviously objectionable, and he suggests that the attention of the Lieutenant Governor should be called to the Act now under consideration, with a request that he would move his Government to recommend to the Legislature a measure repealing such sections as trench upon the Criminal Law.

Chapter 20. “ An Act respecting the storage of gunpowder in and near the incorporated towns and cities in the Province.” This Act involves some questions which have been raised with reference to other Acts left to their operation, and the undersigned recommends that the same course should be pursued with reference to this Act.

Chapter 21. “ An Act respecting Building Societies.” The second section of this Act provides that:—“ Every such society may receive from any member any sum of money by way of bonus on any share for the privilege of receiving the same in advance, prior to its being realized, besides interest for the share so received or any part thereof without being held thereby to contravene any law relating to usury.”

This appears objectionable as purporting to affect the question of interest, the law of which is exclusively within the province of Parliament of Canada.

Section 11 authorizes loans or advances to members or others, and the receipt of bonuses, besides interest, without being subject on account thereof to any forfeiture or penalty, and is open to the same objection.

Section 16. This section provides that if any person having in his possession, by virtue of any office to which he is appointed by a society, any of its moneys or effects becomes bankrupt or insolvent, his assigns or other persons having the legal right, shall, within fifteen days after demand, deliver over all things belonging to the society, and pay out of the estate's assets or effects of the person, all sums of money remaining due, which such person received by virtue of his office, before any of his other debts are paid or satisfied, and that all his assets, estates and effects shall be bound to the payment and discharge thereof accordingly, except that the same shall not be paid or satisfied to the prejudice of mortgages or privileges on real estate, or of heirs or privileges on personal estate only, duly executed previous to the appointment of such officer. This section appears to affect the law of insolvency, and is on this ground objectionable.

Section 17 provides that all property, &c., of the society shall, for all purposes of action or suit, civil or criminal, be taken to be the property of the society, and that the society may, by its name, bring criminal prosecution. This section appears objectionable, as trenching upon Criminal Law.

Section 18 makes the Secretary of the society a competent witness in all actions, suits and prosecutions to which the Society is a party, and is objectionable on the same ground as the former section.

The undersigned recommends the attention of the Lieutenant Governor of Manitoba should be called to these observations, with a view to the repeal of the objectionable clauses.

Chapter 22, Section 26, appears wide enough to empower the Lieutenant Governor to authorize the removal from the Province of a criminal confined in gaol for crime, or sent after conviction to an asylum for the insane, and so is objectionable, as trenching on the Criminal Law. The undersigned recommends that the attention of the Lieutenant Governor should be directed to this clause, with a view to its amendment.

Chapter 27. "An Act further to amend the Act to establish a system of Education in this Province."

Section 11 provides, that if a school trustee or other person knowingly signs a false report, or if a teacher keeps a false school register, or makes a false return with a view of obtaining more than a just proportion of school moneys, he shall forfeit \$20, and be liable to imprisonment in the common gaol. This seems rather to trench upon the Criminal Law, as being an attempt to commit the crime of obtaining money under false pretences, and would of course apply to a case in which that crime had been actually committed. Similar provision has, however, been permitted to pass without objection in the case of another Province, and the undersigned, under the circumstances, recommends that the attention of the Lieutenant Governor should be called to the section, with a view to its amendment.

Chapter 30. "An Act to amend the Act of 1873 to regulate the sale and traffic of intoxicating liquors."

Some of the provisions of this Statute may be open to the objections which have been taken in the case of an Act upon the same subject passed by the Legislature of Ontario. These objections are still *sub judice* and the Act referred to having been left to its operation, the undersigned recommends that a similar course be taken in this case.

Chapter 31. "An Act respecting Municipalities." Section 20 exempts certain classes of real estate from municipal taxation. Amongst them is (sub-section 1) "real estate vested in or held in trust for Her Majesty, or for the public uses of the Province;" and (sub-section 5), "the following property of the Canada Pacific Railway Company, the buildings, etc., except the lands granted or to be granted by

any Government in aid of the said Railway." It is presumed that this clause is not intended to apply to lands for the purpose of the grant in aid of the construction of the work, and not yet granted. It would be objectionable to permit the taxation of the lands between the period of their appropriation and their grant to the Company.

Section 39. Sub-section 12 appears to admit the transfer upon a tax sale to the purchaser of the rights of the holder or other person in lands sold for taxes before the issuing of Letters Patent from the Crown granting the same. This would not be objectionable in cases in which the rights of the holder or other person are recognized by the Crown to be transferable; but if it is intended to extend to cases in which no right to transfer is recognized by the Crown, it might be objectionable. It is not presumed that such can be the intention, and, upon enquiry from the Minister of the Interior, it appears that the only possible evil which can arise is in cases of homestead entries, and as to these the law regulating them provides that all assignments and transfers are null and void, and are to be deemed evidence of the abandonment of the right. It appears to the undersigned that the Crown can, notwithstanding the Local Act, resume possession of any land of which possession may be taken by a purchaser under color of this clause, and he recommends that it should be left to its operation.

Chapter 35. "An Act to amend the Registry Act." This Act recites that the 43rd Section of the Act 36th Vic., Chap. 18, does not express the true meaning of the Legislature in that behalf, and that it is expedient to amend it. The 43rd Section in question provided that, "after any grant from the Crown of lands in Manitoba, and Letters Patent issued therefor, every instrument affecting the lands, or any part thereof comprised in such grant, shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration, unless such instrument is registered in the manner herein directed, before the registering of the instrument under which such subsequent purchaser or mortgagee may claim." The amending clause provides, that any instrument mentioned in the 17th Clause of the original Act, registered in pursuance of the Act affecting any lands, whether there has been any grant from the Crown of such lands or not, shall be adjudged fraudulent and void against any subsequent purchaser, unless registered as in the Act provided. This appears to be a direct interference with the devolution of the title of lands before Patents are issued. When the lands are the property of the Crown in the Province, the legislation would be within the competence of the Local Legislature, and might be beneficial; but the position of Manitoba is, in this respect, exceptional. The lands, until Patents issued, are the property of Canada, and the provisions as to assignments, &c., of unpatented lands ought to be made by the Canadian Parliament. The undersigned has called the attention of the Minister of the Interior to the question of the practical operation of the Act, and the Minister is of opinion that, in the case of persons owning and transferring rights in unpatented lands, a provision, such as that in the local Act, would be required for the protection of the purchaser; and he points out that a person so purchasing, after registering his assignment, would, he presumes, send the same forward to his Department, in order that the Patent, if in time, might be issued in his name.

The Act contains many other provisions and its disallowance would probably be productive of confusion. Since its objects are such as the ministers would be prepared to recommend to the Canadian Parliament, the undersigned recommends that it should be left to its operation, the attention of the Lieutenant Governor being called to the difficulty, with the suggestion that the clause should be repealed and an intimation that Parliament would be invited to legislate on the subject.

Chapter 41. "An Act respecting County Municipalities." Some of the provisions of Section 11 may be open to question as being *ultra vires*; but similar legislation having already taken place in another Province, the undersigned does not recommend any interference.

Section 24, Sub-section 1, requires persons challenged at the poll to make a declaration. Sub-section 3, provides punishment for a false declaration so made.

This seems to come within the Criminal Law whereby declarations required by statute, if false, are punishable as forgery. The undersigned recommends that this section be called to the attention of the Lieutenant Governor with a view to its amendment.

Section 172, sub-section 12. This sub-section is subject to the same observations which have been already made with reference to Chapter 31, section 39, sub-section 12.

Chapter 46. "An Act to Incorporate the Manitoba Western Railway Company." It is to be observed that the Local Legislature has no power to authorise the Company to enter, without the assent of the Crown, upon lands vested in the Crown. The Act does not, however, expressly purport to give such authority, and it seems unnecessary to do more than make this observation.

Chapter 50. "An Act relative to the City of Winnipeg." To Section 13 of this Act, several observations made upon Chapter two are applicable.

(Signed) EDWARD BLAKE.

Copy of a Report of a Committee of the Honorable the Executive Council, approved by His Excellency the Governor General in Council on the 7th October, 1877.

The Committee of Council have had under consideration the report, hereunto annexed from, the Hon. the Minister of Justice, having reference to three Acts, therein mentioned, passed by the Legislature of the Province of Manitoba, in the year 1875, 38th Victoria, and they respectfully advise that the Acts, Chapters 33 and 37 therein referred to be disallowed, and that the third Act, chap. 26, be left to its operation.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 7th October, 1876.

Statutes of Manitoba passed in the year 1875, 38th Victoria.

Chapter 33. "An Act to afford facilities for the Construction of a Bridge over the Assiniboine River between the City of Winnipeg and St. Boniface West."

This Act provides for the granting of a license for the construction of the proposed bridge, the license to extend over a period not exceeding twenty years.

The Third Section provides that the Lieut. Governor may require the bridge to be constructed with a draw therein so as to permit the passage of steam and other vessels in the River Assiniboine.

The Act thus admits that the river is navigable, and that, under its provisions, navigation may be obstructed.

In response to an application by the undersigned, the Minister of Public Works reports that the project has been so far entertained for making the Assiniboine a channel for reaching Manitoba Lake and the Saskatchewan River, as to send an engineer to examine the country between the said Lake and the Assiniboine; that the project is quite feasible, and could be accomplished at very little cost; and that, if accomplished, continuous navigation would be had by that route to all points on Red River and Lake Winnipeg. The Minister is disposed to advise that under these circumstances the Act should be disallowed, and that any authority which may be required for bridging the Assiniboine at any point east of Portage LaPrairie should be obtained from the Dominion Legislature.

Upon communication with the Lieutenant Governor of Manitoba, it has been

ascertained that no action has been taken by the Government of that Province upon the authority conferred by the Act.

The undersigned recommends that the Act in question be disallowed.

Chapter 37. "An Act to amend Cap. 46, Vic. 37, intituled, the Half-Breed Land Grant Protection Act."

The Act by this Statute amended was reserved, and the assent was given by His Excellency in Council, in pursuance of a report of the then Minister of Justice, pointing out that its operation was on the whole beneficial to the Half-breeds. The present Act modifies the provisions of the former one in some material particulars; but not to the advantage of the Half-breeds.

It provides that when a Half-breed having sold his interest, and received therefor a consideration, shall return or tender to the purchaser the full consideration and the purchaser's expenses with interest at 12 per cent. per annum within three calendar months from the passing of the Act, the agreement shall not be binding; otherwise the bargain, if in writing, shall be valid, and the Half-breed shall assign the granted lands within three months after the receipt of the patent from the Crown. It repeals the second section of the former Act. It provides that notice of the passing of the Act shall be given in the *Manitoba Gazette* for three months after its being assented to by the Crown.

The undersigned referred to the Minister of the Interior for his view of this Act, and his report is as follows:—

"The undersigned having failed to find in Ottawa any evidence of compliance with the 3rd section of the Act, referred for information on this point to the Hon. Mr. Royal, Attorney General of Manitoba, now here, who states that no notice of the passage of the Act in question was given, and that the same has not been considered as in force in the Province."

"This notice was evidently intended for the information of the Half-breeds who may have sold their claims in order that they might redeem them if so inclined, in manner as pointed out in section 1 of the Act; but it was not given, Mr. Royal says, in consequence of a doubt on the part of himself and his colleagues whether the Act would be allowed by the Governor General."

"Under the circumstances the undersigned recommends that the Act be disallowed, especially as in his opinion the original Act, 37 Vic., Chap. 44 alluded to, afforded all necessary protection to the purchase of Half-breed land rights."

Under the circumstances stated in this report, the undersigned concurs in the recommendation of the Minister of the Interior, that the Act should be disallowed.

Chapter 26 "An Act to amend the Act intituled, an Act for the protection of the wood lands of the Province."

This Act makes it an offence punishable by a penalty not exceeding \$200, and in default of payment imprisonment not exceeding two months, to burn or set fire to any trees or timber on any lands in the Province. The provisions being much more rigorous than those which had been enacted in the Province of Quebec, or previously in the Province of Manitoba, the undersigned caused inquiries to be made of the Minister of Public Works and of the Minister of the Interior as to their view of the operation of the statute with reference to the Dominion Public Works in the Province and to the settlement of Dominion lands in the Province.

The Minister of Public Works reports, that most of the Pacific Railway proper, within the boundary of Manitoba, is on prairie land; that the woodland portion is already cleared and burned; and that it does not therefore seem necessary to object to the Act on account of any inconvenience which might result to contractors or others on the railway line; and that the measure cannot interfere with any other works now in progress or likely to be undertaken.

The Minister of the Interior reports, that if enforced by the Province the law would prevent entirely the clearing up and bringing into cultivation any land covered with timber, under circumstances where it would not pay to take such timber to market, that there are, perhaps, few, if any, parts of the Province where

heavy timber might not be sold more or less to advantage, but the effect of the local Act proposed would be to prevent, under any circumstances, the burning on the land of refuse timber or even perhaps of brush.

No legal question is involved, and the undersigned submits these opinions for the consideration of Council as to the course to be taken with reference to this Act.

(Signed) EDWARD BLAKE,
Minister of Justice.

GOVERNMENT HOUSE, OTTAWA,
Saturday, 7th day of October, 1876.

Present :

HIS HONOR THE DEPUTY OF THE GOVERNOR GENERAL IN COUNCIL.

Whereas, the Lieutenant Governor of the Province of Manitoba, with the Legislative Council and Assembly of the said Province, did, on the 14th day of May, 1875, pass an Act, which has been transmitted, intituled, as follows, viz: "An Act to afford facilities for the construction of a Bridge over the Assiniboine River, between the City of Winnipeg and St. Boniface West."

And, whereas, the said Act has been laid before the Deputy of the Governor General in Council, together with a report from the Minister of Justice, setting forth that he is of opinion that the said Act should not be left to its operation.

His Honor the Deputy of the Governor General has, thereupon, this day, been pleased, by and with the advice of the Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Manitoba, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

I, William Buell Richards, Deputy of the Governor General of Canada, do hereby certify, that the Act passed by the Legislature of the Province of Manitoba, on the 14th day of May, 1875, intituled: "An Act to afford facilities for the construction of a Bridge over the Assiniboine River, between the City of Winnipeg and St. Boniface West," was received by the Governor General on the 16th day of October, 1875.

Given under my hand, this 7th day of October, 1876.

(Signed) WM. B. RICHARDS,
Deputy Governor.

GOVERNMENT HOUSE, OTTAWA,
Saturday, 7th day of October, 1876.

Present :

HIS HONOR THE DEPUTY OF THE GOVERNOR GENERAL IN COUNCIL.

Whereas, the Lieutenant Governor of the Province of Manitoba, with the Legislative Council and Assembly of the said Province, did, on the 14th day of May, 1875, pass an Act which has been transmitted, intituled, as follows, viz:—

"An Act to amend Chapter 46, Victoria 37, intituled, 'The Half-Breed Land Grant Protection Act.'"

And, whereas, the said Act has been laid before the Deputy of the Governor General in Council, together with a Report from the Minister of Justice, setting forth that he is of opinion that the said Act should not be left to its operation.

His Honor the Deputy of the Governor General has, thereupon, this day, been

pleased, by and with the advice of the Privy Council, to declare his disallowance of the said Act, and the same is disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Manitoba, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

I, William Buell Richards, Deputy of the Governor General of Canada, do hereby certify, that the Act passed by the Legislature of the Province of Manitoba, on the 14th day of May, 1875, intituled, "An Act to amend Chapter 46, Victoria 37, intituled, 'The Half-Breed Land Grant Protection Act.'" was received by the Governor General on the 16th day of October, 1875.

Given under my hand, this 7th day of October, 1876.

(Signed) WM. B. RICHARDS,
Deputy Governor.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 25th October, 1876.

The Committee of Council have had under consideration a Report, dated 22nd September, 1876, hereunto annexed, from the Hon. the Minister of Justice, having reference to the Statutes of the Legislature of Quebec, passed in the 39th Victoria, 1875, and they concur in the recommendations and suggestions contained in said Report, and submit the same for Your Excellency's approval.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 22nd Sept. 1876.

With reference to the Statutes of the Legislature of Quebec, passed in the 39th Victoria, 1875, the undersigned begs to report as follows:—

The following Acts do not appear to call for remark, or for the exercise of the power of disallowance:—Chapters 1, 3, 4, 8 to 18 inclusive, 21 to 32 inclusive, 34, 37, 38, 39, 40, 44, 46, 47, 48, 49, 51, 52, 53, 54, 55, 57, 58, 59, 61, 65 to 75 inclusive, and 77 to 88 inclusive.

Chapter 2. "An Act respecting the construction of the Quebec, Montreal and "Occidental Railway."

This Act provides for the construction, as a public work of the Province of Quebec, of a Railway from the Port of Quebec to such point in the County of Pontiac as may be most suitable for connecting hereafter the said Railway with the subsidized portion of the Canada Central Railway, and with any other Railway, as the Lieutenant Governor in Council may hereafter decide.

The 22nd Section authorizes the Commissioners to make arrangements with the Canada Central Railway Company, for the extension of the Canada Central Railway from the eastern terminus of the subsidized portion thereof, or from such other point of junction with the subsidized portion thereof as may be selected, to the Ottawa River, opposite the western terminus of the Railway, thereby authorized to be constructed, or for the construction of a bridge over the said River, or to make arrangements for the transit of rolling stock, &c., over the Canada Central and Canada Pacific Railways.

The Act does not purport to, nor could the Local Legislature give power to the Canada Central Railway Company to enter into the contemplated arrangements, and

though it may perhaps be questionable whether the authority given to the Commissioners is not more extensive than can properly be given by the Provincial Legislature, yet having regard to the 23rd Section, which expressly contemplates the authorization by the Parliament of Canada, of any construction outside of the Province of Quebec by the Commissioners, the undersigned does not recommend the disallowance of the Act.

The 43rd Section invests the Railway to be constructed under the Act, so far as the Legislature can do so, with all the rights, franchises, &c., granted by the Parliament of Canada to the Montreal, Ottawa and Western Railway Company.

It would seem that the Local Legislature cannot affect the transfer of the franchises, and some, at any rate, of the rights granted by the Parliament of Canada to the Montreal, Ottawa and Western Railway Company, and therefore this clause, although guarded in its language, is not free from objection.

Chapter 5. "An Act to amend the Act 38 Victoria, Chap. 4, respecting the "Manufacture of Sugar from Beet Root."

This Act increases to \$7,000 from \$5,000 the annual subsidy for this purpose. The undersigned refers to his report upon the original Act, but does not recommend disallowance.

Chapter 6. "An Act to further amend the Quebec License Act (34 Vic., Chap. 2), and the several Acts amending the same, and to extend the application thereof."

This Act contains some provisions open to the same question as has been already stated in several reports to be *sub judice* as to the competency of the Local Legislatures to affect trade and commerce by such legislation.

The undersigned suggests that for the reasons given in other cases the Act should not be interfered with.

Chapter 20. "An Act respecting the compilation of statistics of births, marriages and causes of death in the Province."

This Act deals with the subject of Statistics, but similar legislation has been suffered to go into operation in other Provinces, and the undersigned recommends that this Act should be left to its operation.

Chapter 33. "An Act to amend and consolidate the various Acts respecting the "Notarial profession in this Province."

Section 7 provides that any person assaulting a Notary in the execution of his duty or opposing him therein is guilty of a misdemeanor, and may, on conviction, be condemned to the same punishment as if he had been convicted of an assault on a peace or revenue officer in the execution of his duty. This section trenches upon the Criminal Law, and the undersigned recommends that the attention of the Lieutenant Governor should be called to it with a view to its repeal before the time arrives within which the Act can be disallowed.

Chapter 41. "An Act to annex certain portions of the Township of Shawinigan, in the County of St. Maurice, to the Parish of St. Flore, in the County of Champlain, for school, municipal and registration purposes, and for the purposes of Parliamentary representation."

The undersigned refers to his report upon Chapter 7, of the Statutes of the preceding Session with reference to the use of the word "Parliamentary", and recommends that the attention of the Lieutenant Governor be called to the section with a view to its amendment.

Chapter 42. "An Act to detach a certain portion of the County of Lotbinière and to annex it to the County of Beauce for school, municipal and registration purposes, and for those of Parliamentary representation, and to civilly erect the Parish of St. Séverin."

The use of the word "Parliamentary" is objectionable, as suggested with reference to Chapter 41; and the undersigned suggests the adoption of the same course.

By this Act the Parish of St. Séverin as erected for religious purposes by a decree, of the 20th September, 1872, of the Archbishop of Quebec, is recognized in as full and complete a manner for all civil purposes whatever as if it had been erected under Chapter 18 of the Consolidated Statutes for Lower Canada.

The undersigned refers to the remarks he has already made in his reports on the Statutes of this and of the preceding Session on similar legislation, and recommends that this provision should be left to its operation.

Chapter 43. "An Act to detach a certain part of the County of Bellechasse and to annex the same to the County of Montmagny for Parliamentary, registration, municipal and school purposes," is objectionable in its title, and in the language used in the 1st and 3rd Sections for the reasons referred to in the case of Chapter 41, and the undersigned recommends the adoption of the same course.

Chapter 45. "An Act to erect the Village of Bagotville into a separate municipality."

Section 4. "The Municipal Council of the said village may impose upon merchants and traders, strangers to the said municipality and who trade there, such duties and taxes as the Council may deem expedient, and compel them to pay for their license the sum so imposed."

Under this Section taxation of an extremely objectionable kind might take place, and the undersigned would be disposed to recommend that the attention of the Lieutenant Governor should be called to the Section with a view to its repeal or amendment, but for the fact that several Provincial Acts had been left to their operation, giving somewhat similar powers to Councils of Municipalities.

Under these circumstances, it seems better not to interfere with legislation of the same character, when confined to the action of municipal bodies, at any rate, until experience demonstrates that an improper use is being made of the power; but the undersigned thinks that any extension of the principle not sanctioned by previous precedents would require grave consideration.

Chapter 50. "An Act to incorporate the City of Sherbrooke."

Section 33, sub-section 4, which authorizes the Council to pass by-laws for preventing thefts and depredations which may be committed at any fire in the city, and for punishing any person who shall resist or ill-treat any officer or member of the Council, appears to trench upon the Criminal Law.

Section 43 provides for the punishment of proprietors or agents wilfully granting false certificates or receipts, and tenants presenting false certificates or receipts, the offence would seem to come within section 110 of the Larceny Act, and the section appears to trench upon the Criminal Law.

The undersigned recommends that the attention of the Lieutenant Governor should be called to these sections.

Chapter 56. "An Act to amend the Act incorporating the Montreal, Portland and Boston Railway Company."

By the Act of the Legislature of Quebec, 35 Vic., Cap. 29, 1871, the Montreal, Chambly and Sorel Railway Company was incorporated for the purpose of constructing a railway from Sorel by Chambly to Montreal, and from Montreal to the Province Line at or near Philipsburg, with the right of constructing the railway on either or partly on both sides of the River Richelieu, and for building a bridge across that river, with certain provisions with reference to the Grand Trunk Railway.

By the Act of the same Legislature, 1872, 36 Vic., cap. 46, some minor amendments were made in the Act of Incorporation.

By an Act of the Parliament of Canada, 36 Vic. Cap. 87, 1873, it was recited that the Railway Company, incorporated under an Act of the Legislature of the Province of Quebec, had prayed for power to issue promissory notes, and to enter into and conclude agreements and arrangements with foreign railway companies; and it was enacted as follows:

1. The railway was declared to be a work for the general advantage of Canada.
2. The Company was empowered to become parties to promissory notes and bills of exchange for sums not less than \$100; any such promissory note, made or endorsed, and any such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the Company and under the authority of a majority of a quorum of the

Directors, to be binding on the Company; such note or bill of exchange to be presumed to have been made with proper authority until the contrary be shown; in no case was it necessary to have the seal of the Company affixed to any such note or bill of exchange, nor were the President or Vice-President, or the Secretary and Treasurer individually responsible for the same in any manner, unless when issued without the authority of the Board of Directors—such promissory notes or bills of exchange were not to be payable to bearer or be of a nature to be used as money or as the bill or note of a bank.

3. The Railway Company was empowered to lease the Railway in whole or in part, or for leasing to or from any Canadian or foreign railway company any railway or any part thereof, or for leasing from such company or companies any bridges, &c., and also gives other powers.

By an Act of the Parliament of Canada, passed in 1875, 36 Vic. Cap. 70, the name of the Company was changed to the "Montreal, Portland and Boston Railway Company."

The Act now under consideration makes some changes in the Act of incorporation and gives some powers to the Directors of the Company.

By the British North America Act, Section 92, the powers of Provincial Legislatures with reference to local works and undertakings are expressly declared not to extend to the works which before or after their execution are declared by the Parliament of Canada to be for the advantage of Canada, or for the advantage of two or more of the Provinces.

The embarrassment and confusion which would result from concurrent legislation under the circumstances detailed is too obvious for argument.

The undersigned recommends that the attention of the Lieut. Governor should be called to this Act with a view to its repeal before the time arrives within which it must be disallowed.

Chapter 60. "An Act to incorporate the Patriotic Insurance Company of Canada."

The 7th Section of this Act authorizes the Company to make contracts of life insurance with any person or persons, and to carry on the business of life insurance in all branches and modes of conducting the same, and on any plan or principle as the Directors may determine and direct, and generally to enter into any transaction depending upon the contingency of life and on all other transactions usually entered into by Life Insurance Companies; and also to insure against loss by fire or the perils of the sea and inland navigation.

Upon this Act the undersigned refers to his report upon Chapter 81 of the Statutes of Quebec of the preceding Session, and recommends that the attention of the Lieut. Governor should be called to the wording of this clause with a view to its amendment, so as to limit the operations of this Company before the time arrives for deciding as to its disallowance.

The 27th Section provides that any secretary, clerk, or other officer of the Company, guilty of any designed fraud or falsehood in any matter or thing pertaining to his office or duty, shall be guilty of a misdemeanor, and any person falsely personating another, at any election of Directors for the Company, or signing, or affixing the name of any other person, a member of the Company, to any appointment of a proxy, shall be guilty of a misdemeanor.

The 28th Section provides that in any suit and prosecution in which the Company may be at any time engaged, any officer or stockholder in the said Company shall be a competent witness.

The undersigned recommends that the attention of the Lieut. Governor should be called to these elections, with a view to the repeal of Section 27, and the amendment of Section 28, as trenching on the Criminal Law.

Chapter 62. "An Act to change the name of 'the Provincial Permanent Building Society' to that of the 'Provincial Loan Company,' and to extend the powers thereof."

The 9th section authorizes the Company to make advances to any person, &c., upon securities, at such rates of discount or interest as may be agreed upon. The 11th section authorizes the Company to receive money on deposit, and also to pay such rate of interest as may be deemed advisable.

It is questionable whether this is not an interference with the law of interest and *ultra vires*, and the undersigned suggests that the attention of the Lieutenant Governor should be called to it.

Chapter 63. "An Act to change the name of the 'Montreal Permanent Building Society' to that of the 'Montreal Loan and Mortgage Company,' and to extend the powers thereof."

The 11th section authorizes the Company to receive money on deposit, and to issue debentures bearing such rate of interest as may be deemed advisable.

To this provision the observation made on Chapter 62 applies.

Chapter 64. "An Act respecting a Company incorporated under the name of 'Le Credit Foncier du Bas Canada.'" The preamble recites that, whereas, the Company, a body politic and corporate, and duly incorporated under the Statutes of Canada, 36 Victoria, Chap. 102, have by petition represented that it is in the interest of such corporation, as well as in that of the public, that their Act of Incorporation should be recognized by the Legislature of Quebec, and the powers granted to them should be confirmed and legalized within the Province of Quebec, in so far as that Legislature can grant powers to the said corporation, and that great advantages would result to the public, &c., and have prayed for the passing of an Act recognizing that incorporation, and confirming within the limits of the Province the powers conferred upon them, in so far as this Legislature can grant such powers; and, whereas, it is expedient to grant the prayer of the said petition. The enacting clauses carry out the preamble. It seems objectionable that a Provincial Legislature should profess to re-grant to a Canadian Company the powers with which the Canadian Parliament has invested it. Such a course is calculated to cast doubt upon the Parliament of Canada, and to create embarrassment in deciding to which Legislature in fact the Company owes its powers, while it is difficult to see any good purpose to be answered by such a procedure.

The undersigned recommends that the attention of the Lieutenant Governor should be called to these observations.

Chapter 66. "An Act to authorize the V. Hudon Cotton Mill Company, Hochelaga, to issue debentures on the security of the property of the said Company, and for other purposes."

Section 2, Sub-section 4 provides that a by-law of the Company shall contain the time and place of payment of such debentures and the coupons thereof, and the rate of interest not exceeding eight per cent. that they bear. The 9th section provides that every debenture issued as aforesaid shall be recoverable although negotiated at a rate more than six per cent. per annum. The undersigned submits that the attention of the Lieutenant Governor should be directed to these sections which seem objectionable as trenching upon the law of interest.

Chapter 76. "An Act to incorporate the Musical Band of the Village of Lauzon." This Act provides that the association shall have the right to ordain that any musician, whose conduct shall be irregular, shall leave the band, and return within a delay of eight days into the hands of the bandmaster the instrument which he has received from the society, under the penalty of a fine of not more than two or less than one dollar for each day during which he shall so refuse and neglect to return the said instrument after the expiring of the said delay, or of imprisonment for thirty days, or of both at once in the discretion of the Judge, the said fine recoverable to the benefit of the said musical band in the ordinary manner. It seems extremely inconvenient to confer upon such a corporation as this, the power of passing a by-law under which the subject may be imprisoned for a period of thirty days; such a power if delegated at all, should, it would seem, be delegated only to municipal bodies.

The undersigned submits that the attention of the Lieutenant Governor should

be called to this Act with a view to its amendment before the time arrives within which it can be disallowed.

Upon Chapters 7 and 19 the undersigned proposes to report separately.

(Signed) EDWARD BLAKE.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 25th October, 1876.

The Committee have had under consideration the Report hereunto annexed, dated 16th October, 1876, from the Honorable the Minister of Justice, having reference to the Acts of the Province of Quebec, passed in the year 1875, 38 Victoria, and they concur in the recommendations and suggestions contained in said report, and submit the same for Your Excellency's approval.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 16th October, 1876.

With reference to the Acts of the Province of Quebec, passed in the fourth Session of the Second Legislature, 38 Victoria, 1875, the undersigned begs to report as follows :—

The undersigned does not recommend that the power of disallowance be exercised with reference to the following Acts :—

Chapters 1, 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77, 80, 82, 83, 84, 85, 86, 87, 88, 90, 91, 92, 93, 94, 95, 96, 97, 99, 100, 101.

With reference to

Chapter 4. "An Act to encourage the manufacture of sugar from beet-root in the Province of Quebec."

This Act provides that the Lieutenant Governor may grant an annual subsidy of five thousand dollars during five years for the establishment of the first manufacture of sugar from beet root in the Province. Such an establishment has been recognised by the Parliament of Canada, as of public advantage, by the statutory provisions which except the manufacture from any duty of excise for a term of years. The undersigned does not presume that any practical inconvenience will be occasioned by this Act. He, however, thinks it proper to call the attention of Council to its provision, inasmuch as it is quite conceivable that legislation of this description might impair or nullify the fiscal policy of Canada, and diminish or destroy the sources of revenue upon which the Government of Canada is obliged to depend for the discharge of the public obligations, and of the expenses of Government, and a case might arise in which it would be necessary to consider whether such legislation should be allowed.

The undersigned recommends that this Act be left to its operation.

Chapter 7. "An Act respecting the election of members of the Legislative Assembly of the Province of Quebec."

The first part is entitled Parliamentary Electors.

The same title appears in section 3 of this part.

Sections 56 and 57. These sections impose penalties upon Secretary-Treasurers who may alter or falsify the statutory list of electors, and upon Custodians of such lists, who may falsify copies, furnished by them under the statute.

These sections appear to trench upon the Criminal Law.

Section 64 speaks of the list of "Parliamentary Electors."

The second part is entitled: "Holding of Parliamentary Elections."

With reference to the use of this phrase, the undersigned attaches an extract from his report on the Statutes of Manitoba, made on the 19th inst., and submits that the attention of the Lieutenant Governor of Quebec should be called to these observations.

Section 218. This section provides that whoever forges, &c., ballot papers, or attempts so to do, shall incur certain penalties of fine and imprisonment. This section, at any rate in part, obviously trenches upon the provisions of the Criminal Law; and the undersigned recommends that the attention of the Lieutenant Governor should be called to the objection, with a view to the amendment of the clause which is, in these particulars, clearly *ultra vires*.

Sections 235, 238, 258 and 290. These, and also some other sections, seem to trench upon the Criminal Law; and, with reference to them, the undersigned refers also to Section 291, which provides that "every punishment, by way of fine or imprisonment, imposed by the present Act, shall be incurred in addition to any punishment that may be inflicted by the Parliament of Canada for the same offence."

With reference to this latter and the other sections, the undersigned begs to quote the following remarks from his report on the Legislation of the Province of Manitoba, and recommends that the attention of the Lieutenant Governor should be called to them, as applicable to the sections in question.

"This section, in terms, acknowledges that some, at any rate, of the acts which are to be punished under the law, are crimes within the Criminal Law, and that the legislation is, therefore, *ultra vires*.

"The undersigned observes that prior legislation of the other Provinces has, although objectionable in some of the particulars to which he has called attention, been suffered to pass without observation, and, upon the whole, he does not recommend the disallowance of this Act.

"There is, however, a growing tendency towards the invasion of the Criminal Law by Local Legislatures, which is obviously objectionable, and he suggests that the attention of the Lieutenant Governor should be called to the Act now under consideration, with the request that he would move the Government to recommend to the Legislature a measure repealing such sections as trench upon the Criminal Law."

Chapter 47. "An Act to incorporate the St. Lawrence Bridge Company."

This Act recites that a bridge over the River St. Lawrence, passing at or near St. Helen's Island, and near the City of Montreal, has become an absolute necessity, both to establish a connection between the railways on the North of the River St. Lawrence and the railway system on the south of the river and for other purposes. It incorporates the Quebec Railway Act of 1869, with certain exceptions, applying certain of its provisions to the Company incorporated and to the bridge authorized to be constructed by the Act.

It authorizes the Company to build, construct, maintain, work and manage a bridge across the River St. Lawrence, from a point on the north shore, passing on or near the island called Isle Ronde, to the St. Helen's Island or near it, near the City of Montreal, to or near the Parish of Longueuil, or St. Lambert, in the County of Chambly. It gives powers to any Railway Companies whose roads have a terminus or station at or near Montreal, or connecting with any railway having such a terminus, to loan their credit to the Corporation and to subscribe to this stock. It provides that no work shall be commenced until the plans and the site of the bridge have been approved by the Lieutenant Governor in Council, and the conditions he may impose shall have been complied with, and that notice of the particulars shall be

published in two of the Montreal newspapers for a period of three months before steps are taken by the Company to erect the piers of the bridge.

A Bill was introduced during the last Session of the Canadian Parliament, for the purpose of authorizing the construction of a bridge across the St. Lawrence river, at or near Montreal, which gave rise to a lengthened investigation into the question, and in the end the Bill was not proceeded with. In view of what then occurred, and of the great importance of preserving the navigation of the River St. Lawrence, the undersigned recommends that the same course be taken with this measure as has been ordered with reference to the Act of the Legislature of Manitoba for the construction of a bridge across the Assiniboine, and that the Act be disallowed, leaving to those interested to apply to the Parliament of Canada for authority to prosecute the enterprise.

Chapter 76. "An Act to amend and consolidate the Act of incorporation of the City of Three Rivers, and the various Acts which amend the same."

The 75th Section gives powers to the Council to make by-laws for restraining and prohibiting the sale of spirituous liquors, and is thus open to some of the questions now before the Courts as to the power of the Local Legislature to make such enactments.

The 79th Section, sub-section 4, seems to trench upon the provisions of the Criminal law, and the attention of the Lieutenant Governor should be called to it with a view to its repeal.

Chapter 78. An Act to amend the Act 36 Vic., Cap. 53, intituled, "An Act to incorporate the corporation of the Town of Lachine."

Section 27. Some of the provisions of this Section may be open to question as being *ultra vires*, but similar legislation having taken place in another Province the undersigned does not recommend any interference. The attention of the Lieutenant Governor should, however, be called to the section with a view to its amendment.

Chapter 79. An Act to incorporate the City of Hull.

Section 91. This Section empowers the Council of the City of Hull to make such by-laws as they may deem expedient in relation to the ferries between the Cities of Hull and Ottawa, and the Township of Templeton, and to impose penalties upon all persons or ferrymen refusing or neglecting to conform to such by-laws, and to regulate the manner, and before whom the same shall be recovered, and such penalties shall belong to the City of Hull."

It further provides that the Mayor, Aldermen and citizens only shall have the right to grant licenses to "keep such ferry, which licenses shall not exceed a period of ten years, and the revenue from which licenses shall be equally divided between both Corporations."

This provision is clearly *ultra vires*, as the ferry between Hull and Ottawa is between two Provinces and is thus within the exclusive power of Canada. The attention of the Lieutenant Governor should be called to this section, with a view to its repeal.

The same section (subs. 5) gives power to the Council to make by-laws for restraining and prohibiting the sale of spirituous liquor, and is thus open to some of the questions now before the Courts as to the power of the Local Legislature to make such enactments.

Section 130. This section trenches upon the provisions of the Criminal Law, and is similar to Sec. 54 of 36 Vic., Cap. 52, Statutes of Quebec, to which objection was taken by the Minister of Justice, in a report dated 9th June, 1873.

The undersigned suggests that the Lieutenant Governor should be invited to promote the repeal of this section.

Sections 166, 219, 220 and 221 appear to trench upon the Criminal Law, and the attention of the Lieutenant Governor should be called to them, with a view to their amendment or repeal.

Chapter 81. "An Act to incorporate 'The Atlantic Insurance Company of Montreal.'" This Act recites that the increasing trade and commerce of the Province

of Quebec justifies and demands increased facilities for Marine and Inland Insurance, that the establishment of Companies for that purpose will afford greater convenience in effecting insurance for settling losses, and also more security for losses, and greater facilities for recovering them, and that the persons named are desirous of establishing such a Company.

By the first Section certain persons are united for the purposes of insurance.

By the second Section the Company is given powers within the limits of the Province of Quebec, to make insurances connected with marine risks of navigation and transportation by water, against loss or damage by fire or by perils of navigation of or to any vessel, &c., either seagoing or navigating upon lakes, rivers or navigable waters, and of or to any cargo, &c., and to do all other necessary things relating to such objects. Although the language in the preamble is directed in part at any rate, to Provincial purposes, yet the powers given to the Company are apparently unlimited, save that these contracts are to be made in Quebec; and the undersigned quotes in the second Appendix hereto an extract from his report of 15th September instant, on several insurance Acts containing similar provisions passed by the Legislature of Nova Scotia, and he recommends that the attention of the Lieutenant Governor of Quebec should be called to the suggested difficulties, with an intimation that, subject to such observations as he may make, it would seem that this Act should not be left to its operation, unless it is to be amended at the ensuing Session of the Legislature.

Chapter 89. "An Act to incorporate 'The Sherbrooke Gas Company.'"

Sections 15, 18 and 19.—Most of the subjects of these Sections appear to come within the Criminal Law, being provided for in the Act with reference to malicious injuries to property, and the attention of the Lieutenant Governor should be called to these clauses in this respect.

Chapter 98. "An Act to authorize Geo. Benson Hall to make improvements in River Chaudière and exact tolls for the use thereof."

This Act recites, that it is of importance for the advantage of lumbering on the River Chaudière and its tributaries that a dam and piers, and safe and secure booms should be erected on the said river at and above the tidal and navigable waters of the River St. Lawrence, at a point to be determined by the Commissioner of Public Works; that George Benson Hall has prayed for a privilege to that effect, and empowers Mr. Hall to erect a dam, &c., and to charge tolls. The undersigned subjoins (Appendix III) a copy of his report of 15th September, instant, upon certain Acts of the Legislature of Nova Scotia with like objects. The undersigned has called the attention of the Minister of Marine and Fisheries to the Act, with a view to obtaining such information as is available concerning the navigability of River Chaudière, and has received the following reply: "This river, I understand, has a rapid or fall near its mouth above which vessels do not go, nor is there any navigation above that point for vessels; consequently I do not see that the exercise of the power given by this Act will in any way operate injuriously to the interests of navigation."

Upon the whole the undersigned does not recommend that the power of disallowance be exercised, but he recommends that the attention of the Lieutenant Governor of Quebec be called to the difficulty that may arise under such legislation.

(Signed)

EDWARD BLAKE,
Minister of Justice.

APPENDIX 1.

EXTRACT from Report of the Minister of Justice, of 19th September, 1876, Statutes of Manitoba, 38 Victoria, 1875.

Chapter 2, "An Act respecting the election of members of the Legislative Assembly of the Province of Manitoba."

The heading of the first part is "Parliamentary Elections." The same phrase occurs before the 12th Section and in the latter part of the 13th Section, which provides that the list thereby established shall be the list of Parliamentary Electors for the electoral division. With reference to this phrase the undersigned refers to the report of the Minister of Justice of July 1st, 1868, upon Chapter 30 of 31 Victoria of the Statutes of Ontario, in which report there is contained with reference to the same phrase the following observations:

"The 41st section of the Union Act provides, that all the laws of the several provinces relating to Parliamentary elections in force at the time of the Union, shall remain in force until the Parliament of Canada otherwise provides."

"If the clause in question is intended merely to apply to elections for the Legislative Assembly of Ontario, it is inaccurate in expression."

"To avoid confusion the Union Act confines the name of Parliament to the General Legislature, the Provincial legislative bodies are styled uniformly as Legislatures."

"The undersigned recommends that the attention of the Government of Ontario be called to this section, and suggests that the same should be amended so as to limit it expressly to elections for the Legislature of Ontario."

The undersigned recommends that the attention of the Lieutenant Governor of Manitoba should be called to the use of this phrase, with a suggestion that it should be amended so as to limit it expressly to electors for the Legislative Assembly of Manitoba.

APPENDIX 2.

EXTRACT from Report of Minister of Justice, of 15th September, on the Acts of the Legislature of Nova Scotia, 38 Victoria, 1875.

With reference to the Acts the undersigned would refer to his approved report of 27th October, 1875, upon the Prince Edward Island Act, to incorporate the Merchant Marine Insurance Company of Prince Edward Island, which contains the following language:—

"It appears, to the undersigned, that, under the express language of this clause, it is attempted to give the Company power to do an insurance business with persons not residents of the Province, in respect of risks on vessels not touching Provincial ports; in a word, to do a universal insurance business. The power of Provincial Legislatures to incorporate insurance companies is to be found, if at all, in the 11th sub-section of the 92nd Section, British North America Act, 1867, which gives to the Local Legislature authority to make laws for the incorporation of companies with Provincial objects. It appears, to the undersigned, that the powers attempted to be conferred on this Company are beyond any fair construction of these words."

The undersigned would also refer to his approved report of 16th November, 1875, with reference to the Ontario Act to incorporate the Canada Fire and Marine Insurance Company, which contains the following language:

"The powers proposed to be conferred by this Act appear, to the undersigned, too wide. It appears to effect policies of fire insurance with any persons or bodies corporate, and to make contracts of marine insurance with any persons in respect to losses to vessels navigating any waters from or to any ports. It is not provided that

the chief place of business shall be in the Province. Power is given to comply with the laws of other Provinces or States wherein the Company may carry on business, and the word 'Canada' introduced into the name is of itself indicative of more than Provincial power. On the 31st March, 1873, Chapter 82, of the Statutes of Nova Scotia, from 1874, was disallowed upon grounds applicable to this Act."

The language quoted appears to apply to all the Acts now under consideration. Chapter 76 indeed does not expressly authorize the doing of a universal insurance business, though its language is wide enough for such an interpretation, but the corporations created or perpetuated by the remaining Acts are expressly authorized to do universal marine insurance business.

The undersigned recommends that the attention of the Lieutenant Governor of Nova Scotia should be called to the suggested difficulties, with an intimation that subject to such observations as he may make, it would seem that these Acts cannot be left to their operation.

APPENDIX 3.

EXTRACT from Report of *Minister of Justice, of 15th September instant, on the Statutes of Nova Scotia, 38th Victoria, 1875.*

Chapter 89. "An Act to incorporate the Colchester Driving and Manufacturing Company." This Act authorizes the Company to build dams, sluices and breakwaters, and otherwise improve Little River, in Brookfield, in the County of Colchester, and its tributaries, so as to make the same navigable for logs, timber and lumber, and to levy tolls for conveying logs, timber and lumber down such river and its tributaries; and it provides for a lien on all logs, &c., passing through the dams, &c., and for the enforcement of such lien. The 6th Section provides that nothing in the Act contained shall be construed to authorize the Company to interrupt, hinder or prevent the navigation of any navigable river or other navigable water.

Chapter 90. "An Act to incorporate the St. Margaret's Bay Lumber and Timber Driving Company." This Act gives substantially the same powers with reference to the Ingraham and Indian Rivers, and their tributaries.

Chapter 91. "An Act to incorporate the Cumberland Driving Company." This Act gives substantially the same powers with reference to the Moose River, Apple River, Half-way River and River Hebert, save that the power to levy tolls is confined to levying tolls for conveying logs, &c., down such of the rivers as the Company shall have so improved as to make navigable for logs, timber and lumber.

Chapter 92. "An Act to incorporate the Liscomb River Driving Company." This Act gives substantially like powers as are given by Chapters 89 and 90, with reference to the east and west branches of the Liscomb River and their tributaries, but it does not contain the restrictive clause providing the Company being authorized or empowered to interrupt the navigation of any navigable waters.

The undersigned is not aware whether any of the rivers referred to in these Acts is to any extent at present navigable. If so, none of them can be said to be wholly unobjectionable, as they appear to authorize the Companies to levy tolls not merely for the conveyance of the logs through the improvements, but also for their passage down those parts of the rivers which are navigable. It is further to be observed, that it might become an important question whether works of this kind should be constructed under local authority in important navigable rivers, the navigation of which might, by a small expenditure, be improved.

Chapter 92 is open to the additional objection, that the restrictive clause is not inserted. It is presumed that none of these rivers are of great importance, and that no serious embarrassment will result from the operation of the Companies. Of course they do not in law by these Local Acts acquire any power to interfere with the free navigation of such parts of the river as are navigable, and upon the whole the under-

signed submits that notwithstanding the difficulties to which he has referred, they may be left to their operation, the attention of the Lieutenant Governor being called to the difficulty.

GOVERNMENT HOUSE, OTTAWA,
WEDNESDAY, 25th day of October, 1876.

Present :

HIS EXCELLENCY THE GOVERNOR GENERAL, IN COUNCIL.

Whereas, the Lieutenant Governor of the Province of Quebec, with the Legislative Council and Assembly of the said Province, did, on the 23rd day of February, 1875, pass an Act which has been transmitted, intitled as follows, viz. : " An Act to incorporate the St. Lawrence Bridge Company ; "

And, whereas, the said Act has been laid before His Excellency the Governor General in Council, together with a Report from the Minister of Justice, setting forth that he is of opinion that the said Act should not receive the confirmation of the Governor General.

His Excellency the Governor General has thereupon this day been pleased, by and with the advice of his Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.

Whereof the Lieutenant Governor of the Province of Quebec, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

I, Sir Frederick Temple, Earl of Dufferin, Governor General of Canada, do hereby certify, that the Act passed by the Legislature of the Province of Quebec, on the 23rd day of February, 1875, intitled, " An Act to incorporate the St. Lawrence Bridge Company, " was received by me on the 22nd day of November, 1875.

Given under my hand and seal this 25th day of October, 1876.

(Signed) DUFFERIN.

Telegram from Mr. Secretary Scott to the Administrator of the Government of Quebec.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 15th November, 1876.

To His Honor the Administrator of the Government, Quebec :

Please inform me, for information of His Excellency, whether it is proposed, with reference to Order in Council of 25th October, 1876, relative to the Provincial Acts of 1875, to promote amendatory legislation with respect to the Acts objected to, particularly Chapters 79 and 81. Please reply by telegraph.

(Signed) R. W. SCOTT,
Secretary of State.

Reply.

OTTAWA, 16th November, 1876.

By Telegraph from Quebec
To the Secretary of State :

In answer to your telegram of yesterday, I beg to state, for the information of His Excellency, that a reply to Order in Council of 25th of October last, relating to Acts of the Province of Quebec, passed in 1876, is in course of preparation and will shortly be forwarded. Amendments to Chapters 79 and 81 will be proposed and passed during present Session.

(Signed) A. A. DORION.

(*Translation.*)

GOVERNMENT HOUSE,
QUEBEC, 17th November, 1876.

SIR,—I have the honor to state, for the information of His Excellency the Governor General, that, in accordance with the Order of the Honorable the Privy Council for Canada, dated 25th October, 1876, it is the intention of the Government of the Province of Quebec to introduce, during the present Session of the Legislature, two Bills for the purpose of amending Chapters 79 and 81 of the Acts sanctioned on the 23rd February, 1875.

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

(Signed) A. A. DORION,
Administrator.

To the Honorable the Secretary of State,
Ottawa.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 16th November, 1876.

The Committee of Council have had before them the report hereunto annexed, from the Hon. the Minister of Justice, with reference to two certain Statutes passed by the Legislature of the Province of Quebec in the Session thereof, held in the year 1875 (38th Vic.) and chaptered 28 and 29 respectively, and they respectfully submit their concurrence in the said report, and advise that a copy thereof and of this minute be transmitted to the Lieutenant Governor of the Province of Quebec.

Certified.

DEPARTMENT OF JUSTICE,
OTTAWA, 19th October, 1876.

With reference to the Statutes of Quebec, passed in the fourth Session of the Second Legislature, (38th Vic.) 1875, the undersigned begs to report as follows :

Chapter 28. "An Act to amend the Act concerning the erection and division of parishes and the building and repairing of churches, parsonage houses and church yards and fabrique meetings (C. S. L. C., Cap. 18) and to detach a certain territory from the mission of the Lake of the Two Mountains, and to annex the same to the parish of the Patronage of St. Joseph, for civil purposes

This Act alters some provisions of the Consolidated Statutes for Lower Canada, Chapter 18, regulating the procedure for the erection and division of parishes, and the building and repairing of churches, &c., by permitting the revocation on the demand of the majority of the inhabitants of the decree allowed by the Commissioners in such matters, and by making some minor amendments. The 4th section provides that a part of the territory should be detached from the Mission of the Lake of Two Mountains and attached to the parish of the Patronage of St. Joseph for all civil purposes, as described in the canonical decree of the Bishop of Montreal, bearing date the 26th August, 1874. This section appears in effect to accomplish a change which could have been made under certain regulations by the existing law. Somewhat similar legislation has already taken place, as appears by the Consolidated Statutes already referred to; the undersigned refers to his observations to be made with reference to Chapter 29, and does not recommend any interference with the operation of the Statute.

Chapter 29. An Act to amend Chapter 18 of the Consolidated Statutes of Lower Canada.

This Act, after reciting that the civil erection under the chapter referred to, of certain parishes situated partly in the County of Hochelaga would have the effect of establishing new municipalities in a territory already organized for municipal purposes, and that it is not advisable that the civil erection of such parishes should produce such effect, declares these parishes to be and recognizes them as Catholic parishes to the same effect as if they had been recognized, erected and ratified for all civil purposes under the Statute referred to, save that nothing in the Act is to have the effect of modifying in any manner the limits of the City of Montreal and of the several other municipalities in which such parishes are situated, and that such municipalities are to continue to exist with their limits and extent as if the Act had not been passed.

The 3rd Section provides that each parish thus recognized is so recognized subject to the provisions contained in the decree of erection relating to it, as amended by the Holy See and published in 1874 in such parish. This provision, applying as it does to a decree already known and published in its amended form, appears to be founded substantially on precedents to be found in the Consolidated Statutes of Lower Canada.

The Legislature must be presumed to have confirmed these instruments after due consideration of their effect.

Some misapprehension has been created as to the meaning of this clause from the inaccurate description of the clause used in the brieve which, however, of course does not alter its true operation.

The 4th Section provides that the meetings for the election of churchwardens, for the rendering of accounts, and for all purposes requiring general parish meeting in these Parishes, shall consist of the old and of the new churchwardens and of the persons elected in compliance with the ordinance of the Bishop to form the board or body of the fabrique.

This section appears to provide for these particular parishes a different system from that, which under the Consolidated Statutes, is applicable to Roman Catholic parishes generally throughout Quebec, though the exact nature and extent of the divergence is not disclosed.

The attention of the undersigned has been called to a probable inconvenience which would arise from a departure, in particular cases, from the general well-known and satisfactory system provided by the Statute, but however grave this inconvenience may be, the undersigned presumes that this enactment (made as it was, with reference to a certain specified ordinance) was framed after due investigation and after due opportunity given to the parties affected to present their views, and upon particular ascertained circumstances differing these from the other parishes, and the undersigned does not recommend any interference with the operation of the Statute.

(Signed)

EDWARD BLAKE.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 25th October, 1876.

The Committee of Council have had under consideration the report hereunto annexed, dated 13th October, 1876, from the Honorable the Minister of Justice, having reference to the Statutes of the Legislature of the Province of Ontario, passed in the Session thereof held in the year 1875-76 (39 Vic.), and they concur in the recommendations and suggestions contained in said report, and submit the same for approval.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
OTTAWA, 13th October, 1876.

With reference to the Statutes of the Legislature of Ontario, passed in the Session thereof, held in the year 1875-6 (39th Victoria), the undersigned begs to report as follows:

Chapters 1 to 7, inclusive; 10 to 22, inclusive; 24 to 31, inclusive; 33 to 76, inclusive; 78, 80 to 91, inclusive; and 97 to 114, inclusive, do not appear to call for special observation, or for the exercise of the power of disallowance.

Chapter 8. "An Act respecting certain administrative matters herein mentioned."

The first Section of this Act is as follows:—

"The Lieutenant Governor may, with the advice and consent of the Executive Council, from time to time, appoint any person or persons, jointly and severally, to be his Deputy or Deputies, within any part or parts of the Province, in respect of matters which are within the Legislative authority of the Province in this behalf; and such Deputy or Deputies may exercise, during the pleasure of the Lieutenant Governor, such powers, authorities and functions of the Lieutenant Governor as, being within the Legislative authority of this Province, the Lieutenant Governor deems necessary or expedient to assign to such Deputy or Deputies; but the appointment of such Deputy or Deputies shall not affect the exercise by the Lieutenant Governor of any power, authority or function."

The Sections of the British North America Act bearing upon this subject, appear to be as follows:—

Section 58. "For each Province there shall be an officer, styled the Lieutenant Governor, appointed by the Governor General in Council, by instrument, under the Great Seal of Canada."

Section 59. "A Lieutenant Governor shall hold office during the pleasure of the Governor General; but any Lieutenant Governor appointed after the commencement of the First Session of the Parliament of Canada shall not be removable within five years from his appointment, except for cause assigned, which shall be communicated to him in writing within one month after the order for his removal is made, and shall be communicated by Message to the Senate and to the House of Commons within one week thereafter, if the Parliament is then sitting, and if not, then within one week after the commencement of the next Session of Parliament."

Section 62. "The provisions of this Act, referring to the Lieutenant Governor, extend and apply to the Lieutenant Governor, for the time being, of each Province, or other Chief Executive Officer or Administrator, for the time being, carrying on the Government of the Province, by whatever title he is designated."

Section 65. "All powers, authorities and functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, or Canada, were or are before or at the Union, vested in, or exercisi-

able by the respective Governors or Lieutenant Governors of those Provinces, with the advice, or with the advice and consent, of the respective Executive Councils thereof, or in conjunction with those Councils, or with any number of members thereof, or by those Governors or Lieutenant Governors individually, shall, as far as the same are capable of being exercised after the Union in relation to the Government of Ontario and Quebec respectively, be vested in, and shall or may be exercised by the Lieutenant Governor of Ontario and Quebec respectively, with the advice, or with the advice and consent of, or in conjunction with the respective Executive Councils, or any members thereof, or by the Lieutenant Governor individually, as the case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland) to be abolished or altered by the respective Legislatures of Ontario and Quebec."

Section 67. "The Governor General in Council may from time to time appoint an Administrator to execute the office and functions of Lieutenant Governor during his absence, illness, or other inability."

In connexion with section 65 of the "British North America Act," it may be convenient to refer to section 40 of the Union Act, 3 and 4 Vic., Cap. 35, this section preserves the prerogative to Her Majesty, notwithstanding anything contained in the Act to authorize a Governor General to appoint deputies; but the Governor of Canada does not appear to have been invested under the Act with the power to appoint a deputy. This power might, however, be communicated to him by the direct exercise of the prerogative in each case. The 92nd section of the British North America Act gives power to the Provincial Legislatures to make laws in relation to the amendment from time to time, notwithstanding anything in this Act of the constitution of the Province, except as regards the office of Lieutenant Governor.

Having regard to this limitation, and having regard also to the 67th Section, which authorizes the Governor in Council to appoint an Administrator to execute the office and functions of Lieutenant Governor during his absence, illness, or other inability, and looking to the power expressly conferred upon Her Majesty, by the 14th Section, to authorize the Governor General from time to time to appoint his own deputies, and contrasting this extension with the more limited provisions made by the 67th Section, for the case of Lieutenant Governors, the undersigned takes it to be clear that it would not be within the competency of the Provincial Legislature to empower the Lieutenant Governor in Council to appoint a deputy for the execution of any of those offices or functions which properly pertain to him in his capacity as Lieutenant Governor.

The clause in question purports, however, to restrict the action of the deputy to matters which are within the legislative authority of the Province in that behalf; but that restriction leaves entirely unsettled the question how far the deputy may act.

If the Local Legislature invests the person who, from time to time, fills the office of Lieutenant Governor with certain powers which are not properly or necessarily attributes of his office, and with which it was competent to the Legislature to invest any other person, it is obvious that the Legislature, which might divest the Lieutenant Governor of these powers altogether, might give him the right to exercise them by deputy; and it is highly probable that there are transactions of a description, the performance of which, by deputy, it might be convenient to authorize: but it appears to the undersigned that it would be advisable so to alter the phraseology of the clause as to render clearer the extent of the power, by excepting from its operation all powers and functions which are attributes of the office of Lieutenant Governor, and limiting its operation to such powers and functions as may from time to time be lawfully conferred upon the person filling the office of Lieutenant Governor by the Provincial Legislature.

The undersigned feels that there is much difficulty in framing the clause, and he recommends that the attention of the Lieutenant Governor be called to these observations with a view to their consideration by his Government.

Chapter 9. "An Act respecting the Legislative Assembly."

This Act contains various clauses conferring privileges upon the Assembly and its members.

The exact range of the powers of Local Legislatures in this particular has been the subject of discussion in more than one case.

Besides other clauses open to question, the 11th section provides that the Assembly shall have all the rights and privileges of a Court of Record, for the purpose of summarily enquiring into and punishing as breaches of privilege, or as contempt of court (without prejudice to the liability of the offenders to prosecution and punishment, criminally or otherwise, according to law, independently of the Act) several acts, matters and things. Amongst them are assaults on Members of the Assembly, not merely during the Session, but also for twenty days before and after the same; giving false evidence before the Assembly, or a Committee thereof; presenting to the Assembly forged or falsified documents, with an intent to deceive; forging falsifying or unlawfully altering papers, and certain other matter, which appear to be clearly within the Criminal Law. The section declares that the Assembly possess the power and jurisdiction to provide by Statute as may be necessary or expedient for enquiring into, judging and pronouncing upon the commission or doing of any such acts, matters or things, and awarding and carrying into execution the punishment thereof provided by the Act.

The 12th Section provides that any person guilty shall be liable, in addition to any other penalty or punishment to which he is by law subject, to imprisonment for such time, during the Session of the Legislative Assembly then being held, as may be determined by the Legislative Assembly.

The 13th Section provides that if any person is declared to be guilty of contempt for any of the acts, matters and things in Section 11 set forth, is directed to be taken into custody or to be imprisoned, the Speaker shall issue his warrant to the Sergeant-at-Arms attending the House, or to the Keeper or Governor of the common gaol in the County of York, to take such person into custody, and to keep and detain him in custody in accordance with the order of the Assembly.

The 14th Section declares that the determination of the Assembly upon any proceeding under the Act, within the authority of the Province, shall be final and conclusive.

It appears to the undersigned that several of these provisions are open to very serious question as being *ultra vires* of a Local Legislature, but almost all of them are contained in an Act of the Legislature of Quebec upon the same subject, which was left to its operation.

There are, indeed, some new provisions, but it would not be advisable upon the principle upon which the Quebec Act was allowed, to advise the disallowance of this Act by reason of the insertion of these provisions, and the undersigned feels bound to recommend that, following the precedent referred to, the Act should be left to its operation, it being quite possible for those who may object to its constitutionality to raise their objections in the Courts.

Chapter 14. "An Act respecting County Court Judges."

The main provisions of this Act appear, by reason of the arrangements for the meeting and action of the Judges concerned, not to be open to the objections taken to legislation of this character, which has occurred in other Provinces, and the ninth Section, which imposes upon a County Court Judge the duty without arrangement made between the Judges, of holding Courts elsewhere than in his own county, is conditional on the order of the Governor General in Council, and is, in this view, unobjectionable.

The undersigned recommends that the Act, the provisions of which appear to be highly useful, should be left to its operation.

Chapter 23. "An Act respecting Insurance Companies."

The undersigned proposes to defer for the present his report upon this Act.

Chapter 24. "An Act to secure uniform conditions in policies of Fire Insurance."

Some question has been made as to the competency of the Local Legislature to pass this law, more particularly with regard to contracts made out of the Province, but the undersigned recommends that the Act should be left to its operation, the question being conveniently susceptible of determination in the Courts.

Chapter 26. "An Act to amend the law respecting the sale of fermented or spirituous liquors."

Some of the provisions of this Act raise a question as to licenses which is *sub judice*; but, as in other similar cases, the undersigned recommends that the Act should be left to its operation.

Chapter 32. "An Act to make further provision respecting Permanent Building Societies."

This Act deals with the general management of permanent building societies in the spirit of legislation which recently took place on the subject in the Canadian Parliament.

Having regard to the doubts which exist as to which Legislature is competent to deal with this question the undersigned cannot recommend that this Act should be disallowed.

Chapter 77 "An Act to amend the Acts relating to the London, Huron & Bruce Railway Company."

This Act provides (section 2) that it should be lawful for the London, Huron & Bruce Railway Company and the Great Western Railway Company to unite together as one Company, or for one of the Companies to purchase and acquire the property and rights of the other.

The 3rd section provides, that it should be lawful for the Directors of each of the companies to agree with those of the other that the companies should be united, and that one company should purchase the property, &c., and take upon itself the liabilities, &c., of the united company.

The 4th section provides, that when such an agreement shall have been made, the Directors of each company shall call a special general meeting of the shareholders of the company for the purpose of considering it, and that it may be ratified.

The 5th section provides, that from the time when any such ratified agreement shall take effect the company shall become one company by the corporate name assigned in the agreement, and it provides that certain enactments in the Act to incorporate the London, Huron & Bruce Railway Company shall extend to any portion of railway which the new company shall use for the purpose of connecting the southern terminus of the London, Huron & Bruce Railway with the City of London.

The 6th section provides, that after such ratified agreement takes effect the railway property shall become vested in the company purchasing the same, and such last mentioned company shall be responsible for all the liabilities of the company whose railway property and rights shall have been transferred to them.

The 7th section provides for the capital of the Union Company, and gives power to the purchasing company to increase its capital by loan or the issue of debentures bearing any interest not exceeding seven per cent.

The 8th section continues the privileges, powers, rights and franchises proposed by either Company, provided that in the case of other provisions in the charters of the two companies, the agreement between the two companies shall define which shall continue to and be possessed by the united or purchasing company.

All these sections in so far as they purport to confer rights upon the Great Western Railway Company, a corporation under the legislative control of the Parliament of Canada, appear to the undersigned to be *ultra vires*. The powers required in order to make the Great Western Railway Company to act in the matter provided for by the Statute, must be derived from the Parliament of Canada, and it would seem proper, in this connexion, to point to the condition which is properly attached to the 14th clause, the language of which is that the Great Western Railway Company, "if so lawfully empowered," may hold shares, &c.

The undersigned recommends that the attention of the Lieutenant Governor be

called to this Act with a view to its amendment before the expiration of the time within which it can be disallowed.

Chapter 79. "An Act to incorporate the Niagara Falls and Lake Erie Railway Company."

The 33rd Section enacts as follows:

"It shall be lawful for the said Company to enter into any agreement with any other railway company in the Province of Ontario for leasing the said railroad or any part thereof, or for the use thereof at any time or times, or for any period to such other company, or for the leasing and hiring any locomotives, tenders or moveable property, or for the leasing by the said Company of any such other railway company's road-way, or any part thereof, or for the use thereof at any time or times, or for any period to the said Company, or for the leasing or hiring any locomotive, tenders or other moveable property of such other railway company as they may deem expedient, and, generally, to make any agreement or agreements with any such other company, touching the use by one or the other, or by both companies, of the railway or moveable property of either or both, or any part thereof, or touching any service to be rendered by the one Company to the other and the compensation therefor; or such other railway company as well as any other corporation may agree upon any terms as they may mutually consent to for the loan of its credit to, or may subscribe to or become the owner of the stock of, the railway company hereby created in like manner and with like rights as individuals, but, in so far only as the powers hereby conferred may be construed to have reference to any act, deed, matter or thing to be done, executed, fulfilled or performed within the limits of the Province of Ontario to the other, and the compensation therefor, and any such agreement shall be valid and binding and shall be enforced by courts of law according to the terms and tenor thereof, and any Company or individual accepting or executing such lease, shall be, and is empowered to exercise all the rights and privileges in the charter conferred. Provided, however, that any lease or agreement authorised by this section shall be subject to the approval of a majority of the shareholders obtained at a special general meeting convened, according to the by-laws of the Company, for considering the same."

The 34th Section is as follows:—"The said Company shall have power, and it shall be lawful for them to enter into arrangements with any other railway Company for the utilizing of the whole or any part of such railway company's roadway lying between the aforesaid points, as the said Company may see fit, and such part so utilized shall be deemed for the time to be a portion of the railway, so to be constructed as aforesaid, but such utilization shall not prevent said Company from carrying out their original design of building an entire independent roadway."

These sections purport to authorize action by other railway companies, not limiting them to railways under the authority of the Provincial Legislature, and with reference to these the undersigned would refer to his remarks upon Chapter 77.

Chapter 92. "An Act to incorporate the Home Fire Insurance Company." The 19th Section provides that the Lieutenant Governor in Council may appoint qualified persons to examine into the affairs of the Company, and to cause their books to be opened for the inspection of the person or persons so appointed, and otherwise to facilitate such examinations, and to have power to examine such Officers and Agents under oath, and when it shall appear that the assets and financial position of the Company are such as not to justify the continuance in business of the Company, the Attorney General may apply in a summary manner, on motion to one of the Superior Courts of Law or Equity, for an Order requiring the said Company to show cause why the business of the Company should not be closed, and in case it shall appear to the satisfaction of the Court upon hearing the allegations and proofs of the respective parties that the assets and funds of the Company are not sufficient, or that the interests of the public so require, the said Court shall decree a dissolution of the said Company's affairs, and may appoint a receiver, and take possession of, collect

and get in the assets and effects of the said Company, and otherwise to wind up the affairs thereof.

The 20th Section gives powers to the receiver, and the 21st Section to the Court. These provisions seem to trench on the law of insolvency; and the undersigned recommends that the attention of the Lieutenant Governor be called to this objection, with a view to the amendment of the Act before the expiration of the time within which it can be disallowed.

Chapter 93. "An Act to incorporate the Union Fire Insurance Company."

This Act in no wise limits the Fire Insurance business to be done by the Company; a limitation, though hardly satisfactory, is made in the preceding Act. The undersigned suggests that it would be proper to amend this Act by such a limitation of the range of business as may bring the Company within the powers of the Local Legislature.

The 16th, 17th and 18th sections contain provisions with reference to the winding up of the Company similar to those contained in Chapter 92, and with reference to these the undersigned repeats the recommendation already made as to that Act.

Chapter 94. "An Act to confirm a By-law of the Canada Permanent Building and Saving Society, changing its name to the Canada Permanent Loan and Savings Company, and for other purposes therein mentioned."

Chapter 95. "An Act to change the name of the Huron and Erie Savings and Loan Society to that of the Huron and Erie Loan and Savings Company."

Chapter 96. "An Act to confirm a By-law changing the name of the Western Canada Permanent Building and Savings Society to that of the Western Canada Loan and Savings Company."

Having regard to the doubt already referred to on the subject of the jurisdiction as to Building Societies, the undersigned cannot recommend the disallowance of these Acts.

(Signed) EDWARD BLAKE,
Minister of Justice.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 25th October, 1876.

The Committee have had under consideration the report hereunto annexed, from the Honorable the Minister of Justice, having reference to certain Statutes therein mentioned, passed by the Legislature of the Province of New Brunswick in the Session thereof held in the year 1875, 38 Victoria, and they respectfully submit their concurrence therein and advise that a copy thereof and of this minute be transmitted for the information of the Lieutenant Governor of New Brunswick.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council,

DEPARTMENT OF JUSTICE,
OTTAWA, 16th October, 1876.

With reference to the Statutes of the Legislature of New Brunswick, passed in the Session thereof held in the year 1875 (38 Victoria), the undersigned begs to report as follows:—

Chapters 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 41 to 67 inclusive, 69 to 99 inclusive,
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101, 102, 103, 104, 105, 106, 107, 108, 110, 112, 113, 114, 115, 117, 119, 120, 121, 122, 124, 126, 128, 130 to 142 inclusive, do not appear to call for observation, or for the exercise of the power of disallowance.

Chapter 4, "An Act to amend the Attachment and Abolition of Imprisonment for Debt Act."

By this Act imprisonment for debt is revived. Whatever may be the opinion as to the expediency of such legislation, it is so essentially a local matter that in the opinion of the undersigned the Act should be left to its operation.

Chapter 11, "An Act to provide for the establishment, maintenance and management of Reformatory and Industrial Schools."

The undersigned defers for the present his report on this chapter.

Chapter 13. "An Act to authorize the issue of Provincial debentures for certain purposes."

This Act authorizes, amongst other things, the issue of debentures in aid of the construction of a carriage and foot-bridge across the River St. John at Woodstock, and provides that the Governor in Council may contract for the erection of this bridge as a separate undertaking, or in connection with the railway bridge to be built by the New Brunswick Railway Company across the River St. John at Woodstock.

The undersigned would refer to former reports with reference to bridges proposed to be erected across this river. These reports show that apart from the general question of interfering with the St. John as a navigable river, there is a necessity for special caution, in view of the Treaty with the United States, as to its navigation.

It is presumed that it is not within the competence of the Provincial Legislature to authorize or do any act of this description, and it may be necessary for the Government of Canada to interfere in case any such act should be attempted.

The Statute in question provides also for other objects, and any action under it towards the construction of the bridge can only take place through the Governor in Council; it would not seem necessary, therefore, to do more at present than call the attention of the Lieutenant Governor to the Act with the intimation that there are no particulars before the Government which would enable it to judge whether the bridge ought to be constructed, and the suggestion that before the time for determining as to its disallowance expires, so much of the Act as relates to this bridge should be repealed or amended by providing that nothing should be done under it without lawful authority from Canada.

Chapter 38. "An Act to amend an Act to incorporate the Fredericton Boom Company and the several Acts in amendment thereof."

The Fredericton Boom Company was established many years ago under a Provincial Act of Parliament. This Act extends its powers, rights, privileges and duties on both sides of the St. John River and the islands therein, from the mouth of the Mactaquac stream down the St. John River to below the Nashwaak, and authorizes the erection of side-booms, piers and other works in and along the River St. John, and on both sides of the river, and any other works connected therewith between these points for the purpose of collecting timber, &c., floating down the river.

The 8th Section provides, that it shall be the duty of the Company to keep the channel of the river passable at all times as far as practicable for steamboats, boats and other vessel property, as also for rafts, and there are provisions for charging a toll on any rafts of logs or other lumber coming down the River St. John without any men on it, and which may be carried into any of the booms of the Company, and the existing powers of the corporation are also extended to the new works.

The undersigned and his predecessors have had occasion to point out with reference to several Provincial Statutes, the questions which may arise on legislation of this description.

The undersigned has communicated with the Minister of Marine as to his view of the probable operation of this Act, and he understands that the Minister—although some of the clauses are not quite so clear and full as they might be—does not apprehend injury to the navigation.

The Minister does not conceive that the Act confers any more power upon the Company to interfere with navigation than that which they have enjoyed for the last thirty years.

It is obvious, as has already been pointed out, that in case the navigation is attempted to be interfered with, under color of the Act, such interference cannot be justified since the Provincial Legislature cannot confer any power to interfere with the navigation; and upon the whole, having regard to the view of the Minister of Marine, the undersigned recommends that this Act be left to its operation, but that the attention of the Lieutenant Governor be called to the possible inconvenience which may arise from such legislation.

Chapter 40: "An Act to incorporate the Town of Moncton."

The 47th Section of this Act gives to the Council power to provide for the management of wharves, piers, &c., in the town, and the toll to be paid for vessels and steamboats touching thereat or using the same.

The undersigned would remark that if there be a public harbor within the limits of the town, the powers given by these sub-sections may be beyond the competency of a Local Legislature, as applied to such harbor. He recommends that the attention of the Lieutenant Governor should be called to this point, as also to a similar question which arises with reference to the 49th Section.

Chapter 68. "An Act to regulate the sale of spirituous liquors in the parishes of Lancaster, Simonds, and Saint Martins, in the City and County of Saint John."

Sections 9, 10 and 11 of this Act raise some of the questions so frequently referred to as in the course of judicial decision.

Chapter 100. "An Act to provide for the establishment of a police force and lock-up house at Caraquet, in the County of Gloucester."

Sections 5, 9 and 15. The word "offence" is used in describing the breaches of the Act.

The undersigned refers to former reports, in which the inconvenience of so describing breaches of Provincial statutes is discussed, and suggests that the attention of the Lieutenant Governor should be called to the propriety of altering the phrase.

Section 7 provides for a special punishment for assaults on constables. Similar provisions have been more than once remarked upon as objectionable.

The undersigned recommends that the Lieutenant Governor should be requested to consider these clauses with a view to its repeal as trenching upon Criminal Law.

Section 8. The offence provided against by this Act would appear to be a malicious injury to property, already made a crime under Canadian law, and the undersigned recommends that the Lieutenant Governor should be asked to invite its repeal.

Sections 10 to 15, both inclusive, and Section 19.

Some question may arise as to whether these Sections may not trench upon Criminal Law with reference to procedure.

Chapter 109. "An Act to amend an Act, intituled, 'an Act to incorporate the New Brunswick and Canada Railroad Company.'"

The undersigned begs to report that, from an examination of the lines authorized to be constructed by the various companies now included in the New Brunswick and Canada Railroad Company, it appears that these lines are within the Province of New Brunswick, thus being within the competence of the Local Legislature. The Act should be left to its operation.

Chapter 111. "An Act to incorporate the Maritime Mutual Fire Insurance Company."

This Act does not in terms limit the powers of the Company to a Provincial business; but from the whole tenor of the Act it seems tolerably plain that a Provincial business only is intended.

The undersigned recommends that the attention of the Lieutenant Governor should be called to the doubt, with a request that his Government would consider the propriety of clearing it up by an amendment.

Chapter 116. "An Act to incorporate the St. Croix Wharf Company."

This Act incorporates a Company for the erection of a wharf on the River St. Croix, at any point at or near Johnson's Cove, and it authorizes a toll upon property shipped from or landed on the wharf.

The undersigned has had already occasion to remark upon the questions to which legislation of this description gives rise, and it is his duty to point out that it is not within the power of a Local Legislature to authorize any interference with navigation, or with a public harbour; and that a question may arise as to the validity of the Act.

With these observations, however, he recommends that it should be left to its operation.

Chapter 118.—"An Act to incorporate the Shediac Station Wharf Company."

The observations made on the preceding Statute apply to this one.

Chapter 123. "An Act to incorporate the Beliveau-Albertite and Oil Company."

This Act authorizes the Company to construct a railway or tramway over and across any brooks, streams or rivers on public lands, and to build harbours, piers or breakwaters on lands owned by the Company, above or below low-water mark, license therefor having been first applied for and obtained from the Governor General of Canada or the Lieutenant Governor of New Brunswick in Council, as requisite.

The undersigned has already adverted to the questions which may arise with reference to such legislation, and he refers to his former report as applicable to this Act.

Chapter 125. "An Act to incorporate the Utopia Red Granite Company of Saint George."

The 8th Section of this Act contains provisions similar to those just remarked upon.

Chapter 127. "An Act to authorize the erection of a Boom across the Jacque River, in the County of Northumberland."

This Act authorizes the construction of piers, booms and side-booms for the purpose of collecting and forwarding timber, &c., floating down the Jacquet River, &c. It provides for the preservation of the navigation of the river, and authorizes the collection of tolls.

The undersigned refers to his observations already made upon similar legislation.

Chapter 129. "An Act to incorporate the Eel River Log Driving Company."

Chapter 143. "An Act to incorporate the Maduxinkik Stream Driving Company."

The undersigned refers to former observations upon similar Acts which apply to these.

(Signed) EDWARD BLAKE.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 8th December, 1876.

Upon the Report of the Hon. the Minister of Justice, dated 5th December, 1876 hereunto annexed, and for the reasons therein stated, the Committee advise that the Act of the Legislature of New Brunswick, 38th Vict., Chap. 11, 1875, intituled: "An Act to provide for the establishment, maintenance and management of "Reformatory and Industrial Schools," be left to its operation.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

OTTAWA, 5th December, 1876.

Upon the Act of the Legislature of New Brunswick, 38th Victoria, Chapter 11, 1875, intituled, "An Act to provide for the establishment, maintenance, and management of Reformatory and Industrial Schools;"

The undersigned begs to report, that this Act provides for the establishment of Reformatory and Industrial Schools united under one management, but as separate Institutions for the reformation of juvenile offenders sentenced to imprisonment; and for the reception, education and maintenance of homeless or destitute children.

Both objects contemplated by the Act have been the subjects of legislation in different Provinces but the undersigned is not aware that any attempt has heretofore been made to conjoin these operations in the same buildings and under the same management.

The Act providing that the Reformatory School when established shall be a Reformatory Prison, and the British North America Act authorizing the establishment of Reformatory Prisons by Provinces, this subject would appear within the Provincial jurisdiction.

The 19th Section provides that the withdrawal of a certificate from any Reformatory School shall not be published until proper disposition is made of the offenders there confined.

The attention of the undersigned has been called to the inconvenience and unsuitability of providing for the detention, in the same building and under the same management of homeless and destitute, but unoffending children; but however serious are the objections to which this course may be thought open, it does not seem to call for the exercise of the power of disallowance, and he recommends that the Act should be left to its operation.

(Signed) EDWARD BLAKE.
Minister of Justice.

Lord Lisgar to the Earl of Kimberley.

(No. 1.)

OTTAWA, 4th January, 1872.

MY LORD,—I have the honor to enclose, for Your Lordship's consideration, a report drawn up by the Honorable the Minister of Justice (Sir John A. Macdonald) on a question which has been raised as to the power of appointing Queen's Counsel for the Provinces.

2. I shall feel obliged if Your Lordship will have the goodness to procure the opinion of the Law Officers of the Crown, and communicate to me your decision on the question of prerogative.

3. Questions will probably be put upon the subject to the Ministers soon after the commencement of the approaching session of Parliament, *i.e.*, soon after the middle of next month.

I have, &c.,

(Signed) LISGAR.

The Right Honorable
The Earl of KIMBERLEY,
&c., &c., &c.

DEPARTMENT OF JUSTICE,
OTTAWA, 3rd January, 1872.

The undersigned has the honor to report to Your Excellency, that the question has been raised by the Government of the Province of Nova Scotia as to whether they have the power of appointing Queen's Counsel for the Province, their opinion being that they have no such power.

The undersigned is of opinion that, as a matter of course, Her Majesty has directly, as well as through her representative the Governor General, the power of selecting from the Bars of the several Provinces, her own counsel, and, as *fons honoris*, of giving them such precedence and pre-audience in her Courts as she thinks proper.

It is held by some that the Lieutenant Governors of the Provinces, as they are now not appointed directly by Her Majesty, but by the Governor General, under the British North America Act, 1867, clause 58, do not represent her sufficiently to exercise the Royal prerogative, without positive statutory enactment.

This seems to have been the view of Her Majesty's Government in 1864, when they refused to confer the pardoning powers on the Lieutenant Governors. (See despatch of Mr. Cardwell of 3rd December, 1864; also Lord Granville's despatch of 24th February, 1869.) On the other hand, it is contended that the 64th and 65th clauses continue to the Lieutenant Governors the powers of appointing Queen's Counsel which they exercised while holding Commissions under the Great Seal of England.

Reference is also made to the 63rd Section by which the Lieutenant Governors of Ontario and Quebec appoint Attorney Generals, and the Lieutenant Governor of Quebec also a Solicitor General.

However this may be, it will be seen that by the 92nd clause of the Act, it is provided that "the Legislature of each Province may make laws in relation to the Administration of Justice in the Province, including the constitution, maintenance and organization of Provincial Courts, both of civil and criminal jurisdiction, and, including procedure in civil matters in those Courts."

Under this power, the undersigned is of opinion that the Legislature of a Province, being charged with the Administration of Justice and the organization of the Courts, may, by statute, provide for the general conduct of business before those Courts; and may make such provisions with respect to the bar, the management of criminal prosecutions by counsel, the selection of those counsel, and the right of pre-audience, as it sees fit. Such enactment must, however, in the opinion of the undersigned, be subject to the exercise of the Royal prerogative, which is paramount, and in no way diminished by the terms of the Act of Confederation. As the matter affects Her Majesty's prerogative, the undersigned would respectfully recommend that it be submitted to the Right Honorable the Secretary of State for the Colonies, for the opinion of the Law Officers of the Crown and for Her Majesty's decision thereon.

The questions for opinion would seem to be:

- (1.) Has the Governor General (since 1st July, 1867, when the union came into effect) power, as Her Majesty's representative, to appoint Queen's Counsel?
- (2.) Has a Lieutenant Governor, appointed since that date, the power of appointment?
- (3.) Can the Legislature of a Province confer by statute on its Lieutenant Governor the power of appointing Queen's Counsel?
- (4.) If these questions are answered in the affirmative, how is the question of precedence or pre-audience to be settled.

All which is respectfully submitted.

(Signed) JOHN A. MACDONALD.

The Earl of Kimberley to Lord Lisgar.

(No. 21.)

DOWNING STREET, 1st February, 1872.

MY LORD,—In compliance with the request contained in your despatch, No. of the 4th January, I have taken the opinion of the Law Officers of the Crown on the questions raised therein, with regard to the power of appointing Queen's Counsel in the Provinces forming the Dominion, I am advised that the Governor General has now power, as Her Majesty's representative, to appoint Queen's Counsel, but that a Lieutenant Governor, appointed since the union came into effect, has no such power of appointment.

I am further advised that the Legislature of a Province can confer by Statute on its Lieutenant Governor the power of appointing Queen's Counsel; and, with respect to precedence or pre-audience in the Courts of the Province, the Legislature of the Province has power to decide as between Queen's Counsel appointed by the Governor General and the Lieutenant Governor, as above explained.

I have, &c.,

(Signed) KIMBERLEY.

Governor General

The Right Hon. LORD LISGAR, G.C.B., G.C.M.G.

OTTAWA, 8th April, 1876.

SIR,—In compliance with your order of reference of the 8th inst., I have the honor to transmit to you herewith copies of all correspondence of record in this department relating to the appointment of Queen's Counsel, as called for by the House of Commons in their Address of the 7th inst.

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

(Signed,) E. A. MEREDITH,
Under Secretary of State for the Provinces.

E. PARENT, Esq.,

Under Secretary of State for Canada.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 2nd October, 1872.

On a memorandum, dated 28th September, 1872, from the Honorable the Minister of Justice, reporting that it appears by the Ontario *Official Gazette* of the 16th of March last, that the Lieutenant Governor of that Province appointed the following gentlemen to be Queen's Counsel:—

Daniel McMichael, of Osgoode Hall, Esq., Barrister-at-Law.
William Proudfoot, Esq., Barrister-at-Law.
Christopher Salmon Patterson, Esq., do
Edmund Burke Wood, Esq., do
John Anderson, Esq., do
Samuel Hume Blake, Esq., do
Thomas Moss, Esq., do

The Minister states that, being of the opinion that, in the absence of legislation on the subject, the Lieutenant Governor of a Province of the Dominion had not, since the 1st July, 1867, the right to exercise the Royal prerogative in the appointment of Queen's Counsel, but that such power was vested in the Governor General, as Her Majesty's representative; he made a report to that effect, and His Excellency the late Governor General transmitted such report to the Secretary of State for the Colonies, for the purpose of obtaining the opinion of the Law Officers of the Crown on the subject.

That by a despatch, dated 1st February last, Lord Kimberly informed Lord Lisgar that the Governor General had the power, but that a Lieutenant Governor appointed since the union came into effect had not the power of appointment.

That, under the circumstances, great doubt must exist as to the validity of the commissions issued to the gentlemen named.

That, by the law of Upper Canada, Queen's Counsel can, in certain cases, at the request of a Judge of the Superior Courts, perform certain judicial duties, such as the trial of civil and criminal cases. That their authority to act might be disputed, and that if it were eventually decided to be illegal, a failure of justice would be the consequence.

That under these circumstances, as the gentlemen mentioned are fully qualified to perform the duties of Her Majesty's Counsel; the Minister of Justice recommends that commissions be issued by the Government of Canada to those gentlemen, or such of them as desire to receive the same.

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

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

GOVERNMENT HOUSE,
TORONTO, 26th October, 1872.

SIR,—I have the honor to transmit herewith a copy of an Order in Council, dated the 23rd day of October, having reference to the appointment of Queen's Counsel for the Province of Ontario, and to invite the attention of the Dominion Government thereto.

I have, &c.,

(Signed) W. P. HOWLAND.

The Honorable
The Secretary of State for the Provinces,
Ottawa.

Copy of a Minute of Council approved by His Excellency the Lieutenant Governor, the 23rd day of October, A.D. 1872.

The Committee of Council would respectfully call Your Excellency's attention to the fact, that some of the gentlemen whom Your Excellency appointed Queen's Counsel for Ontario, on the 16th March last, have, during the present month, received from the office of the Honorable Secretary of State for Canada, letters in the following form:—

“DEPARTMENT OF THE SECRETARY OF STATE,
“OTTAWA, 7th October, 1872.

“SIR,—I have the honor to inform you that the question having been raised in the Province of Nova Scotia as to where the power of appointing Queen's Counsel rested since the Union of the Provinces, His Excellency the Governor General, on the 4th January last, obtained, through the Right Honorable the Secretary of State for the

Colonies, the opinion of the Law Officers of the Crown in England on the subject. These officers advised that the Governor General has now the power, as Her Majesty's Representative, to appoint Queen's Counsel, but that a Lieutenant Governor appointed since the Union came into effect, has, in the absence of legislation, no such power of appointment.

" Under these circumstances, and to remove all possible doubt as to the legality of your status as one of Her Majesty's Counsel for the Province of Ontario, I am commanded by His Excellency the Governor General to inform you, that a Commission will be issued under the Great Seal of Canada, appointing you Queen's Counsel for Ontario, should you desire it.

" I have, &c.,

" (Signed) E. PARENT,
" *Under Secretary of State.*"

The Committee regret that the Government of Canada, entertaining the view that the opinion of the Law Officers referred to in this letter was applicable to Ontario, should not have thought fit to transmit a copy of it for Your Excellency's information. Although Your Excellency's Government is of opinion that Your Excellency is invested with the power to make such appointments without legislation, yet had they been made aware of the view of the Law Officers, they would have thought it proper to propose the legislation requisite for the removal of any possible doubt on the subject; and, having now become aware of it, it is their intention to propose such legislation during the Session which is to commence within a few weeks. It appears to the Committee that grave inconveniences and complications may arise from the proposed action of the Government of Canada.

The Committee entertain the view that appointments of this description fall properly within the Local and not within the Federal jurisdiction, and they trust that, having regard to their expressed intentions as to legislation, the Government of Canada may see fit to abstain at present from issuing the proposed commissions.

Should that Government, however, be of opinion that, notwithstanding the proposed legislation, the power of issuing such commission would remain with and should be exercised by His Excellency the Governor General, it appears to the Committee that, before acting on that view, the opinion of the Judicial Committee of the Privy Council should be taken on a joint case to be argued on behalf of the respective Governments.

The Committee purposely abstain from entering into any discussion of the constitutional point, but they are bound to state that, in their opinion, the proposed action involves questions of Local and Federal jurisdiction far wider than the single question under discussion, and this renders them more anxious that the course they propose should commend itself to His Excellency the Governor General.

The Committee advise that Your Excellency should communicate this Minute of Council to the Secretary of State for the Provinces.

Certified.

(Signed) J. G. SCOTT,
Clerk, Executive Council, Ontario.

25th October, 1872.

OFFICE OF THE SECRETARY OF STATE FOR THE PROVINCES,
OTTAWA, 28th October, 1872.

SIR,—I have the honor to acknowledge the receipt of your despatch, of the 26th instant, covering a copy of an order of your Executive Council, dated the 23rd instant, having reference to the appointment of Queen's Counsel for the Province of Ontario.

Your despatch and its enclosures will be brought, without delay, under the notice of the Governor General in Council.

I have, &c.,

(Signed) JOSEPH HOWE,
Secretary of State for the Provinces.

The Hon. W. P. HOWLAND, C.B.,
Lieutenant Governor,
Toronto.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 13th December, 1872.

The Committee of the Privy Council, to whom was referred the despatch of the Lieutenant Governor of Ontario, dated 28th October, 1872, covering a Minute of the Executive Council of that Province, on the subject of the appointment of Queen's Counsel, beg leave to report,—

That considerably more than a year ago, the attention of the Government was called to the expediency of appointing Queen's Counsel in Nova Scotia.

It appears that, according to the practice that obtained in that Province, criminal prosecutions are generally conducted by Queen's Counsel, and it was stated that there was not a sufficient number of professional gentlemen holding that rank to perform the criminal business satisfactorily.

As the question, where the power of appointment rested, had been mooted in the newspapers, and as it was one that affected the Royal Prerogative, it was deemed expedient to pursue the usual course in such cases, and to submit the question for Her Majesty's consideration, and for the opinion of the Law Officers of the Crown.

This opinion was obtained, and it was to the effect that the Governor General has power, as Her Majesty's representative, to appoint Queen's Counsels, but that a Lieutenant Governor, appointed since the Union came into effect, has no such power of appointment.

Her Majesty was further advised in such opinion, that the Legislature of a Province could confer, by statute, upon the Lieutenant Governor, the power of appointing Queen's Counsel, and of settling the practice as to precedence or pre-audience in the Courts of the Province.

No appointments of Queen's Counsel for Ontario have yet been made by the Governor General.

The Lieutenant Governor of Ontario has given commissions as Queen's Counsel to seven members of the Bar, as appears by the *Ontario Gazette* of the 16th March last.

The validity of these appointments was at once questioned by the profession and in the press. Had the question been merely one involving pre-audience in the Courts, the Government would have left it to the decision of those Courts; but by law a Superior Court Judge in Ontario has the power of deputing any of Her Majesty's Counsel to perform his judicial duties, both civil and criminal at the Assizes.

In case any of the Counsel who have lately received commissions from the Lieutenant Governor should Act for a Judge at the Assizes, and the invalidity of the commission be afterward established, serious consequences might ensue, as all the pre-

ceedings in Court before him would be illegal, and *coram non judge* to the great disturbance of the administration of Justice, both civil and criminal.

Under these circumstances, and to remove all doubt, the Minister of Justice recommended that His Excellency the Governor General should grant commissions to such of the gentlemen appointed by the Lieutenant Governor as desired to receive the same.

The Minute of the Executive Council of Ontario states that, although they are still of opinion that the Lieutenant Governor has the power to grant such commissions, it is their intention, in order to remove all doubts, to submit a measure to the Provincial Legislature on the subject.

The Committee of the Privy Council can make no objection to that course being taken. They do not, however, see that such legislation can in any way affect the power of Her Majesty through Her representative to appoint Her own counsel, and to grant them commissions as such; and they cannot recommend the surrender or relinquishment of the prerogative of appointment.

The Executive Council of Ontario recommend a reference of this question to the Judicial Committee of the Privy Council.

Had this suggestion been made before the assumption of the power of appointment by the Provincial Government, it might properly have been adopted, but under present circumstances it would seem that the question should be dealt with, in the first instance, by the Courts in Ontario.

The Committee of Council do not apprehend that any inconveniences or complications can arise from the Queen's representative exercising the Royal prerogative in making such appointments.

It is obvious that when the Supreme Court or other Dominion Courts are established, commissions issued by the Lieutenant Governor would not, as of right, give precedence or position in those Courts. At the same time it might be advisable that such commissions should be recognized.

The Committee of Council are, therefore, on the whole, of opinion that His Excellency the Governor General, as the Queen's representative, should not refrain from appointing Her Majesty's Counsel; but they think an arrangement might advantageously be made between the Government of the Dominion, and the several Provinces, by which Queen's Counsel, appointed by the Governor General, would receive proper status and position in the Provincial Courts, and commissions issued under statutory authority by the Lieutenant Governor would be recognized in the Courts of the Dominion.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

OFFICE OF THE SECRETARY OF STATE FOR THE PROVINCES,
OTTAWA, 17th December, 1872.

SIR,—Referring to your despatch of the 26th October last, covering a Minute of your Executive Council on the subject of the appointment of Queen's Counsel, I have the honor to transmit, for the information and consideration of your Government, a copy of an order of the Governor General in Council upon the subject.

I have, &c.,

(Signed) JOSEPH HOWE,
Secretary of State for the Provinces.

To the Lieutenant Governor,
Ontario.

Sir John Young to Earl Granville.

OTTAWA, 2nd December, 1869.

MY LORD,—I have the honor to forward herewith a copy of an approved Minute of Council, founded on a Report of the Minister of Justice on a Bill passed by the Legislature of the Province of New Brunswick, providing for the issue of Marriage Licenses by the Lieutenant Governor of that Province, and reserved by him for my assent.

2. Your Lordship will perceive that the Minister of Justice is of opinion that the Act is beyond the jurisdiction of the Local Legislature, but that the subject is one of such importance that he requests that it may be submitted to the Law Officers of the Crown for their opinion.

I have, &c.,

(Signed) JOHN YOUNG.

The Earl Granville,
&c., &c., &c.

Sir John Young to Earl Granville.

OTTAWA, 5th December, 1869.

MY LORD,—I would beg to draw your attention to my despatch, No. 141, of date 2nd December, with reference to a Bill passed by the Legislature of New Brunswick, providing for the issue of marriage licenses.

2. Since writing that despatch, I have received the following memorandum from Sir John Macdonald, the Minister of Justice and Premier, pointing out the importance of an early decision on the question.

He writes, "until the question is settled where the power of legislation exists, considerable disquiet will remain in the public mind. It is understood that the Court of Chancery in Ontario are prepared to give judgment in a suit before them, which will have the effect of invalidating a good many marriages, The Court has hitherto refrained from giving the judgment, in order to give an opportunity for legislation."

Will you kindly press upon the Colonial Minister the importance of an early answer.

I have, &c.,

(Signed) JOHN YOUNG.

The Earl Granville,
&c., &c., &c.

The Secretary of State for the Colonies to the Governor General.

DOWNING STREET, 15th January, 1870.

SIR,—With reference to your despatch, No. 141, of the 2nd December, I have to inform you that that despatch and the report of the Committee of the Hon. the Privy Council, together with the memorandum from the Hon. the Minister of Justice, relative to a Bill passed by the Legislative Council and Assembly of the Province of New Brunswick, providing for the issue of Marriage Licenses by the Lieutenant Governor of that Province, were, according to your request, submitted by me to the Law Officers of the Crown for their opinion upon the two questions raised by Sir John Macdonald in his Memorandum.

The Law Officers are disposed to concur with the Minister in his view of the first question stated by him, but they are unable to concur in his opinion that the

authority to grant marriage licenses is now vested in the Governor General of Canada, and that the power of legislating on the subject of marriage licenses is solely in the Parliament of the Dominion.

It appears to them that the power of legislating upon this subject is conferred on the Provincial Legislatures by 30 and 31 Vic., Chap. 3, Sec. 92, under the words "the solemnization of marriage in the Province;" the phrase "the laws respecting the solemnization of marriages in England" concurs in the preamble of the Marriage Act (4th Geo. IV. C. 76), an Act which is very largely concerned with matters relating to banns and licenses, and this is, therefore, a strong authority to show that the same words used in the British North America Act, 1867, were intended to have the same meaning; "Marriage and Divorce," which, by the 91st Section of the same Act, are reserved to the Parliament of the Dominion, signify, in their opinion, all matters relating to the *status* of marriage between what persons and under what circumstances it shall be created and (if at all) destroyed. There are many reasons of convenience and sense why one law as to the status of marriage should exist throughout the Dominion, which have no application as regards the uniformity of the procedure whereby that *status* is created or evidenced.

Convenience, indeed, and reasons would seem alike in favour of a difference of procedure, being allowable in Provinces differing so widely in external and internal circumstances as those of which the Dominion is composed, and of permitting the Provinces to settle their own procedure for themselves, and they are of opinion that this permission has been granted to the Provinces by the Imperial Parliament and that the New Brunswick Legislature was competent to pass the Bill in question.

I have, &c.,

(Signed)

GRANVILLE.

Governor General

The Right Honorable

Sir JOHN YOUNG, G. C. B.,

&c., &c., &c.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 30th November, 1869.

The Committee have given their attentive consideration to the annexed memorandum (dated 29th November, 1869), from the Hon. the Minister of Justice, relative to a Bill passed by the Legislative Council and Assembly of the Province of New Brunswick during its last session, providing for the issue of marriage licenses by the Lieutenant Governor of that Province; which Bill was reserved by the Lieutenant Governor for Your Excellency's assent; and they respectfully report their concurrence in the opinion expressed in the said memorandum and submit the same for Your Excellency's approval.

Certified.

W. A. HIMSWORTH,

Clerk, Privy Council.

DEPARTMENT OF JUSTICE,

OTTAWA, 29th November, 1869.

The undersigned has the honor to report to Your Excellency that a Bill relating Marriage Licenses, was passed by the Legislative Council and Assembly of the Province of New Brunswick during its last Session, and reserved by the Lieutenant Governor for Your Excellency's assent. The Act is as follows:

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows:—

1. "That all marriage licenses issued and signed by any any Lieutenant Governor or Administrator of the Government of this Province since the first day of May, one thousand eight hundred and fifty-four, by virtue of his Office, and all marriage licenses signed by any Deputy Governor since the first day of July, one thousand eight hundred and sixty-seven, shall be deemed as valid and effectual as though he had been specially authorized by Act of the Legislature of this Province to sign the same.

2. "That from and after the passing of this Act, all marriage licenses shall be issued from the office of the Provincial Secretary, under the hand and seal of the Lieutenant Governor, or of the person administering the Government of this Province for the time being."

This Bill raises the question which has been already mooted in the other Provinces of the Dominion, as to where the authority to issue marriage licenses since the British North America Act, 1867, came into force, rests. Up to that time the power was vested in the Governors of the several Provinces, as ordinary.

(See Stokes on Colonies, pages 149 and 184.)

Express power to issue marriage licenses seems to have been given in every commission of every Governor General of Canada, or in the instructions accompanying such commission.

In the instructions addressed to the Hon. James Murray, as Captain General and Governor in Chief of the Province of Quebec, dated 7th December, 1763 (the first Governor after the conquest), it is provided, in the 37th paragraph, as follows:

"And, to the end that the exclusive jurisdiction of the Lord Bishop of London may take place in our Province, under your Government, as far as conveniently may be we do think fit that you do give all countenance and encouragement to the exercise of the same, excepting only the collating to benefices granting licenses for marriage and probate of wills, which we have reserved to our Governor and our Commander in Chief of our said Province for the time being."

All subsequent commissions or instructions seem to contain the same power.

By the Marriage Act in Upper Canada, Con. Stat. of U. C., cap. 72., it is enacted that no clergyman shall celebrate marriage unless duly authorized so to do by license under the hand and seal of the Governor, or by the publication of banns.

In Lower Canada no express power was given to the Governor by Statute, but in the Act relating to the registration of marriages, Con. Stat. Lower Canada, cap. 20, it is provided that "in the entry of a marriage in the registry, it shall, among other things, be specified whether the parties were married after the publication of banns, or by dispensation or license.

In the Revised Statutes of Nova Scotia, cap. 120, it is provided that "no person shall officiate in the solemnization of marriage unless on public notice or on license, and that the Governor may, from time to time, sign and seal marriage licenses and deposit the same with the Provincial Secretary, &c."

In the Revised Statutes of New Brunswick, cap. 106, it is provided, that "Christian Ministers may solemnize marriage by license or by publication of banns, and the Governor in Council may appoint persons in every county to issue marriage licenses."

The undersigned is of opinion that none of these statutes can be held as conferring any new power upon the Governors; but that marriage licenses were issued by them by virtue of their commissions and as ordinary, having jurisdiction as such directly from the Crown.

By the British North America Act, 1867, exclusive power of legislation as to "Marriage and Divorce" is given to the Parliament of the Dominion by sec. 91 paragraph 26; and by sec. 92, paragraph 12, the Legislatures of the Provinces have exclusive powers of Legislation respecting the "solemnization of marriage."

The commission of Lord Monck, the first Governor General of the Dominion, in its 7th paragraph and impowers him to exercise all such power as the Queen may

be entitled to exercise within the Dominion, in respect of granting licenses for marriages, &c., and the same power is contained in the commission to Your Excellency.

Two questions now arise, viz :

1. Whether the authority to issue marriage licenses is vested in Your Excellency as Governor General, under Her Majesty's commission, or in the Lieutenant Governors of the several Provinces.

2. Whether the power of legislation respecting the publication of banns, or the issue of licenses, rests with the General or Local Legislatures.

As to the first point the undersigned is of opinion that the power rests with the Governor General, under his commission, and not with the Lieutenant Governors. They do not hold their appointment directly from the Queen, but are appointed by the Governor General in Council pursuant to the 58th section of the Act. Their powers are simply those conferred upon them by the statute, and they have no right to deal with matters of prerogative as representatives of the Sovereign.

The second question as to where the power of Legislation on the subject rests, has excited much interest in Canada, and conflicting opinions exist with respect to it.

The power given to the local Legislatures to legislate on the solemnization of marriage was, it is understood, inserted in the Act at the instance of the representatives of Lower Canada, who, as Roman Catholics, desired to guard against the passage of an Act legalizing civil marriages without the intervention of a clergyman and the performance of the religious rite. They therefore desired that the Legislature of each Province should deal with this portion of the law of marriage. The Act must, however, of course be construed according to its terms, and not according to the assumed intention of its framers.

The under-igned is of opinion that the right to legislate respecting the authority to marry, whether by publication of banns, by license or by episcopal dispensation, is part of the general law of marriage, respecting which the Parliament of Canada has exclusive jurisdiction.

The publication of banns or the license (as the case may be) is no part of the solemnization, it is merely the authority to solemnize. The solemnization is not commenced by the issue of the license or the publication of the banns: all the English marriage acts treat the authority, and the solemnization under the authority, as quite different matters. Thus, it is provided in 4th Geo. IV., Chap. 76, sections 9 and 19, that, "whenever a marriage shall not be had within three months after the publication of banns, or the granting of license, no minister shall *proceed* to the solemnization of such marriage until a new license shall have been obtained, or a new publication of banns had," and by the 21st Section, the solemnization of marriage without due publication of banns or license of marriage is made a felony.

In order to convict a person under this clause, it must be alleged and proved that the solemnization was not only commenced but completed; and if the license or banns were a necessary portion of the solemnization, the offence would never be completed without them. The subsequent Marriage Acts seem to draw the same distinction between the authority and the solemnization.

The undersigned is, therefore, of opinion that this reserved Act is beyond the jurisdiction of the Local Legislature and should not receive the assent of Your Excellency.

As the subject is one of the very greatest importance, affecting the validity of marriages past and future, the undersigned would suggest that the Colonial Minister be requested to submit the two questions above raised to the Law Officers of the Crown for their opinion.

(Signed) JOHN A. MACDONALD.

 SCHEDULE.

1. Secretary of State for the Provinces to Lieutenant Governor of New Brunswick, 9th November, 1872, with Order in Council of 6th November, 1872; and Report of Minister of Justice, 30th October, 1872.
2. Lieutenant Governor, New Brunswick, to Secretary of State (Provinces), 13th November, 1872.
3. Lieutenant Governor, New Brunswick, to Secretary of State (Provinces), 31st December, 1872, with Copy of Minute of Council of 23rd December, 1872.
4. Secretary of State (Provinces), to Lieutenant Governor, New Brunswick, 4th January, 1873.
5. Order in Council, 10th January, 1873.
6. Letter to Bishop of St. John, 7th November, 1872.
7. Letter from Bishop of St. John, 18th November, 1872.
8. Letter from Bishop of St. John, 18th January, 1873 (with printed documents).
9. Letter to Bishop of St. John, 28th January, 1873.
10. Order in Council, 30th January, 1873.
11. Letter to Bishop of St. John, 4th February, 1873.
12. Despatch from Secretary of State for the Colonies to the Governor General (No. 47), 18th February, 1873, transmitting copies of opinion of Law Officers of the Crown; also, copy of letter from Privy Council Office.
13. Opinion of the Law Officers of the Crown, November 29th, 1872—12th February, 1873.
14. Letter from Privy Council Office, of 13th December, 1872.
15. Despatch from Secretary of State for the Colonies to the Governor General (No. 54), 20th February, 1873, acknowledging receipt of further Report of Committee of Canadian Privy Council, and of a letter with printed papers from the Roman Catholic Bishop of St. John.
16. Order in Council, 13th March, 1873.

 No. 142.

OTTAWA, 17th March, 1873.

SIR,—In compliance with your order of reference of the 13th inst., I have the honor to transmit to you copies of all the documents on record in this Department, No. 84, on the subject of the Act passed in 1871, by the Legislature of the Province of New Brunswick, respecting Common Schools in that Province, as called or by the House of Commons in their Address of the 12th inst.

A schedule of the documents is annexed.

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

E. H. MEREDITH,
Under Secretary of State for the Provinces.

E. PARENT, Esq.,
Under Secretary of State for Canada.†

 (N.B.—No. 39.)

No. 626.

OFFICE OF THE SECRETARY OF STATE FOR THE PROVINCES,
OTTAWA, 9th November, 1872.

SIR,—I have the honor to enclose, for the consideration of your Government, a Minute of the Governor General in Council, together with a printed copy of the Report (No. 1392.) thereon, therein referred to, of the Honorable the Minister of Justice, 6th Nov., 1873, respecting the School Act passed in 1871 by the Legislature of the Province of New Brunswick.

I am to request that you will have the goodness to communicate to me any remarks you may be advised to make in connection with the minute, and may desire to have transmitted to the Right Honorable the Secretary of State for the Colonies.

I have, &c.,

(Signed) JOSEPH HOWE,
Secretary of State for the Provinces.

The Hon. L. A. WILMOT,
Lieut.-Governor, Fredericton.

The Earl of Dufferin to the Earl of Kimberley.

(Copy.)—No. 85.

GOVERNMENT HOUSE,
OTTAWA, 6th November, 1872.

MY LORD,—I have the honor to enclose a copy of a Report of a Committee of the Privy Council of the Dominion of Canada, approved by me on the 6th instant, and accompanied by a printed copy of a Report from the Minister of Justice, relative to an Act of the Legislature of New Brunswick relating to Common Schools.

Nov. 6, 1873. My Ministers have requested me to forward these documents to your Lordship, in accordance with a resolution adopted by the House of Commons of Canada, on the 30th May last. A copy of this Resolution is given with the other documents in the accompanying Report.

I have, &c.,

(Signed) DUFFERIN.

he Right Honorable
The Earl of Kimberley,
&c., &c., &c.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 6th November, 1872.

The Committee of the Privy Council have had under consideration the annexed Report, dated 30th October, 1872, from the Honorable the Minister of Justice, submitting, in accordance with the Resolution adopted by the House of Commons on the 30th May last, a statement for transmission to Her Majesty's Secretary of State for the Colonies, in order that the opinion of the Law Officers of the Crown of England, and, if possible, the opinion of the Judicial Committee of the Privy Council, may be obtained, as to the right of the New Brunswick Legislature to make such changes in the School Law as deprived Roman Catholics of the privileges they enjoyed at the time of the Union, in respect of religious education in the Common Schools, with the view of ascertaining whether the case comes within the terms of the 4th sub-section of the 93rd clause of "The British North America Act, 1867," which authorizes the Parliament of Canada to enact remedial laws for the due execution of the provisions respecting education in the said Act.

The Committee advise that a copy of this Minute, with the annexed statement, be transmitted by Your Excellency to the Right Honorable the Secretary of State for the Colonies, with a view to carrying out the terms of the resolution referred to; also,

That a copy of the statement and this Minute be forwarded to the Lieutenant Governor of New Brunswick and to the Right Rev. John Sweeny, D.D., Bishop of

St. John, N.B., for any remarks they may think proper to make, and may desire to be transmitted to the Right Honorable the Secretary of State for the Colonies, for consideration in connection with the Minute.

Certified,

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council, Canada.

To the Honorable the Secretary of State
for the Provinces, &c., &c.

DEPARTMENT OF JUSTICE,
OTTAWA, 30th October, 1872.

The undersigned has the honor to report:—

1. That, upon the 30th May last, the House of Commons of Canada passed the following Resolution:—

“That this House regrets that the School Act recently passed in New Brunswick is unsatisfactory to a portion of the inhabitants of that Province, and hopes that it may be so modified during the next Session of the Legislature of New Brunswick as to remove any just grounds of discontent that now exist, and this House deems it expedient that the opinion of the Law Officers of the Crown in England, and, if possible, the opinion of the Judicial Committee of the Privy Council, should be obtained as to the right of the New Brunswick Legislature to make such changes in the School Law as deprived the Roman Catholics of the privileges they enjoyed at the time of the Union, in respect of religious education in the Common Schools, with the view of ascertaining whether the case comes within the terms of the 4th sub-section of the 93rd clause of the British North America Act, 1867, which authorizes the Parliament of Canada to enact remedial laws for the due execution of the provisions respecting education in the said Act. The House divided, and it was resolved in the affirmative.”

2. That the sections of the British North America Act, 1867, to which allusion is above made, are as follows:—

EDUCATION.

“93. In and for each Province the Legislature may exclusively make laws in relation to education, subject and according to the following provisions:—

(1.) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the Province at the Union :

(2.) All the powers, privileges and duties at the Union, by law conferred and imposed in Upper Canada, on the Separate Schools and School Trustees of the Queen's Roman Catholic subjects shall be, and the same are hereby extended to the dissentient schools of the Queen's Protestant and Roman Catholic subjects in Quebec :

(3.) Where in any Province a system of separate or dissentient schools exists by law at the Union, or is thereafter established by the Legislature of the Province, an appeal shall lie to the Governor General in Council, from any act or decision of any Provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects, in relation to education :

(4.) In case any such Provincial law, as from time to time seems, to the Governor General in Council, requisite for the due execution of the provisions of this section is not made, or in case any decision of the Governor General in Council on any appeal under this section, is not duly executed by the proper Provincial authority in that behalf, then and in every such case and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of

the provisions of this section, and of any decision of the Governor General in Council under this section.

3. That the Act of the Province of New Brunswick, of 1871, referred to in the Resolution of the House of Commons, is as follows:—

34th Vic., Cap. XXI, 1871.

An Act relating to Common Schools.

[*Passed 17th May, 1871.*]

“Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows:—

PRELIMINARY.

“1. This Act may for all purposes be cited as “The Common Schools Act, 1871.”

“2. The following terms shall in this Act mean as herein defined, unless there is something in the context repugnant thereto:—

“‘Schools’ shall mean all Schools established under this Act:

“‘District,’ that portion of territory into which the Province shall be divided for local School government

“‘Border District,’ a District embracing portions of two or more Parishes:

“‘Rate-payer,’ any person rated in the Parish Assessment List, in respect of real or personal property or income:

“‘Clerk of the Peace’ and ‘County Treasurer’ shall severally include the Secretary-Treasurer of incorporated Counties where the duties are performed by such officer:

“‘Sessions’ shall include the County Council of incorporated Counties.

“3. The Governor in Council shall appoint a Chief Superintendent of Education at a salary of twelve hundred dollars per annum, besides travelling expenses, charges and contingencies of offices, and a clerk or assistant at a salary of ten hundred dollars per annum.

“4. The Governor in Council may issue warrants in the ordinary manner, for the payment of the several allowances, salaries and services provided for hereby.

BOARD OF EDUCATION.

“5. The Governor, the Members of the Executive Council, the President of the University of New Brunswick, and the Superintendent of Education, shall constitute a Board of Education; the Governor, with three Members of the Executive Council, and the Superintendent, who shall act as Secretary, shall constitute a quorum.

“6. The Board of Education shall have power:—

“(1.) To provide for the establishing and efficient working of a Training and Model School; to appoint a Principal at a salary of one thousand dollars, who shall, with the approval of the Board, appoint such assistants as may be found necessary, and to make such allowances for the expenses of pupil-teachers attending the school as shall be deemed proper, not exceeding twenty-four dollars:

“(2.) To appoint fourteen Inspectors, and the sum of four thousand dollars shall be at the disposal of the Board to provide for such service; but as far as it shall deem practicable, each County shall constitute an Inspectoral District, and the Board shall have power to prescribe the qualifications for Inspectors and their duties, where not herein prescribed, and to provide for the uniform certification of all candidates for the same:

“(3.) To divide the Province into School Districts, and from time to time to create new Districts, or, alter boundaries, having due regard to the number of children, and the ability of each district to support one or more efficient schools; towns, villages, and populous localities, having a community of interests, shall, as far

as practicable, form a single district, and no district shall contain less than fifty resident children, between the ages of five and sixteen years, unless the area of such district shall contain four square miles; and in the erection of Districts the Board may obtain such assistance as may be found necessary:

"(4.) To make regulations for the organization, government and discipline of schools and for the classification of schools and teachers, to appoint examiners of teachers, and to grant and cancel licenses:

"(5.) To prescribe text books and apparatus for the use of schools, books for school libraries, and plans for the construction and furnishing of school houses;

"(6.) To determine all appeals from the decisions of Inspectors, and make such orders thereon as may be required:

"(7.) To prepare and publish regulations under which moneys may be drawn and expended:

"(8.) To make such regulations as may be necessary to carry into effect this Act, and generally to provide for any exigencies that may arise under its operation:

SUPERINTENDENT.

"7. It shall be the duty of the Chief Superintendent of Education, and he is hereby empowered:—

"(1.) To have, subject to the Board of Education, a general supervision and direction of the Inspectors and Schools:

"(2.) To enforce the provisions of this Act, and the regulations and decisions of the Board of Education:

"(3.) To apportion the County School Fund in accordance with the provisions of this Act, withholding the same, and all Provincial aid, from districts presenting a false or insufficient return, and dealing with forfeited balances as directed by the Board of Education:

"(4.) To furnish the Clerks of the Peace with the numbers and boundaries of the districts within their respective Counties, and from time to time, as new districts are created, or boundaries altered, to furnish such new boundaries; and the certificate of the Clerk of the Peace shall be evidence of such boundaries:

"(5.) To cause copies of this Act, with regulations of the Board of Education, together with all necessary forms and instructions, to be published and furnished gratuitously to inspectors, trustees and teachers.

"(6.) To prepare annually a Report upon the schools, subject to his supervision, accompanied with full statistical tables and detailed accounts of the expenditures of the moneys appropriated under this Act, and offer suggestions on educational subjects; which Report shall be laid before the Legislature within ten days after the opening of the next succeeding Session thereof.

INSPECTORS.

"8. It shall be the duty of each of the Inspectors, and he is hereby empowered:

"(1.) To visit, at least semi-annually, each school within his Inspectoral District; to examine the schools and school-houses and premises, to inspect School Register, and generally to ascertain if the provisions of the School Laws are there carried out and obeyed, and to transmit to the Superintendent a Report of such inspection as often as the same may be required by the Board of Education:

"(2.) To furnish trustees and teachers with such information as they may require respecting the operation of this Act and the performance of their duties, and to advise with the teachers in all that may tend to promote their efficiency, and the character and usefulness of their schools:

"(3.) To aid in carrying out a uniform system of education, and generally in giving effect to this Act and the regulations of the Board of Education:

"(4.) To appoint a trustee or trustees of schools in cases hereinafter provided; and to investigate and determine upon complaints respecting the election of trustees:

“(5.) To determine and report to the Superintendent the districts, in his opinion, entitled during the following year to special aid as poor districts, with the grounds of such opinion.

MODE OF SUPPORT.

“9. The salaries of teachers shall be provided for from the three following sources, viz.:—Firstly, the Provincial Treasury; secondly, the County School Fund; thirdly, District Assessment. All other items of fixed or current expenditure shall be provided for by district or local assessment, and the purchase of school houses and lands, and erection of school buildings, may be provided for by loan extending over a period not exceeding seven years.

PROVINCIAL AID.

“10. Legally qualified teachers, employed in schools supported and conducted in conformity with this Act, shall, until as hereinafter specified, receive from the Provincial Treasury, according to the following rates for the school year:—Male teachers of the first class, one hundred and fifty dollars; of the second class, one hundred and twenty dollars; of the third class, ninety dollars. Female teachers of the first class, one hundred and ten dollars; of the second class, ninety dollars; of the third class, seventy dollars. Assistant teachers, if provided with a class-room, separate from the school room, but within the same building, and regularly employed at least four hours each day, shall receive one-half of the foregoing sums, according to the class of license—one-half the amounts named shall be paid semi-annually or rateably, according to the time the teachers or assistants shall have satisfactorily taught in schools as aforesaid within the scholastic year.

“11. From and after the period of five years from the time this Act goes into force, the Provincial aid to teachers and assistants, qualified and employed as aforesaid, shall be regulated in part according to class of license, and in part according to the quality of the instruction given in the school, as determined by the semi-annual examination of pupils by an Inspector, as follows:—For the school year, or rateably as above, male teachers of the first class, one hundred and ten dollars; of the second class, eighty dollars; of the third class, sixty dollars. Female teachers of the first class, seventy dollars; of the second class, fifty dollars; of the third class, forty dollars. In addition, each teacher whose school shall be reported by the Inspector, in respect of quality of instruction, as entitled in any half-year to the first rank, shall receive for the half-year, at the rate of forty dollars per year; the second rank at the rate of twenty-five dollars; the third rank at the rate of ten dollars, or rateably as above; each such assistant shall receive a sum equal to one-half the grants to teachers.

COUNTY ASSESSMENTS IN AID OF SCHOOLS.

“12. The Clerk of the Peace in each county shall add to the sum annually voted for general county purposes at the General Sessions, a sum sufficient, after deducting costs of collection, receiving and disbursing, and probable loss, to yield an amount equal to thirty cents for every inhabitant of the county, according to the last preceding census; and the sum so added shall form and be a portion of the county rates, and shall be levied and collected as other county rates, and shall form a County School Fund. And the Clerk of the Peace shall forthwith notify the Superintendent of the amount so ordered to be levied; and when the same shall have been collected, the County Treasurer shall notify the Superintendent of the amount thereof. Such sum shall be held by the County Treasurer, subject to the order of the Superintendent. The County Treasurer shall, at the time of the ordering the county rates, give a Bond to the Queen, with two sureties, in the probable amount of such moneys, conditioned for the faithful accounting for the same, which shall be lodged with the Clerk of the Peace; but a bond once given shall continue in force until cancelled, and remain a continuing security; and the Treasurer shall receive one per cent. for receiving and disbursing such moneys.

" 13. The Superintendent shall apportion one-half of such amount at the close of each half-year to the Trustees of schools conducted in accordance with this Act, and the regulations of the Board of Education, to be applied toward the payment of teachers' salaries, and in the following manner:—There shall be allowed to the Trustees of each district, in respect of each qualified teacher, exclusive of assistants, by them employed, the sum of twenty dollars per year, and the balance of such amount shall be apportioned to the Trustees according to the average number of pupils in attendance at each school, as compared with the whole average number of pupils attending the common schools of the county, and the length of time in operation; one-half the sum assessed as a county rate in the several counties for the support of schools, shall be advanced from the Provincial Treasury at the close of the spring term, to be refunded in October following, after the first day of which month interest on such advance will be charged against the county.

DISTRICT ASSESSMENT.

" 14. Any sum required by any district in further payment of teachers' salaries, over and above the sums as above provided by the Province and county, and any sum required for other school purposes during the year, including the purchase, rent or improvement of school grounds, the purchase, erection, repair, furnishing, care, and insurance of school houses and out buildings, the purchase of fuel, maps or apparatus prescribed, and books; the payment of interest on money borrowed by the district, or any other expense required in providing an efficient school, shall be determined by the School District in its school meeting, as hereinafter provided; and any amount so determined upon shall be a charge upon the district, and shall be levied as follows:—Every male person, twenty-one years of age and upwards, having resided in such district for the period of one month next previous to the levying of such assessment, shall be assessed and shall pay the sum of one dollar as a poll tax. The balance of the sum authorized to be assessed shall be levied on the real and personal property within the parish and income of the residents of the districts, according to the taxable valuation of the same on the Parish Assessment List for the year, and upon the real and personal property situated within the district of non-residents of the parish, according to such valuation. Nothing herein shall render a person liable to pay for the support of the schools of the district more than one such poll tax in any one year.

" 15. The Assessors shall make and return in the yearly assessment list a valuation of the real and personal property situated within each district of any non-resident of the parish, and a statement of the taxable value of the same, with the name or designation of the district, and to this end the Trustees shall serve upon the Assessors a copy of the boundaries of their respective districts.

" 16. Real and personal property situate in a district, and belonging to a corporation, shall be subject to district assessment, and the rates shall be payable by the President, agent, or manager, to the extent of the funds in his hands or under his control at the time of the demand, and shall be chargeable to the corporation by the party so paying. The principal place of carrying on business shall be deemed the place of inhabitation.

" 17. Any district assessment shall, so far as relates to so much of the same as depends upon the valuation of real estate, have reference back to the ownership of property at the time the assessment lists were made out by the assessors, and shall, until levied, be continued as a charge upon the property, in respect of which the same was assessed, notwithstanding the same may, in the interval, have been alienated or disposed of.

" 18. Persons unable to pay, or the parents of deaf and dumb children, or persons resident more than two miles from the school-house in the district where they reside, or on islands too sparsely populated to maintain a school, and too distant from the main land to permit children to attend school thereon, may be by the Trustees exempted, either in whole or in part, from the district rate, and the Trustees shall return to the annual school meeting a list of such exemptions.

AID TO POOR DISTRICTS.

" 19. Each Inspector shall, as directed by the Board of Education, determine and report to the Superintendent what School Districts under his supervision may be entitled, during the ensuing year, to special aid as poor districts, and the Superintendent may allow to the schools in such districts such amount, not exceeding one-third more on the classification of the teachers of such school, from the Provincial Treasury, and one-third more per pupil from the County School Fund, than the allowance to other School districts sharing such funds, as in his discretion may seem proper, taking into consideration the position and circumstances of such district.

THE SCHOOL DISTRICT.

" 20. The School District shall have power to elect Trustees and an Auditor and to determine upon all questions of local or district support of schools, in conformity with this Act.

" 21. An annual school meeting shall be held in every district on the second Thursday in January in each year, at ten o'clock in the forenoon; and such meeting, if the first to be held in any district, shall be held at a place in the district to be named by the Inspector, by notice posted at least six days previously in two of the most public places in the district.

" 22. Subsequent meetings shall be held in the school-house, if convenient, or in such place as the Trustees of the district may decide upon, who shall give notification of the same as above; but in case of want of proper parties, or of neglect, the Inspector may by similar notification determine the time and place of meeting.

" 23. No person shall be entitled to vote at any school meeting on any question whatsoever, unless he shall be a rate-payer, either resident in the district or non-resident in the parish, and owning property in the district, such ratepayers to be hereinafter designated as ratepayers of the district, and unless he shall have paid all school rates imposed upon him for the then preceding year, in case any shall have been imposed.

" 24. At all meetings the majority of the rate-payers of the district present shall elect from their number a Chairman to preside over the meeting, and a Secretary to record its proceedings; the Chairman shall decide all questions of order, and shall take the votes of qualified voters only, deciding according to the majority of votes, and shall give a casting vote in case of an equality of votes, and shall transmit to the Trustees within ten days after the holding of such meeting, the minute of the proceedings thereof, signed by himself and the Secretary.

" 25. If any person offering to vote at any meeting shall be challenged as unqualified, the Chairman shall require the person so offering to vote to make the following declaration:—"I do declare and affirm that I am a rate-payer of this district, that I have paid all School Rates imposed upon me within the last twelve months, and that I am legally qualified to vote at this meeting."—Whereupon the person making such declaration shall be permitted to vote on all questions proposed at such meetings; but if any person refuse to make such declaration, his vote shall be rejected; and if any person wilfully makes a false declaration of his right to vote, he shall be liable to a penalty of twenty dollars, to be recovered by the Trustees of the district for its use.

" 26. School meetings shall be held at ten o'clock in the forenoon, and may be continued until four in the afternoon of the same day, and may be adjourned to the next day at ten, and continued as aforesaid, but no further adjournment shall take place, provided that after the first annual meeting the Trustees shall have power to call the meetings at such hour as they shall think proper.

" 27. At the annual school meeting, the district shall elect Trustees, or a Trustee, as hereinafter provided, and an Auditor of the school accounts of the coming year, and shall also decide what school accommodation shall be provided, and what amount shall be raised by the district for the support of teachers, to supplement the

sum provided as aforesaid, by the Province and County, and shall also decide whether any and what sum shall be raised for the purchase or building of school houses, for the purchase or improvement of school grounds, or for general school purposes; and shall receive and decide upon the report of the Trustees.

" 28. Special meetings may be held (1st) upon the call of the trustees, to fill an occasional vacancy occurring in the Board of Trustees, or for any necessary purposes other than that of voting money, and (2nd), upon the requisition of a majority of the ratepayers of the district, for the purpose of voting money, or adding to any amount previously voted for any purpose authorized by this Act; notice of which meetings, specifying the object thereof, shall be given by the Trustees, by posting notices of the time and place thereof, in two of the most public places of the district at least six days before the time of meeting.

" 29. The school accommodation to be provided by the district shall, as far as possible, be in accordance with the following arrangements:—

" For a district having fifty pupils or under, a house with comfortable sittings, with one teacher :

" For a district having from fifty to eighty pupils, a house with comfortable sittings and a good class room, with one teacher and an assistant :

" For a district having from eighty to one hundred pupils, a house with comfortable sittings and two good class rooms, with one teacher and two assistants, or a house having two apartments, one for an elementary and one for an advanced department, with two teachers. Or, if one commodious building cannot be secured, two houses may be provided in different parts of the district, with a teacher in each, one being devoted to the younger children, and the other to the more advanced.

" For a district having from one hundred to one hundred and fifty pupils, a house with two adequate apartments, one for an elementary, and one for an advanced apartment, and a good class room accessible to both, with two teachers, and, if necessary an assistant; or if the district be long and narrow, three houses may be provided, two for elementary Departments and one for an advanced Department, the former being located towards the extremes of the district, and the latter at or near the centre.

" For a district having from one hundred and fifty to two hundred pupils, a house with three apartments, one for an elementary, one for an advanced, and one for a high school, and at least one good class room common to the two latter, with three teachers, and if, necessary, an assistant; or if necessary, schools may be provided for the different departments in different parts of the district.

" And generally, for any district having two hundred pupils and upwards, a house or houses with sufficient accommodation for different grades of elementary and advanced schools, so that in districts having six hundred pupils and upwards, the ratio of pupils in the elementary, advanced and high school departments, shall be respectively about eight, three and one.

" 30. A border district shall, for the purposes of inspection and district assessment, be deemed to belong to the parish in which the school-house is situate; or if none, or of more than one, then in that in which the majority of the rate-payers reside.

TRUSTEES.

Their term of office, qualification and corporate rights.

" 31. There shall be three Trustees for each district, who shall be qualified voters of the School District; and the Trustees in each district shall be a body corporate, under the name of "The Trustees of School District number _____, in the Parish of _____, in the county of _____, and no such corporation shall cease by reason of the want of Trustees.

" 32. The Trustees shall remain in office for three years, except that of the first Board of Trustees; one of their number, to be determined by lot at the next annual meeting after appointment, shall go out of office at such meeting; and another, to

be determined by lot at the second annual meeting after appointment, shall go out of office at such last mentioned meeting.

"33. At each annual meeting, a Trustee shall be elected in place of the one whose term of office is about expiring; and the term of every such Trustee shall be three years.

"34. A Trustee elected to fill an occasional vacancy, shall hold office only for the unexpired term of the person whose place he fills; and any Trustee may, with his consent be re-elected, otherwise he shall be exempted from serving for three years next after leaving office.

"35. A Trustee may resign his office with the consent in writing of his co-trustee and Inspector; without such consent a Trustee refusing to act shall forfeit a sum of twenty dollars, to be collected by any rate-payer of the District, and for its use.

"36. Every Trustee shall make the following declaration of office before the chairman of the school meeting:—"I will truly and faithfully, to the best of my judgment and ability, discharge the duties of the office of School Trustee." And, if any Trustee shall not make the declaration within ten days after notice of his election, his neglect shall be sufficient evidence of a refusal to serve under the last preceding section, except that a Trustee acting as such shall be liable to all the duties and responsibilities of a Trustee

"37. Where a district, at the annual meeting, fails to elect Trustees, or to fill any vacancy occurring in the Trusteeship, or where a Trustee declines to act, a Trustee or Trustees shall be appointed, upon the written requisition of seven rate-payers in the district, by the Inspector, who, in case of a further neglect to act shall have power to make further appointments.

"38. No teacher shall be a Trustee; and a continuous non-residence of six months by a Trustee, shall cause the vacation of his office.

"39. No Trustee shall be directly or indirectly interested otherwise than in his corporate capacity, in any contract provided for herein; except that a Trustee may, with the consent of the Inspector, contract with the Board of Trustees for the sale and purchase of a school site or buildings.

"40. The Trustees shall exercise all the corporate powers vested in them for the fulfilment of any contract or agreement made by them; and, in case they, or any of them wilfully neglect or refuse to exercise such powers, the Trustee or Trustees so neglecting or refusing, shall be personally responsible for the non-fulfilment of such contract or agreement.

Duties and powers of Trustees with respect to school property.

"41. It shall be the duty of the Trustees, and they are hereby empowered:—

"(1). To acquire, take, and hold for the corporation, any real or personal property, moneys, or income for school purposes, and to apply the same according to the terms on which the same were required or received, with power, when so authorized by the School District in annual meeting, or in meeting called for such purpose, to sell or dispose of the same, and apply the proceeds towards the payment of charges against the district for purchase or erection of school property, if such charges exist:

"(2). To purchase or rent lands or buildings for school purposes; contract for the erection and furnishing of school buildings; repair and keep in order, and insure the buildings and furniture; procure maps, apparatus and books, and generally to provide for all school services as authorized by the school meeting:

"(3). To borrow, when authorized by the school meeting, money for the purchase or improvement of grounds for school purposes, or for the purchase or building of school-houses, or for the furnishing of the same; and such amounts shall be repaid by equal yearly instalments, not exceeding seven, with any interest accruing, to be assessed upon the district; and the moneys so borrowed shall be a charge upon the district, and, for money so borrowed, the Trustees shall have power to give certificates of indebtedness:

" (4). To determine the site of the school-houses, subject to the sanction of the Inspector; and when a location for the erection of a school house and necessary buildings has been so selected, ten rods at least from any dwelling-house in districts other than cities, towns, or villages, and the Trustees are unable to agree with the owner thereof for the purchase, they may lay out a school lot, not exceeding forty square rods, and cause the same to be appraised in manner following, that is to say:— The Trustees shall apply to a Justice of the Peace for a warrant, who is hereby required to grant the same, directed to either the Sheriff, Deputy Sheriff, or any constable within the county, commanding him to summon five disinterested freeholders of the county, not resident in the district, at a certain time to be named in such warrant, and to examine such lands, the said Trustees or any one of them to be present; and the said jury, who are to be sworn by any Justice of the Peace, shall proceed to assess the same, provided it appears to them that the Trustees had given personal notice to such owner of such inquisition, or that notice thereof had been posted in two public places of the district six days before the day of such inquisition; and shall return the amount of such assessment to the Clerk of the Peace, and, on payment or tender of such damages, the Trustees may take and hold such lot.

With respect to Schools, School Teachers, Books, &c.

" 42. It shall be the duty of the Trustees, and they are hereby empowered:—

" (1). To provide school privileges, free of charge, for all children from five to twenty years of age inclusive, who may be resident in the district, and when authorized by the school meeting, improved school accommodation, as far as possible in accordance with the provisions of section twenty-nine, with power to admit to school privileges pupils from other districts; and, if the Trustees shall deem it necessary, they may exact from such pupils a reasonable tuition fee:

" (2) To regulate, from time to time, with the aid of the teachers, the attendance of pupils in the several departments according to attainments; and to suspend or expel any pupil from school when the teacher may report to the Trustees as persistently disobedient, or addicted to any vice likely to affect injuriously the character of other pupils, until the Trustees and teacher shall receive from such pupil assurance of reform:

" (3). To employ teachers for the district (the contract to be in writing), and to suspend or dismiss any teacher for gross neglect of duty, or for immorality; and they shall forthwith transmit a written statement of the facts to the Superintendent, who, if satisfied of the correctness of such dismissal, shall not allow to such teacher further payment from the Provincial Treasury:

" (4). To visit, at least monthly, each school under their charge, and see that it is conducted according to this Act and the regulations of the Board of Education; to notify the district of the opening or re-opening of the schools, to provide for the health of the school, and to see that the schools are properly supplied with the books provided by the Board of Education, and that no unauthorized books are used:

" (5). If any parent, master, or guardian, after notice from the Trustees that a child under the care of such person is unprovided with the necessary school books, shall refuse or neglect to furnish such child with the books required, the Trustees shall, subject to the power to exempt indigent persons, furnish them at the expense of the district, and the cost thereof may be collected from the parents, master, or guardian by Warrant of the Trustees, as in case of assessed rates.

With respect to their Organization

" 43. It shall be the duty of the Trustees, and they are hereby empowered to meet as soon as practicable after the annual election, or the appointment of Trustees, and appoint a Secretary to the corporation, who may be of their own number, and who shall forthwith give a bond to Her Majesty, with two sureties, in a sum at least equal to that to be raised by the district during the year, for the faithful performance

of the duties of his office, and the same shall be forthwith lodged by the Trustees with the Clerk of the Peace for the county; and such Secretary shall keep the records, accounts and moneys of the Board, collect and disburse all school moneys of the district, have charge of the school property, safely keep and deliver up when required to the Trustees the papers and moneys of the corporation, including the records of the school meetings, and perform all other duties which the Board may prescribe in relation to their corporate affairs. The Secretary shall be entitled to receive five per cent. commission on all sums collected by him, or under his direction, for the support of the school or schools, excepting in cases where payment shall voluntarily be made, when he shall receive two and one-half per cent. on the amount of their rate, and shall make a deduction to such persons of two and a half per cent.; and he shall be intitled to two and one-half per cent. on all sums collected by him, or under his direction, for the purchase or erection of a new school-house or houses, and for the purchase and improvement of school grounds.

With respect to the Assessment and Collection of Rates.

44. It shall be the duty of the Trustees, and they are hereby empowered:—

(1.) To furnish, in case the school meeting shall have determined to raise money for any school purpose, the Clerk of the Peace of the county in which the district or any part of it may be situate, a list of the persons resident in the district, and of persons owning property therein, being non-residents of the district; and the Clerk of the Peace shall set opposite each name the amount on which each is liable to be taxed, as set out in the assessment lists for the year; and for every list so furnished the Clerk of the Peace shall be entitled to receive from the Trustees a fee of twenty-five cents; but if the number of persons on the list so furnished does not exceed twelve, the fee shall be twelve cents:

(2.) To apportion the amount to be raised by the district in the following manner:—The sum of one dollar shall be levied as a poll tax as provided in Section fourteen, and the balance of the sum to be raised shall be levied by a fair apportionment according to the valuation contained in the above-mentioned list:

(3.) To furnish to their Secretary a list of the assessments under the foregoing section, with instructions in writing thereon, signed by the Trustees, authorizing and directing the Secretary to collect from the persons therein named the amounts set opposite their names; and the Secretary shall demand the several amounts from the persons so assessed, and in default of payment, the same shall be collected by the Secretary in the same manner, as near as may be, as other rates and taxes are collected under and by virtue of any laws relating to the collection thereof, and the Trustees shall return such assessment to the General Sessions, or to a Special Sessions, where appeals may be had and determined:

(4.) In case of a judgment being recovered against the Trustees in their corporate capacity, they shall satisfy the same by forthwith causing an assessment to be made in the same manner as other assessments on the School District:

With respect to Reports, &c.

“ 45. It shall be the duty of the Trustees:—

“ To cause to be prepared and read, at the annual meeting, a report for the year then ending, which report shall, among other things, exhibit a full account of the receipt and expenditure of all school moneys during such year, and which account shall have been duly audited as hereinafter provided:

“ To prepare and forward to the Superintendent, within two weeks after the close of each school term, a true return, duly sworn to before a Justice of the Peace, of the state of the school, according to the form drawn up for that purpose by the Superintendent:

“ To call all meetings as provided for by this Act.

AUDIT OF TRUSTEES' ACCOUNTS.

"46. The Auditor appointed at the annual meeting shall, at least two weeks before the next annual meeting, call upon the Trustees to submit to him their accounts for the year, with all vouchers, agreements, &c., and shall examine into and decide upon the accuracy thereof, and whether the Trustees have truly accounted for and expended for school purposes, the moneys received by them, and report upon such accounts at the annual meeting; and if the auditor object to the lawfulness of any expenditure made by the Trustees, they shall submit the matters in difference to such meeting, which may either determine the same or submit the same to the Inspector, whose decision shall be final.

TEACHERS.

"47. Every Teacher shall call the roll every morning and afternoon, and otherwise keep a daily register of the scholars in the manner prescribed by the Board of Education, which shall be open to inspection at all times; he shall diligently and faithfully teach all the branches required to be taught in the school, according to the terms of his engagement with the Trustees, and according to the provisions of this Act, and shall maintain proper order and discipline therein; and any teacher neglecting to keep an accurate register as aforesaid, shall forfeit the amount otherwise payable to him out of the Provincial Treasury.

"48. He shall have a care to the health and comfort of the school, and to such end shall enforce cleanliness, and report to the Trustees the appearance of any infectious or contagious disease in the school.

"49. He shall, during each half year, hold a public examination of the school, of which notice shall be given to the Trustees, and to the parents through the pupils; he shall, through the pupils, give notice of all such school meetings advertised by the Trustees.

"50. He shall make to the half-yearly return of the Trustees an affidavit in the following form:—

"I, [name of teacher] a duly licensed teacher of the _____ class, do swear that I have taught and conducted the school (or the _____ department of the _____ school), in _____ district, in accordance with the law, for the period of _____ authorized teaching days, during the term ended _____ A.D. 18____; that the School Register has been faithfully and impartially kept, and that to the best of my knowledge and belief the grand total days' attendance made by the enrolled pupils in the said period, was _____ [the number to be expressed in words at length]; that my agreement with the Trustees is lawful, and that there is no collusive understanding by which any portion of the agreement is to be made of no effect.

(Name of Teacher.)

Sworn at _____ this _____ day of _____

A. D. 18—, before me _____, J. P.

SUPERIOR SCHOOLS.

"51. When any district shall have engaged, with the consent of the Inspector, a competent teacher, and shall have raised for the support of such teacher, the sum of two hundred dollars or upwards, it may receive from the Provincial Treasury a sum equal to the amount so raised, not exceeding three hundred dollars per annum, to be paid to the teacher, upon it appearing to the Superintendent that the school has been satisfactorily taught, and that payment has been made to the teacher at the rate of two hundred dollars or upwards per annum by the Trustees; but not more than one such school shall be allowed in any one parish.

LIBRARIES.

"52. Whenever any School District shall raise a sum of money for the purpose of establishing a library, or adding thereto, the Board of Education may grant to it a sum equal to one-half the amount so raised, not to exceed twenty dollars in any one year, to be expended in the purchase of books therefor.

GRAMMAR SCHOOLS.

"53. The Trustees of the Grammar School of any county may unite with the trustees of any district in such county for the management and support of the Grammar School, subject to the approval thereof by the Board of Education.

MISCELLANEOUS.

"54. No order for assessment or proceedings of any school meeting shall, within two years after this Act comes into operation, be impeached before any Court for irregularity or defect of notices or other proceedings; but any party complaining may appeal to the Inspector within fourteen days after the act complained of, such appeal to be in writing and to set forth specifically the grounds thereof, and the Inspector shall forthwith examine into and decide the same; and the decision of the Inspector, subject to an appeal to the Superintendent within fourteen days after such decision, shall be final, and shall not be removed by *certiorari*; provided, however, that this shall not effect the right of appeal to the Sessions as hereinbefore provided for cases of undue assessment.

"55. From and after the time limited to the preceding section, the Judge of the County Court shall, within twenty days after any school meeting within the counties in which he acts as Judge, receive and investigate any complaint respecting any business transacted at such meeting, and confirm it or set it aside, according as he may think that substantial justice requires, and direct the Trustees or Inspector to call another meeting for similar purposes, or make such order as the justice of the case may require, and shall order payment of the expenses of such determination as he may judge right.

"56. All penalties and forfeitures under this Act shall be recovered and enforced by action of debt in any Court of competent jurisdiction in the same manner as a private debt.

"57. In all cases wherein a school-house has been built within any district, and is owned in shares, it shall be competent for the majority, in interest of the owners of shares, to sell and dispose of the same to the district, at any meeting duly held after ten days' notice of the object thereof, at the price such meeting shall determine upon, or as may be realized at a public sale thereof duly advertised, and the proceeds of sale shall be divided amongst the proprietors in proportion to their shares in interest in the property.

CITY OF ST. JOHN AND CITY OF FREDERICTON.

"58. The schools in the City of Saint John and in the City of Fredericton shall be managed as follows:—

"(1.) The City of Saint John shall, for the purposes of this Act, be one entire district, and the City of Fredericton shall, for the purposes of this Act, be one entire district; each of which districts shall be under the control and management, for school purposes, of a Board of Trustees, which shall be a corporate body in relation to all the powers and duties conferred upon it by virtue of this Act, and shall be styled The Board of School Trustees of Saint John (or Fredericton, as the case may be); the organization, rights, powers, duties and liabilities of each of which Boards shall be as herein defined.

"(2.) The Board of Trustees shall consist of seven members, of whom the Governor in Council shall appoint three, one of whom shall be designated as Chairman,

and the Common or City Council, hereinafter designated as the Council, shall appoint four, to hold office during pleasure. A majority of the Board shall constitute a quorum, and in the absence of the Chairman, the Board shall temporarily appoint a Chairman :

“(3.) The Trustees shall serve without reward, nor shall they be interested, directly or indirectly, otherwise than in their corporate capacity, in any contract authorized by this Act. They shall meet once at least each month, and may adjourn for a shorter time. Special meetings may be called by the Chairman, on personal notice given to the members of the Board, or in such other manner as the Board may prescribe :

“(4.) The Board of Trustees shall appoint a Secretary, at a salary not exceeding eight hundred dollars per year. The Secretary shall keep a record of the proceedings of the Board, and perform such other duties as the Board may prescribe in relation to its corporate affairs. Such record, or a transcript thereof, certified by the Secretary, shall be received in all Courts as *prima facie* evidence of the proceedings, and such record and all books, accounts, vouchers and papers of the Board shall at all times be subject to the inspection of the Superintendent of Education and any Committee of the Council.

“(5.) The Board of Trustees shall have power, and it shall be its duty, to provide sufficient school accommodation and tuition, free of charge, to all children in the district between five and twenty years of age, inclusive, and for such purpose organize and establish such and so many schools as it shall deem requisite, with power to alter and discontinue the same; to purchase or lease lands or buildings for school purposes; to erect, enlarge, alter, repair and improve school buildings and their appurtenances, according to the requirements of the case; to furnish school-houses and procure furniture, maps and apparatus, and to provide text books for indigent pupils; to provide fuel and light, and defray the contingent expenses of the several schools and of the Board of Trustees; to have the custody and safe-keeping of the School property of the district, and to insure the school buildings and furniture; to determine the sites of the school houses; to contract with and pay the wages of teachers; to have, in all respects, and subject to the Board of Education and Superintendent, and to the various provisions of this Act, the superintendence, supervision and management of the schools of the district; to notify the Council of the amounts required for the yearly support and maintenance of the schools as hereinafter provided; to report annually to the Council upon the expenditure of the moneys received by the Board under the provisions of this Act; to furnish semi-annually to the Superintendent of Education a full report of its proceedings under this Act; also, returns of all schools in accordance with the forms supplied by the Superintendent; and a statement of the appropriation of all moneys received by the Board under the provisions of this Act; and generally the Board of Trustees shall exercise all the powers and be subject to all general duties of Trustees under this Act, so far as the same are not impaired or affected by the provisions of this Section relating to the management of schools in the cities of Saint John and Fredericton :

“(6.) The Board of Trustees shall have power to borrow money for the purchase of school lands or buildings, and for the erection of school buildings, and, when sanctioned, by the Council, for the permanent repair and furnishing of school buildings.

“(7.) To enable the Board to borrow money, it may issue debentures, to be called School Debentures, in such form and for such sums as may be decided upon, redeemable in twenty-five years from the date thereof, with interest not exceeding six per centum per annum, payable half-yearly, which debentures shall be a charge upon the district. The debentures shall be sealed with the seal of the Board, and signed by the Chairman and countersigned by the Secretary, provided that the whole amount of such debentures shall not exceed for the city of Saint John the sum of one hundred thousand dollars, and for the city of Fredericton the sum of forty thousand dollars :

“(8.) The proportion of the County School Fund apportioned to the said districts

shall be paid to the respective Boards on the order of the Superintendent of Education:

“(9.) Any sum required for the yearly support and maintenance of the schools, and for the due execution of the different powers and trusts vested in the Board by this Act, other than for the purposes mentioned in sub-section seven, including, amongst other things, the sums required for the payment of the teachers' salaries over and above the amount payable out of the Legislative Grant and County School Fund, the rental of lands and buildings, the care of school property, fuel, light and insurance, the purchase of school books for indigent pupils, and of maps and apparatus, the interest payable on debentures issued by the Board, the contingent expenses of the Board, including the salary of its Secretary, with all the other current expenses, and expenses of maintenance, shall be determined upon annually by the Board, which shall, previous to the order for assessment for general city purposes, notify the Council of the aggregate of such amounts, but such aggregate, exclusive of the interest payable on debentures, shall not, without the sanction of the Council, in any one year, exceed twice the amount received by the district in the year then next preceding from the Provincial Treasury and County School Fund, or in the first year after the passing hereof, four times the amount received by the district in the year then next preceding from the Provincial Treasury:

“(10.) The Board shall at the same time notify the Council of the amount required for furnishing the school buildings, repairing, enlarging, altering or improving the school buildings and premises, and the Council shall determine whether the same, or any part thereof, shall be raised by debentures, to be issued by the Board as aforesaid, or by yearly assessment as herein next provided:

“(11.) The Council is hereby authorized and required on such notification, and on the request, under seal of the Board of Trustees, to cause to be levied and collected at the time of levying and collecting other city taxes, a sum sufficient, after deducting costs of collection and probable loss, to yield such amount so determined upon by the Board, with such further amount as the Council shall sanction above the limit heretofore prescribed, or for the purposes hereinbefore in such section mentioned; such amounts to be levied and collected from the district for which the same may be required, in manner following, that is to say:—A tax of one dollar shall be levied and assessed upon the poll of every male inhabitant of the district of the age of twenty-one years and upwards, and the balance of the sum so required shall be levied and collected in the same manner as other city taxes, and the sum so raised shall be paid by the City Chamberlain or Treasurer, as the case may be, on the order of the Board.

“(12.) The Board of Trustees is hereby authorized, with the sanction of the Council, to co-operate with the governing body of any School existent at the passage hereof, on such terms as to the Board shall seem right; but any such arrangement shall be annual in its nature and shall be determinable by effluxion of time or on breach of conditions, and shall not include the building or furnishing of school-houses, and in such cases the Board may make allowances to such schools out of the funds under its control; but no public funds shall be granted in support of any school unless the same be a free school, and conducted in every respect in conformity with this Act and the regulations of the Board of Education.

“(13.) The Council shall annually appoint two Auditors to audit the accounts of the Board of Trustees, and the expenses of such audit shall be paid out of the contingent expenses of the Board.

“(14.) The title of all school property shall be vested in the Board of Trustees, and such property shall not be subject to taxation, or be liable to be taken in execution; but in case of any judgment being recovered against the Board of Trustees, they shall forthwith notify the Council of the amount thereof, and the like steps shall be taken by the Council to levy and collect the same, as in other cases provided by this Act.

“(15.) All the provisions of this Act, except as herein otherwise provided, shall extend to the City of Saint John and to the City of Fredericton.

INCORPORATED TOWNS, ETC.

"59. The provisions of this Act relating to schools in the Cities of Saint John and Fredericton may, as hereinafter provided, be extended to any town now incorporated, or which may hereafter be incorporated, with the substitution of the words 'Town Council' for 'City Council', 'Treasurer or other fiscal officer' for 'Chamberlain'; and the amount of debentures shall not exceed the sum limited for the City of Fredericton, and such debentures shall be payable in ten years after date thereof; provided always that the Town Council shall, at a meeting called for such purpose, determine in favor of the adoption of such provision, and shall, under the corporate seal, certify the same to the Governor in Council, who shall appoint a proportion of the Trustees as provided for the Cities of Saint John and Fredericton.

"60. That all schools conducted under the provisions of this Act shall be non-sectarian.

REPEALING CLAUSE.

"61. An Act, 21st Victoria, chap. 9, intituled 'An Act relating to Parish Schools'; also, an Act, 26th Victoria, chap. 7, intituled 'An Act in amendment of the Act 21st Victoria, chap. 9, intituled, An Act relating to Parish Schools,' also, Section 2 of an Act, 30th Victoria, chap. 27, intituled 'An Act relating to Grammar, Superior and Common Schools'; and all Acts or parts of Acts inconsistent herewith or repugnant hereto are hereby repealed.

OPERATION.

"62. This Act shall come into operation on the first day of January, in the year of our Lord one thousand eight hundred and seventy-two; but the Board of Education and Superintendent, under the Act relating to Parish Schools, are hereby empowered to take such preliminary action as they may deem necessary in pursuance of Section 6, Sub-sections 3, 4 and 5; and Section 7, Sub-sections 4 and 5, and Sections 58 and 59 shall be operative so far on the passage hereof as to permit the appointment of the Board of Trustees, and in incorporated towns the adoption of the provisions relating to the Cities of Saint John and Fredericton, and the appointment of Boards of Trustees in such town as contemplated by such Sections, and such preliminary action by such Boards as may be necessary to secure school accommodation; and if in any county the Sessions shall, previous to the said first day of January, order the assessment for general county purposes for the year eighteen hundred and seventy-two, the Clerk of the Peace of such county shall at such time proceed as provided by Section 12 of this Act to secure a County School Fund.

4. That an appeal by petition was thereupon made to His Excellency the Governor General, by the Roman Catholic Hierarchy, Clergy and Laity of the Province, against the last recited Act, and praying that His Excellency would be pleased to disallow the same under the powers conferred by the British North America Act, 1867. The Petition, which was printed in numerous copies and signed by the Roman Catholics in different parts of the Province, is as follows:—

"To His Excellency The Right Honorable Baron Lisgar, K.G.C.B., Governor General of Canada, &c., &c., &c.:

"The petition of the undersigned Catholics of Memramcook, Dorchester, Westmoreland, in the Province of New Brunswick, humbly sheweth:—

"That the Act relating to Common Schools, passed at the late Session of the Local Legislature of this Province, if allowed to go into operation, will destroy or greatly diminish the educational privileges which the Catholics of this Province enjoyed at the time of the passing of the British North America Act and subsequently.

"That under the School Law in force in this Province at the time of the passing of the British North America Act, and up to the present time, Catholics were enabled,

wherever their numbers were sufficiently large to establish schools in which a good religious and secular education was afforded.

“That in the cities and other centres of large populations, for the wants of which the law did not sufficiently provide, your petitioners at a cost truly enormous, when compared to their means, erected large and commodious buildings in which they established and maintained Graded Schools, equal in all respects to any Primary Schools existing in these Provinces, and that they received legislative grants to aid in the maintenance of those schools. To these grants they may, in most cases, be fairly regarded as having a prescriptive right.

“That in districts in which Catholics were too few in number to maintain Separate Schools they could not be compelled to contribute to the support of any schools in which they had reason to apprehend that anything would be done to sap the faith or weaken the religious convictions of their children; and that this afforded them a safeguard and protection which the Act lately passed will wholly destroy.

“That the School Act of last Session was not asked for or desired by the people of this Province, but was passed through an undue influence brought to bear upon the Members of the Legislature; several Members of the Assembly—who when elected were known to be opposed to this measure—having by the use of that influence been induced to violate their pledges and disregard the well-understood wishes of their constituents.

“That when the Bill was before the Legislature, the Catholics, who were more than one-third of the entire population of the Province, asked by petition that the right enjoyed by the Protestant minority in the Province of Quebec, to establish Dissident or Separate Schools, should be accorded to them, and that this was refused.

“That in the Legislative Council, an amendment giving the right to establish Separate Schools was only lost on equal division.

“That the Act of last Session provides that there shall be a compulsory rating and assessment for the support of Schools in every County in the Province, in a fixed proportion to the number of the inhabitants, and that no part of the money so raised, or of any money appropriated by the Provincial Government under this Act for educational purposes, shall be given to any school in which the education is religious.

“That in the several School Districts in which the Counties are to be divided, other sums are to be raised for school purposes, and the determination of the amount and of the mode of expenditure, the appointment of Trustees and all that concerns the management of the schools, are vested absolutely in the majority; thus, by process of law, depriving your petitioners, who, in most instances, are in the minority, of all rights and all the protection of law.

“That, if this Act be allowed to go into operation, your petitioners will be compelled to contribute to the support of a school system of which they conscientiously disapprove. And if they would not expose their children to what they regard as the most serious and alarming dangers, they must maintain other schools at their own expense—thus paying twice, while others pay but once; or when their numbers or means will not enable them to establish and maintain schools to which they can with safety send their children, they will be compelled to allow them to grow up in ignorance.

“That this would be a most serious infringement upon the rights of your petitioners—a most serious deprivation of the educational privileges they have hitherto enjoyed—and a palpable violation of the spirit of the British North America Act.

“Your Petitions therefore humbly pray that Your Excellency will be pleased to disallow the said Act.”

“Signed by Rev. C. Lefebvre, S.S.C., and 537 others.”

To this petition answer was made as follows (a despatch to the same effect being also sent to the Government of New Brunswick) :—

“ DEPARTMENT OF THE SECRETARY OF STATE,

“ OTTAWA, 24th January, 1872.

“ MY LORD [SIR],—

“ I am directed to enclose to Your Lordship [you] an extract from the Report of the Minister of Justice on the numerous petitions from the Roman Catholics of New Brunswick, praying that the Act, Chapter 21, of the last Session of the Legislature of New Brunswick, intituled, “ An Act relating to Common Schools,” be disallowed, and to inform Your Lordship [you] that the conclusions of the said Report have been agreed to by His Excellency the Governor General in Council.

“ I have, &c.,

(Signed)

“ E. PARENT, U.S.S.

“ To His Lordship the Bishop of Chatham, Chatham, N.B.,

“ To His Lordship Bishop Sweeny, St. John, N.B.,

“ The Reverend James Quinn, Catholic Pastor, St. Stephen, N.B.”

(*Extract from the Report of the Minister of Justice, dated January 20th, 1872.*)

“ Numerous petitions to His Excellency the Governor General, from the Roman Catholics of New Brunswick, most respectably signed, have been received, praying that the Act, Chapter 21, intituled, ‘ An Act relating to Common Schools,’ be disallowed.

“ The grounds upon which the prayer is based are :—

“ 1. That the Act will destroy or greatly diminish the educational privileges which Catholics enjoyed at the time of the passing of the British North America Act, and subsequently.

“ 2. That the pecuniary grants hitherto made to the graded schools have been taken away, although to these grants Catholics may, in most cases, be fairly regarded as having a prescriptive right.

“ Now, the Provincial Legislatures have exclusive powers to make laws in relation to education, subject to the provisions of the 93rd clause of the British North America Act. Those provisions apply exclusively to the denominational, separate or dissentient schools; they do not in any way affect or lessen the power of such Provincial Legislatures to pass laws respecting the general educational system of the Province.

“ The Act complained of is an Act relating to Common Schools, and the Acts repealed by it apply to parish, grammar, superior and common schools. No reference is made in them to separate, dissentient or denominational schools, and the undersigned does not, on examination, find that any Statute of the Province exists establishing such special schools.

“ It may be that the Act in question may operate unfavourably on the Catholics, or on other religious denominations, and, if so, it is for such religious bodies to appeal to the Provincial Legislatures, which has the sole power to grant redress.

“ As, therefore, the Act applies to the whole school system of New Brunswick, and is not specially applicable to denominational schools, the Governor General has, in the opinion of the undersigned, no right to intervene.

“ As to the second objection respecting pecuniary grants, these must, of course, be under the annual supervision of the Legislature, which has the sole power to deal with the public funds; unless, by special enactment, those grants have been conferred for a specified period by an Act of the Legislature.

“In such case the grant might be considered in the nature of a contract, and the repeal might be held to be a breach of that contract.

“The undersigned does not find that any such statutory contract has been made. Under the circumstances, he is therefore of opinion that no other course is open to the Governor General than to allow the Act to go into operation.

“All which is respectfully submitted.

(Signed) JOHN A. MACDONALD.”

The following correspondence also took place, which, together with all the communications on this subject, was laid before the Parliament of Canada at its last Session:

(Copy.)

“*To His Excellency the Governor General.*

“MY LORD,—On behalf of my parishioners and myself, I have the honor to transmit the enclosed memorial. I most respectfully submit you will find in the document itself intrinsic reasons sufficient to induce you in Council to refuse your sanction to a School Bill, against which the entire Catholics of New Brunswick, and many others, protest so generally and so loudly.

“It must appear strange to a statesman of such great experience and enlightened views as Your Excellency, that whilst Great Britain and Canada, both the guides to wide legislation among the most enlightened inhabitants of Great Britain and British America, and whilst the greatest men those countries have produced—such as the present and last Premiers, Gladstone and Disraeli, the Bishop of Exeter, the Fellows of Trinity College, Dublin, and your own noble, brave and wise fellow-countryman, the late Duke of Wellington—were and are for Separate Schools, to satisfy the consciences and religious convictions of the various denominations in their respective countries, the Local Legislature of New Brunswick would pass a law in opposition to the examples and precedents which they are accustomed to follow.

“But I will not pursue the matter any further. I will leave the case in Your Excellency’s hands, fully confident that it will secure from you that discussion which will best secure the peace and serve the best interests of New Brunswick.

“I have the honour to be,
“Your Excellency’s obedient and humble servant,

(Signed) “JAMES QUIN,
“*Catholic Pastor.*

“The Right Hon. LORD LISGAR,
Governor General, &c, &c.

“P.S.—Hon. Mr. Tilley, whom I met at his residence, St. Andrews, told me the Governor in Council would take the signature of the pastor for those of his congregation.

(Signed) JAMES QUIN.
“St. Stephen, N.B., June 1st, 1871,”

To His Excellency the Governor General of the Dominion of Canada, in Council.

“The memorial of the undersigned Catholic inhabitants of the Parish of St. Stephen, County of Charlotte, Province of New Brunswick, humbly sheweth:

“That the present School Bill just passed by the Legislature of New Brunswick, had not been desired by the inhabitants of that Province.

"That two-fifths of the entire population have been opposed to its becoming law, as is manifest from the petitions numerously signed which have been presented against it.

"That the School Bill passed the House of Assembly by the votes of a few members who, if they acted according to the well-known wishes of their constituents, would have defeated it.

"That the Bill would miscarry in the Legislative Council where the votes were equal on the division, had it not been for the vote of a Government official who is a railroad commissioner.

"That the Bill is the more grievous and intolerable to the people of New Brunswick, since it deprives them of important privileges long enjoyed—"Separate Schools," where useful education, founded upon religion, can be taught, and which their fellow subjects in Canada now possess.

"That, in the opinion of your memorialists, if the School Bill is put into operation, it will be a prolific source of contention and strife in a vast number of the local school districts, the result of which will be the closing of a great number of schools, and the disturbance of that peace which now happily prevails over the Province.

"Your memorialists, therefore, humbly pray that Your Excellency in Council will exercise your prerogative, and refuse to give the sanction of law to so unfair and obnoxious a measure as this School Bill.

And your memorialists, as in duty bound, shall ever pray, &c.

"Signed on behalf of his parishioners,

" (Signed) JAMES QUIN,
"Catholic Pastor."

"St. Stephen, June 1st, 1871."

The Governor General's Secretary to the Reverend J. Quinn.

OTTAWA, 6th June, 1871.

"SIR,—I have the honor, by desire of the Governor General, to acknowledge the receipt of a memorial, signed by yourself, in behalf of the Catholic inhabitants of the Parish of St. Stephen, praying His Excellency to withhold his assent to a School Bill recently passed by the Legislature of New Brunswick.

"In reply I am to inform you that the petition has been duly forwarded to the proper officer, in order that it may be submitted for the consideration of the Privy Council, by whose advice the royal instructions bind the Governor General to guide his proceedings in all matters of local concernment.

I have, &c.,

(Signed) JOHN KIDD,
"For the Governor's Secretary."

"The Reverend J. QUIN,
"St. Stephen, N.B."

5. That the following are copies of the various Acts passed by the Legislature of the Province of New Brunswick, on the subject of the School Law of that Province, shewing the law as it existed at the time of the passing of the Act to which objection is taken, and which were repealed thereby:—

21ST VIC., CAP. IX, 1858.

An Act relating to Parish Schools.

[*Passed 6th April, 1858.*]

“Be it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

“1. The Governor in Council may appoint a Chief Superintendent of Schools, who shall perform the duties of Secretary to the Board, and fix his salary, not exceeding three hundred pounds per year, besides travelling charges and contingencies of office, and a clerk or assistant, whose salary shall not exceed one hundred and fifty pounds per year.

“2. The Governor and Council, with the Superintendent of Schools, shall constitute a Provincial Board of Education. The Governor, with three other members and the Superintendent, shall be a quorum.

“3. The Governor in Council shall, from time to time, divide the Province into four districts, and appoint an Inspector of Schools for each district, and fix his salary not exceeding two hundred and fifty pounds per year, including travelling expenses.

BOARD OF EDUCATION.

“4. The Board of Education shall have power to establish a training school, or continue any one now in operation, and a Model School connected therewith, appoint a teacher of such training school, and a male and female teacher of the Model School.

“To make rules and regulations for the government of such training school; to prescribe the terms on which students shall be received and instructed therein; and make such allowance for the expenses of teachers attending the school as shall be deemed necessary, not exceeding six pounds to any teacher.

“To make regulations for the organization, government, and discipline of Parish Schools, and the examination, classification, and the mode of licensing teachers, and the mode of certifying the time taught and of paying them.

“To appoint examiners of teachers, and to grant and cancel licenses.

“To hear and determine all appeals from the decision of Trustees.

“To prescribe the duties of Inspectors of Schools.

“To apportion all moneys granted by the Legislature for the support of such Schools among the several Parishes, in proportion to the number and classes of Schools reported to have been efficiently conducted for the preceding year, not exceeding an average of two hundred and fifty pounds to each parish in any one County, nor three hundred and twenty-five pounds to any one parish therein.

“To provide for the establishment, regulation and government of school libraries, and the selection of books to be used therein; but no works of a licentious, vicious, or immoral tendency, or hostile to the Christian religion, or works on controversial theology shall be admitted.

“To make regulations for the construction and ventilation of school houses and the furniture and apparatus to be used therein.

“To make such other regulations as may be deemed necessary to carry into effect this Act.

“To apply all balances of money arising from the sale of books, maps, and apparatus furnished for the use of Parish Schools in procuring other books, maps, and apparatus therefor, and to appoint persons in each county to sell the same under their direction.

“To divide the City of St. John into two parishes for the purposes of this Act.

SUPERINTENDENT.

“5. The Superintendent shall have a general supervision and direction of the Inspectors, the Training and Model Schools, and the Parish Schools, subject to the order of the Board of Education.

“He shall enforce and give effect to all the regulations made by the Board.

“He shall collect information on education and hold public meetings in different parts of the Province, to which he shall invite the attendance of the Inspector, teachers and inhabitants, and address such meetings on the subject of education, using all legitimate means to excite an interest therein.

“He shall cause copies of this Act, with the regulations of the Board of Education, together with all necessary forms and instructions, to be printed and furnished to the Inspectors, Trustees, School Committees and Teachers.

“He shall adopt the necessary measures to promote establishment of School Libraries.

“He shall provide the necessary plans for the construction of school houses, and recommend the proper furniture and appendages for the same, and the improvement and embellishment of the grounds on which they are situate.

“He shall have power to sue for books, maps and apparatus purchased for the use of parish schools, and for all moneys due on the sale thereof; and every such action shall be brought and prosecuted by him in his name of office, and shall not abate by reason of any vacancy or change of officer.

“He shall annually prepare a report upon the condition of the schools and school libraries, with such other information upon the system and state of education generally, and the amount expended in promoting it, with such suggestions as he may deem necessary, accompanied with a return of the moneys received from the sale of books and apparatus, which shall be laid before the Legislature within ten days after the opening thereof.

TRUSTEES.

“6. Three Trustees of Schools shall be annually elected in each town and parish, at the time and in the same manner as other town or parish officers, who shall be subject to the same pains and penalties for neglect or refusal to act, or the non-performance of their duties as other town and parish officers; and when any town or parish fails to elect, the sessions shall appoint as in other cases: in incorporated towns, cities, or counties, the Council shall appoint the Trustees; but the Trustees in office at the time of the passing of this Act shall continue to act until others are appointed in their stead.

“It shall be the duty of Trustees to divide their respective parishes into convenient school districts, and from time to time to reconstruct them, and to define in writing the boundaries of each district, and file a description thereof with a Clerk of the Peace, and in incorporated counties with the Secretary-Treasurer, and a copy thereof with the Town Clerk.

“They shall give any licensed teacher authority in writing to open a school in a district where the inhabitants have provided a sufficient school house, secured the necessary salary, and with their assent agree with such teacher.

“They may suspend or displace any teacher for incapacity, or any improper or immoral conduct, and shall, forthwith, transmit a copy of their proceedings to the Superintendent for the decision of the Board.

“They shall immediately, after ratifying the engagement of a teacher, and annually thereafter, call a meeting of the ratepayers of the district for the purpose of electing a School Committee, to consist of three persons, giving seven days' notice, to be posted on the school house, specifying the time, place and object of such meeting.

“The Trustees, when convenient, shall accompany the Inspector in the examination and inspection of schools in their respective parishes.

“They shall, at least once a year, examine all the schools in their respective parishes, pursuing, as near as may be, the mode of examination adopted by the Inspector.

“In any town, village or populous district, the Trustees may authorize such number of schools as the wants of the population may require; and when they deem it necessary, authorize the employment of an assistant licensed teacher in any large school.

"Whenever a convenient district can be laid off so as to include a portion of two parishes, the Trustees of the two parishes may lay off such district with the consent of a majority of the inhabitants thereof.

"The Trustees shall apportion among the school districts in their respective parishes any moneys raised by county or parish assessment for the support and maintenance of the schools therein, in such a manner as they shall deem just and equitable.

"Any parish or district adopting the principal of assessment, and the sum required for the teacher being assessed and paid, shall for every year such assessment is so made and paid, receive from the Province Treasurer ten per cent. over the allowance to schools of the same class in parishes or districts not so assessed, to be apportioned and paid the teachers therein.

COMMITTEE.

"7. The inhabitants of the school district being ratepayers shall, at the meeting called by the Trustees as aforesaid, elect by a majority of votes three persons, who shall constitute a School Committee for that district, and shall continue in office for one year, or until others are elected in their stead.

"The School Committee shall have the immediate charge of the school house, with the furniture, apparatus and grounds.

"They shall, when necessary, call meetings of the inhabitants of the district for the purpose of providing a school house, books, maps, apparatus, school furniture and fuel, and for the support of the school and comfort of the scholars.

"They shall have the immediate control of any Library provided by the district, and may appoint a Librarian, Secretary and Treasurer.

"They shall receive and appropriate any money raised in the district for the purpose of providing a library or increasing the same.

"The School Committee may admit so many free scholars, and also children, at reduced rates, being the children of poor and indigent parents, as they may deem prudent and just; and they may apply the amount so received to the support of the school.

DUTIES AND QUALIFICATIONS OF TEACHERS.

"8. The teachers, male and female, shall be divided into three classes, qualified as follows:—

"Male teachers of the first class to teach spelling, reading, writing, arithmetic, English grammar, geography, history, book-keeping, geometry, mensuration, land surveying, navigation and algebra; of the second class, spelling, reading, writing, arithmetic, English grammar, geography, history and book-keeping; of the third class, spelling, reading, writing and arithmetic.

"Every teacher of the first and second class shall be qualified and enjoined to impart to his pupils a knowledge of the geography, history and resources of the Province of New Brunswick, and of the adjoining North American Colonies.

"Female teachers of the first class to teach spelling, reading, writing and arithmetic, English grammar, geography, history and common needle-work; of the second class, spelling, reading, writing, arithmetic, English grammar, geography and common needle-work; of the third class, spelling, reading, writing, arithmetic, and common needle-work.

"Every teacher shall keep a daily register of the scholars, which shall be open for inspection at all times; a visitor's book, and enter therein the visits of the Inspectors, Trustees, and School Committee respectively; maintain proper order and discipline, and carry out the regulations made for his guidance.

"Every teacher shall take diligent care, and exert his best endeavors to impress on the minds of the children committed to his care, the principles of Christianity, morality and justice, and a sacred regard to truth and honesty, love of their country, loyalty, humanity and universal benevolence, sobriety, industry, and frugality.

chastity, moderation and temperance, order and cleanliness, and all other virtues which are the ornaments of human society; but no pupil shall be required to read or study in or from any religious book, or join in any act of devotion objected to by his parents or guardians; and the Board of Education shall, by regulation, secure to all children whose parents or guardians do not object to it, the reading of the Bible in parish schools—and the Bible, when read in parish schools by Roman Catholic children shall, if required by their parents or guardians, be the Douay version, without note or comment.

“The Teachers shall be entitled to receive from the Treasurer according to the following rates:—Male teachers of the first-class, thirty-seven pounds ten shillings; of the second class, thirty-pounds; of the third class, twenty-two pounds ten shillings; Female teachers of the first class, twenty-seven pounds ten shillings; of the second class twenty-two pounds ten shillings; of the third class, seventeen pounds ten shillings.

“No Teacher shall be paid for a less period than six months without the sanction of the Board, nor in any case unless the inhabitants shall have raised by assessment, or paid for his support, an amount equal to the Provincial allowance, or shall have furnished him with board, washing, and suitable accommodation during his engagement.

SUPERIOR SCHOOLS.

“9. When the inhabitants of any School District shall raise by assessment or otherwise for the support of a Superior School, the sum of fifty pounds or upwards, and shall have engaged, with the consent of the Trustees, a competent Teacher, they shall receive from the Province a sum equal to the amount so raised, not exceeding the rate of seventy-five pounds per annum, to be paid to the Teacher upon the certificate of the Inspector that the school has been taught to his satisfaction, and the payment made to the said Teacher at the rate of fifty pounds per annum by the inhabitants, but not more than one such school shall be allowed in one parish.

LIBRARIES.

“10. Whenever any School District shall raise a sum of money for the purpose of establishing a Library, or increasing any one already established, they shall be entitled to receive from the Province Treasury a sum equal to half the amount so raised, to be expended in the purchase of books therefor, not to exceed five pounds in one year.

ASSESSMENT.

“11. Whenever any County, Parish, District, or Municipality, determines to provide for the support of the Schools therein by assessment, such assessment shall be levied and collected in the same manner in all respects as other County or Parish rates.

“12. If the Council of any Municipality determines to support their Schools by assessment, they shall have power to make such by-laws as they shall deem necessary to levy and collect such assessment.

“13. Every County or Municipality adopting the assessment principle, shall receive a sum equal to the amount so raised, if it shall not exceed the average of two hundred and fifty pounds to each Parish, but the whole shall be expended in the payment of salaries of Teachers.

“14. A public meeting of the rateable inhabitants of any Parish or District may be called by the Trustees on the written application of twenty or more resident freeholders or householders in any Parish, or three or more resident freeholders or householders in any School District, by notice advertised at least fifteen days in a newspaper published in the Parish or District, if any, and in five or more of the most public places of the Parish, or two of the District, for the purpose of determining upon the propriety of raising the necessary amount of money required for

school purposes by assessment; at which meeting the senior Trustee present, or in case of his absence such person as the majority of the rate-payers present may appoint, shall preside; and it shall be the duty of the chairman to take the sense of the meeting upon the question of assessment; if it is decided in the affirmative, then on the amount to be raised, and the object.

" 15. If a majority of the rate-payers present agree to raise a sum by assessment either for the support of the teacher, the purchase of land whereon to erect a school house or other buildings for school purposes, the purchase or maintenance of a library, the building or repairing of any school house, the supplying the school with fuel, light, and other necessaries, the purchase of books, maps or apparatus for the use of any such school, or for any of such purposes, the chairman shall transmit the vote or resolution specifying the sum to be raised, to the assessors of rates for the Parish, in one of the forms following:—

" If the assessment be made upon the Parish, the following shall be the Form:—

" To Assessors of the Parish of
 " You are required to levy and assess the sum of in and upon the
 Parish of being the amount voted at a Parish Meeting for the purpose of
 [here specify the object] and cause the same to be collected according to Law, and
 aid to the Trustees of Schools for the said parish.

" Dated this day of A. D., 18

C. D., Chairman.

" If the assessment be made upon a District of the Parish the following shall be the Form:—

" To Assessors of the Parish of
 " You are required to levy and assess the sum of pounds in and upon
 School District number , in the Parish of, being the amount
 voted at a meeting of the said District, for the purpose [here specify the object] and
 cause the same to be collected according to Law, and paid to , the School
 Committee for the said District.

" Dated this day of , A.D., 18 ,

C. D., Chairman.

" 16. The Assessors shall, without delay, make out the Assessment List as near as may be in the form prescribed for County or Parish rates, and deliver the list to the Collector of Rates, with a precept endorsed thereon in the form prescribed for County or Parish rates; if the Parish have been divided into several Districts, with a District Collector for each, they shall furnish each Collector with a separate list, for the purpose of assessing the whole Parish; but if only a School District be assessed, they shall deliver the list to the nearest Collector, and in every case file a duplicate thereof with the Clerk of the Peace; and such proceedings shall be had and taken thereon for the levying and collecting the same, or as provided in other cases of County or Parish rates; and the money, when collected, shall be paid over to the Trustees, if the assessment be made for the whole Parish, and to the School Committee, if for a School District, to be appropriated for the purpose previously determined by the ratepayers.

" 17. The Assessors and Collectors shall perform their duties under the same pains and penalties as in all other cases, and receive the same fees and allowances.

" 18. Whenever a written application shall be made to the Clerk of the Peace of any County not incorporated one month before the time of holding the annual election for the Town and Parish officers, signed by at least fifty freeholders or householders of the said County, requesting him to ascertain whether the ratepayers will

adopt the principle of assessment for the support of Schools, he shall notify the Town Clerk of each Town or Parish thereof, whose duty it shall be to give notice, with the notice of the annual election of Town or Parish officers, that the question will be put to the vote of the ratepayers at such annual meeting, and the Chairman shall put that question to the meeting, and take the vote of those voting in the affirmative and negative, and certify the number so voting to the Clerk of the Peace, with the list of Town or Parish officers elected, and the Clerk of the Peace shall lay the return before the Sessions at their next meeting.

"19. If a majority of the whole voting at such meeting have voted in the affirmative, the Sessions shall determine the amount to be raised upon the County for School purposes, and cause the same to be levied, assessed, and collected as other County rates, and paid into the County Treasury.

"20. The Sessions shall apportion the money raised by assessment among the respective parishes in such manner as they shall deem equitable, having regard to their population and requirements.

"21. The money so apportioned shall be paid to the County Treasurer to the credit of the respective parishes.

"22. When a County shall adopt the principle of assessment, any parish or District therein having been previously assessed for the same year shall not be liable to such County assessment, nor be entitled to receive any part thereof; and when a parish shall adopt such principle, no District in such parish having been previously assessed shall be liable for such Parish assessment, or entitled to receive any part thereof; but such exemption shall not extend beyond the first year in which such County or parish assessment shall be levied.

"23. The assessment principle, when adopted, shall continue until reversed in the same manner as provided for its adoption.

"24. Any District School supported by assessment shall be free to all the children residing therein.

"25. A copy of the memorandum mentioned in Section 6, and of any plan therein referred to, if any, certified by the Clerk of the Peace with whom filed, shall be evidence of the laying off of such District by the Trustees and the bounds thereof.

"26. The salary of the Teacher of the Training School shall not exceed two hundred and fifty pounds per annum; and the salary of the male Teacher of the Model School shall not exceed one hundred and twenty-five pounds per annum; and the salary of the female Teacher shall not exceed seventy-five pounds.

"27. The Governor in Council shall issue warrants on the Province Treasury for the payment of the several allowances and salaries provided in this Act.

"28. Any Trustee or member of the School Committee, who shall not expend the moneys received by him under any of the provisions of this Act, or who shall misapply the same, shall pay a sum not exceeding twenty pounds for each offence, which, when recovered, shall be applied for the benefit of the Schools of the Parish or District.

"29. Any Trustee who shall knowingly sign a false report; any Teacher who shall keep a false register, or make a false entry or returns; or any Inspector who shall make a false report, shall for each offence pay ten pounds; when recovered, it shall be paid to the Trustees of schools for the parish, to be applied by them for the benefit of Parish Schools.

"30. Lands for sites of school-houses or other school purposes may be conveyed to, and held by the Sessions; and in incorporated towns, cities, or counties, by the Municipality.

"31. Rate-payers in this Act shall mean rate-payers upon real or personal property or income.

"32. An Act made and passed in the twenty-first year of the reign of her present Majesty, Queen Victoria, intituled, "*An Act to revive and continue Chapters 48, 49, 50, and 51, Title VII., of the Revised Statutes 'Of Parish Schools,' and the Act in amendment thereof,*" be and the same are hereby repealed.

"33. This Act shall not come into operation or be in force until the fifteenth day of April in the present year of Our Lord one thousand eight hundred and fifty-eight.

26TH VIC., CAP. VII., 1863.

An Act in amendment of the Act 21st Victoria, Chapter 9, intituled, *An Act relating to Parish Schools.*

[*Passed, 20th April, 1863.*]

"Be it enacted, by the Lieutenant-Governor, Legislative Council, and Assembly' as follows :—

"1. Whenever it shall be made to appear to the Board of Education, either by the report of the District Inspector or otherwise, that any Parish has been improperly divided into School Districts, the Board may cancel such division; and it shall then be the duty of the Chief Superintendent to direct the Trustees of Schools for such parish to make a new division thereof, and if deemed necessary, he may instruct the District Inspector to assist them. On receipt of such instructions, it shall be the duty of the Trustees, as provided by the sixth section of "An Act relating to Parish Schools," forthwith to re-divide such Parish into School Districts, and to file a description of such division with the Clerk of the Peace, or in incorporated counties with the Secretary-Treasurer of the County, and also to transmit a copy thereof to the Chief Superintendent of Schools, to be filed in his office.

"2. The Board of Education may limit the number of Schools to be kept in any town, village or populous district in which the Trustees are, by the sixth section of the said Act, empowered to authorize such number of Schools as the wants of the population may require, and make such regulations as may be deemed necessary as to the number of male and female teachers respectively to be employed therein; and it shall not be lawful for the Trustees to exceed such limit or to depart from such regulations, or to establish a second School in any other School District without the authority of the Board. Every such town, village, or populous district, shall be considered but one School District, but the rate-payers, at any meeting held under the authority of the seventh section of the said Act, may elect one or more Committees for the whole District, or a Committee for each School, as may be decided by a majority of the electors present."

30TH VIC., CAP. XXVII., 1867.

An Act relating to Grammar, Superior, and Common Schools.

[*Passed, 17th June, 1867.*]

"Be it enacted, by the Governor, Legislative Council, and Assembly, as follows :—

"1. Whenever the Trustees of any Grammar School shall make it appear to the Provincial Board of Education that one Teacher is insufficient for the number of scholars attending such School, the Board may authorize the Trustees to employ one or more assistant Teachers; and the Teachers so employed, if duly qualified, shall be entitled to receive the same Provincial allowance as if they were employed in a Parish School.

"2. The Board of Education may also authorize the Trustees of Schools for any Parish to employ more than one Assistant Teacher in any School where the number of scholars attending such School shall render it necessary."

6. That the question remained in this position until the meeting of the Parliament of Canada, in April, 1872. On the 20th of May the subject was brought before the House of Commons, and the following proceedings ensued:—

“Mr. Costigan moved, that an Address be voted to His Excellency, representing:—That it is essential to the peace and prosperity of the Dominion of Canada that the several religions therein prevailing should be followed in perfect harmony by those professing them in accord with each other, and that every law passed either by this Parliament or by the Local Legislature, disregarding the rights and usages tolerated by one of such religions, is of a nature to destroy that harmony. That the Local Legislature of New Brunswick, in its last Session, in 1871, adopted a law respecting Common Schools, forbidding the imparting of any religious education to pupils, and that that prohibition is opposed to the sentiments of the entire population of the Dominion in general, and to the religious convictions of the Roman Catholic population in particular. That the Roman Catholics of New Brunswick cannot, without acting unconscientiously, send their children to Schools established under the law in question, and are yet compelled, like the remainder of the population, to pay taxes to be devoted to the maintenance of those Schools. That the said law is unjust, and causes much uneasiness among the Roman Catholic population in general disseminated throughout the whole Dominion of Canada, and that such a state of affairs may prove the cause of disastrous results to all the Confederated Provinces. And praying His Excellency, in consequence, at the earliest possible period, to disallow the said New Brunswick School law.

“And a Debate arising thereon, and the House having continued to sit until 12 of the clock, midnight;

“TUESDAY, 21st May, 1872.

“And the Debate continuing, the said Debate was, on motion of the Hon. Mr. Gray, adjourned until Wednesday next, to be then the first Order of the Day.

“WEDNESDAY, 22nd May, 1872.

“The House resumed the adjourned debate on Mr. Costigan's motion for an Address to His Excellency, representing:—That it is essential to the peace and prosperity of the Dominion of Canada that the several religions, therein prevailing should be followed in perfect harmony by those professing them in accord with each other, and that every law passed either by this Parliament or by the Local Legislature disregarding the rights and usages tolerated by one of such religions is of a nature to destroy that harmony. That the Local Legislature of New Brunswick, in its last Session, in 1871, adopted a law respecting Common Schools, forbidding the imparting of any religious education to pupils, and that that prohibition is opposed to the sentiments of the entire population of the Dominion in general, and to the religious convictions of the Roman Catholic population in particular. That the Roman Catholics of New Brunswick cannot, without acting unconscientiously, send their children to schools established under the law in question, and are yet compelled, like the remainder of the population, to pay taxes to be devoted to the maintenance of those schools. That the said law is unjust, and causes much uneasiness among the Roman Catholic population, in general disseminated throughout the whole Dominion of Canada, and that such a state of affairs may prove the cause of disastrous results to all the Confederated Provinces. And praying His Excellency, in consequence, at the earliest possible period, to disallow the said New Brunswick School Law.

“And the Debate having continued until six o'clock, p.m., Mr. Speaker left the Chair, to resume the same at 7 30, p.m.

“HALF-PAST SEVEN O'CLOCK, P.M.

“The House then resumed the Debate on Mr. Costigan's motion for an Address to His Excellency (as above set forth).

“Hon. Mr. Gray moved in amendment, to leave out all the words after Canada in line 2, and to substitute the following:—“That the constitutional rights of the

several Provinces should be in no way impaired by the order of this Parliament—that the Law passed by the Local Legislature of New Brunswick respecting Common Schools, was strictly within the limits of its constitutional powers—and is amenable to be repealed or altered by the Local Legislature, should it prove injurious or unsatisfactory in its operation; that not having yet been in force six months, and no injurious consequences to the Dominion having been shown to result therefrom, this House does not deem it proper to interfere with the advice that may be rendered to His Excellency the Governor General by the respective Ministers of the Crown, respecting the New Brunswick School Law.”

“Hon. Mr. Chauveau moved in amendment to the said proposed amendment, That all the words after ‘that’ in the original motion be expunged, and the following inserted in lieu thereof:—an humble Address be presented to Her Majesty, praying that she will be pleased to cause an Act to be passed amending ‘The British North America Act, 1867,’ in the sense which this House believes to have been intended at the time of the passage of the said Act, by providing that every religious denomination in the Provinces of New Brunswick and Nova Scotia shall continue to possess all such rights, advantages and privileges, with regard to their schools, as such denomination enjoyed in such Province at the time of the passage of the said last mentioned Act; to the same extent as if such rights, advantages and privileges had been duly established by law.”

“And a Debate arising thereon, the said Debate was, on motion of Hon. Mr. Smith (Westmoreland), adjourned until Wednesday next, to be then the first Order of the Day.

“WEDNESDAY, 29th May, 1872.

“The House resumed the adjourned Debate on Mr. Costigan’s motion for an Address to His Excellency, representing:—That it is essential to the peace and prosperity of the Dominion of Canada that the several religions therein prevailing should be followed in perfect harmony by those professing them in accord with each other, and that every law passed either by this Parliament or by the Local Legislature, disregarding the rights and usages tolerated by one of such religions is of a nature to destroy that harmony. That the Local Legislature of New Brunswick, in its last Session, in 1871, adopted a law respecting Common Schools, forbidding the imparting of any religious education to pupils, and that that prohibition is opposed to the sentiments of the entire population of the Dominion in general, and to the religious convictions of the Roman Catholic population in particular. That the Roman Catholics of New Brunswick cannot, without acting unconscientiously, send their children to schools established under the law in question, and are yet compelled, like the remainder of the population, to pay taxes to be devoted to the maintenance of those schools. That the said law is unjust, and causes much uneasiness among the Roman Catholic population, in general disseminated throughout the whole Dominion of Canada, and that such a state of affairs may prove the cause of disastrous results to all the Confederated Provinces. And praying His Excellency, in consequence, at the earliest possible period, to disallow the said New Brunswick School Law;” and of Hon. Mr. Gray’s proposed motion in amendment thereto, and which motion was to leave out all the words after “Canada” in line 2, and to substitute the following: “That the constitutional rights of the several Provinces should be in no way impaired by the action of this Parliament—that the Law passed by the Local Legislature of New Brunswick respecting Common Schools was strictly within the limits of its constitutional powers—and is amenable to be repealed or altered by the Local Legislature, should it prove injurious or unsatisfactory in its operation; that not having yet been in force six months, and no injurious consequences to the Dominion having been shown to result therefrom, this House does not deem it proper to interfere with the advice that may be tendered to His Excellency the Governor General by the responsible Ministers of the Crown, respecting the New Brunswick School Law;” and of Hon. Mr. Chauveau’s amendment to the said proposed amendment: That all the words after ‘that’ in the original motion be expunged, and the following in-

inserted in lieu thereof:—‘An humble address be presented to Her Majesty, praying that she will be pleased to cause an Act to be passed amending ‘The British North America Act, 1867,’ in the sense which this House believes to have been intended at the time of the passage of the said Act, by providing that every religious denomination in the Provinces of New Brunswick and Nova Scotia shall continue to possess all such rights, advantages and privileges with regard to their schools as such denomination enjoyed in such Province at the time of the passage of the said last mentioned Act, to the same extent as if such rights, advantages and privileges had been duly established by law.’

“And the Debate having continued until six o’clock, p.m., Mr. Speaker left the Chair, to resume the same at 7.30, p.m.”

“HALF-PAST SEVEN O’CLOCK, P. M.

“The House then resumed the adjourned Debate on Mr. Costigan’s motion, for an Address to His Excellency, on the subject of the New Brunswick School Laws;—and of Hon. Mr. Gray’s proposed amendment thereto;—and of Hon. Mr. Chauvan’s amendment to the said proposed amendment (as above set forth.)

“And the question being put on Hon. Mr. Chauveau’s amendment in amendment, it was negatived:—Yeas 34, Nays 126.

“The question being then put on the Hon. Mr. Gray’s proposed amendment,

“Mr. Colby moved in amendment thereto, that all after the word ‘that’ be expunged, and the following substituted in lieu thereof:—‘this House regrets that the School Act recently passed in New Brunswick is unsatisfactory to a portion of the inhabitants of that Province, and hopes that it may be so modified during the next Session of the Legislature of New Brunswick, as to remove any just grounds of discontent that now exist;’ which was agreed to on the following division:—Yeas 117, Nays 42.

“Hon. Mr. Dorion then moved that the following words be added to Mr. Colby’s motion, viz:—‘And this House further regrets that to allay such well-grounded discontent, His Excellency the Governor General has not been advised to disallow the School Act of 1871, passed by the Legislature of New Brunswick;’ which was negatived on the following division:—Yeas 38, Nays 117.

“And the House have continued to sit until 12 of the Clock, midnight ;

THURSDAY, 30th May, 1872.

“And the question being put on the main motion, as amended,

Hon. Mr. Mackenzie moved, that the following words be added thereto:—

“And that this House deems it expedient, that the opinion of the Law Officers of the Crown of England, and if possible the opinion of the Judicial Committee of the Privy Council should be obtained as to the right of the New Brunswick Legislature to make such changes in the School Law as deprived the Roman Catholics of the privileges they enjoyed at the time of the Union, in respect of religious education in the Common Schools, with the view of ascertaining whether the case comes within the terms of the 4th sub-section of the 93rd clause of the British North America Act, 1867, which authorizes the Parliament of Canada, to enact remedial Laws for the due execution of the provisions respecting education in the said Act;” which was agreed to;

“The question being then put on the main motion, as amended, it was agreed to on a division, and is as follows:—

“That this House regrets that the School Act recently passed in New Brunswick, is unsatisfactory to a portion of the inhabitants of that Province, and hopes that it may be so modified during the next Session of the Legislature of New Brunswick as to remove any just grounds of discontent that now exist, and this House deems it expedient that the opinion of the Law Officers of the Crown in England, and if possible the opinion of the Judicial Committee of the Privy Council, should be obtained as to the right of the New Brunswick Legislature to make such changes in the

School Law, as deprived the Roman Catholics of the privileges they enjoyed at the time of the Union, in respect of religious education in the Common Schools, with the view of ascertaining whether the case comes within the term of the 4th sub-section of the 93rd clause of the British North America Act, 1867, which authorizes the Parliament of Canada to enact remedial Laws for the due execution of the provisions respecting education in the said Act;" the House divided, and it was resolved in the affirmative.

In accordance, therefore, with the Resolution of the House of Commons, the undersigned has the honor to recommend that His Excellency the Governor General be requested to transmit the statement herein made to Her Majesty's Secretary of State for the Colonies, in order that the opinion of the Law Officers of the Crown in England, and if possible the opinion of the Judicial Committee of the Privy Council, may be obtained as to the right of the New Brunswick Legislature to make such changes in the School Law as deprived Roman Catholics of the privileges they enjoyed at the time of the Union in respect of religious education in the Common Schools, with the view of ascertaining whether the case comes within the terms of the 4th sub-section of the 93rd clause of The British North America Act, 1867, which authorizes the Parliament of Canada to enact remedial laws for the due execution of the provisions respecting education in the said Act.

All which is respectfully submitted.

(Signed) JOHN A. MACDONALD.

No. 91.

GOVERNMENT HOUSE,
NEW BRUNSWICK,
13th November, 1872.

SIR,—I have the honor to acknowledge the receipt of your despatch (N. B. 139) 9th November, 1872. enclosing, for the consideration of my Government, a Minute of the Governor General in Council, together with a printed copy of the Report therein referred to, of the Honorable the Minister of Justice, respecting the School Act passed in 1871, by the Legislature of the Province of New Brunswick, and requesting me to communicate to you any remarks I may be advised to make in connection with the Minute, to be transmitted to the Right Honorable the Secretary of State for the Colonies.

I have the honor to inform you that I shall this day submit the papers for the consideration of my Government, and hope very soon to be able to transmit a Minute of Council thereon.

I have, &c.,

(Signed) L. A. WILMOT,
Lieut. Governor.

The Honourable
The Secretary of State for the Provinces, Ottawa.

No. 97.

GOVERNMENT HOUSE,
NEW BRUNSWICK,
31st December, 1872.

SIR,—I have the honor of sending with this despatch a copy of the Minute of my Executive Council on the case submitted by the Dominion Government for the consideration of the Crown Officers in England, on the New Brunswick School Act of 1871, and to request that the same may be laid before His Excellency the

Governor General, to be transmitted to the Right Honorable the Secretary of State for the Colonies, to be submitted to the Crown Officers.

I have, &c.,

(Signed)

L. A. WILMOT,
Lieut. Governor.

The Honourable

The Secretary of State for the Provinces, Ottawa.

PROVINCE OF NEW BRUNSWICK.

Copy of a Memorandum of the Executive Council in Committee, approved of by the Lieutenant Governor on the 23rd day of December, A.D., 1872.

The Executive Council having had under consideration a copy of a Minute of the Privy Council of Canada, submitting for such remarks as may be thought proper to be made thereon, a statement in reference to the School Law of New Brunswick, made by the Honorable the Minister of Justice, for transmission to the Right Honorable the Secretary of State for the Colonies, in pursuance of a resolution of the House of Commons of the 30th May last, have the honor to make the following observations:

The statement sets out—

1. The resolution of the House of Commons of 30th May last, on the above subject, which is as follows:—"That this House regrets that the School Act recently passed in New Brunswick is unsatisfactory to a portion of the inhabitants of that Province, and hopes that it may be so modified during the next Session of the Legislature of New Brunswick as to remove any just grounds of discontent that now exist; and this House deems it expedient that the opinion of the Law Officers of the Crown in England, and, if possible, the opinion of the Judicial Committee of the Privy Council, should be obtained as to the rights of the New Brunswick Legislature to make such changes in the School Law as deprived the Roman Catholics of the privileges they enjoyed at the time of the Union in respect of religious education in the Common Schools, with the idea of ascertaining whether the case comes within the terms of the 4th sub-section of the 93rd clause of the British North America Act, 1867, which authorizes the Parliament of Canada to enact remedial laws for the due execution of the provisions respecting education in the said Act."

2. Section 93 of the British North America Act, 1867.

3. The Common Schools Act, 1871.

4. Petitions and correspondence from the Roman Catholic clergy, praying His Excellency the Governor General to disallow the last mentioned Act; together with an extract from the report of the Minister of Justice, dated January 20th, 1872, recommending that the said Act be allowed to go into operation.

5. The various Acts passed by the Legislature of New Brunswick on the subject of the School Law of the Province, shewing the law as it existed at the time of the passing of the Common Schools Act, 1871, and which were repealed thereby, viz:—An Act relating to Parish Schools, 21st Vic., c. 9; An Act in amendment of an Act relating to Parish Schools, 26th Vic., c. 7; and an Act relating to Grammar, Superior and Common Schools, 30th Vic., c. 27.

6. The proceedings of the House of Commons, from the 20th to the 30th May last, in reference to the foregoing subject.

Two questions appear to be raised by the resolution of the House of Commons; the one relating to the powers of the New Brunswick Legislature, the other relating to the powers of the Parliament of Canada.

Before considering such questions, it may be remarked that in the resolution it is assumed, as a fact, that the New Brunswick Legislature, by the passage of the

Common Schools Act, 1871, made such changes in the law as deprived the Roman Catholics of the privileges they enjoyed at the time of the Union in respect of religious education in the Common Schools. This assumption the Executive Council cannot for a moment admit. No privileges are taken away by the Common Schools Act, 1871, except such as were secured by the Statutes thereby repealed; and the Executive Council regret that the House of Commons should have assumed a state of facts which should dispense with the necessity of examining the legislation of the Province on the subject.

The first question relates to the right of the New Brunswick Legislature to make such changes in the School Law as were in fact effected by the passage of the Common Schools Act, 1871, and involves the constitutional powers of the Legislature.

Upon this point the Executive Council fully concur in the following opinion of the Minister of Justice, contained in his report before alluded to:—

“The Provincial Legislatures have exclusive power to make laws in relation to education, subject to the provisions of the 93rd clause of the British North America Act, 1867. Those provisions apply exclusively to the denominational, separate or dissentient schools. They do not in any way affect or lessen the power of Provincial Legislatures to pass laws respecting the general educational system of the Province.

“The Act complained of is an Act relating to Common Schools, and the Act repealed by it apply to parish, grammar, superior and common schools. No reference is made in them to separate, dissentient, or denominational schools, and the undersigned does not, on examination, find that any Statute of the Province exists establishing such Special schools. * * * As, therefore, the Act applies to the whole school system of New Brunswick, and is not specially applicable to denominational schools, the Governor General has no right to intervene.”

The Executive Council would not have thought it necessary to add anything in support of these conclusions; but the unwarrantable assumption in the Resolution of the House of Commons as to the effect of the recent legislation of this Province, and the attempt to maintain that the Roman Catholics had, by the Parish School Act of 1858 (21 Vic., c. 9), rights or privileges with respect to denominational schools which bring the case under the 1st sub-section of section 93 of the British North America Act, would seem to render it necessary to examine more particularly the provisions of such section, and the various Acts of New Brunswick set out in paragraph 5 of the case.

In a question affecting the constitutionality of an Act of the Legislature, the Executive Council would refer to the principle which has been uniformly adopted in similar cases by the Supreme Court of the United States. In delivering the judgment of the Supreme Court, in *Dartmouth College vs. Woodward*, 4 Wheaton, 518, Chief Justice Marshall says:—

“This Court can be insensible neither to the magnitude nor delicacy of this question. The validity of a Legislative Act is to be examined, and the opinion of the highest law tribunal of the State is to be revised. On more than one occasion this Court has expressed the cautious circumspection with which it approaches the consideration of such questions, and has declared that in no doubtful case would it pronounce a Legislative Act to be contrary to the Constitution.”

And, again, in *Fletcher vs. Peck*, 6 Cranch, 128, the same learned Judge says:—

“The question whether a law be void for its repugnancy to the Constitution, is at all times a question of much delicacy, which ought seldom, if ever, to be decided in the affirmative in a doubtful case. The Court, when impelled by duty to render such a judgment, would be unworthy of its station, could it be unmindful of the solemn obligation which that station imposes; but it is not on slight implication and vague conjecture that the Legislature is to be pronounced to have transcended its powers, and its acts to be considered as void. The opposition between the constitution and the law should be such that the Judge feels a clear and strong conviction of their incompatibility with each other.”

In a case in the Supreme Court of Massachusetts, *Wellington*, petitioner, 16 Pick., 95, Chief Justice Shaw held that—

“The Courts would never declare a statute void unless the nullity and invalidity of the Act are placed, in their judgment, beyond reasonable doubt.”

And in another case in the Supreme Courts of the United States, *Ogden vs. Saunders*, 12 Wheat., 270, Mr. Justice Washington, after expressing the opinion that the particular question there presented, and which regarded the constitutionality of a State Law, was involved in difficulty and doubt, said:—

“But if I could rest my opinion in favour of the constitutionality of the law on which the question arises, on no other ground than this doubt, so felt and acknowledged, that alone would in my estimation, be a satisfactory vindication of it. It is but a decent respect due to the wisdom, the integrity and the patriotism of the legislative body by which any law is passed, to presume in favor of its validity until its violation of the constitution is proved beyond all reasonable doubt.”

By Section 93 of British North America Act, 1867, the Provincial Legislatures have exclusive powers to make laws in relation to education, subject and according to certain provisions. Of these provisions the first declares that nothing in any law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the Province at the Union. This provision is in general terms, and is only in limitation or restraint of the general grant to legislative power.

The second provision refers specifically to Quebec, extending to the dissentient schools of that Province the powers and privileges in Ontario accorded to the Roman Catholic Separate Schools; this provision imposes a duty on the Quebec Legislature to make the necessary laws for the due execution thereof. The third provision gives an appeal to the Governor General in Council from any act or decision of any Provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects, in relation to education in any Province wherein a system of separate or dissentient schools existed by law at the Union, or should be thereafter established by the Legislature of the Province. Such a system of schools, whereby the religious minority is permitted to escape from the operation of the general public system, and to establish schools of the denomination, existed at the Union in the Province of Ontario under the name of “Separate Schools,” and in the Province of Quebec under the name of “Dissentient Schools,” but did not at the Union exist, nor has it since been established in any of the other Provinces.

The fourth provision (sub-section 4) relates to matters of procedure, and vests certain powers of remedial legislation in the Parliament of Canada.

In order to render any law of a Provincial Legislature inoperative under the 1st sub-section of section 93, it is requisite that there should in such Province have been at the Union, denominational schools, with respect to which certain class of persons had rights or privileges, and that those rights or privileges should have been secured by law.

This would seem to lead at once to the consideration of the laws in force in New Brunswick at the Union, for the purpose of determining whether, within the meaning of sub-section 1, section 93 of the British North America Act, the Roman Catholics had by such laws any rights or privileges with respect to denominational schools; and of the Common Schools Act, 1871, for the purpose of determining whether anything therein prejudicially effected such rights or privileges.

But it has been attempted to be shown that the first sub-section of section 93 of the British North America Act, 1867, so clearly refers to New Brunswick that the fact of such a section renders unnecessary any inquiry into its meaning or application. It is said that as sub-sections 2 and 3 refer specifically, or by clear intendment to the case of Ontario and Quebec, sub-section 1 must refer to the case of the other Provinces, and therefore presumably to New Brunswick; and in the use of the words “denominational schools in the 1st sub-section, and of the words “system of separate or dissentient schools” in the 2nd and 3rd sub-sections, is referred to as indicating that the “denominational schools” in the 1st sub-section cannot include the separate or dissentient schools in the 2nd or 3rd sub-sections.

The effect and object of this view is to import a supposed intention which shall

control the words, and relieve from the embarrassment of investigating the language of the 93rd section of the school legislation of New Brunswick.

The answer to this is:—

(1.) That sub-section 1 may have been inserted with no particular intent, but *ex majore cautela*.

(2.) That if it were intended to refer specifically to New Brunswick, analogy to the following sub-sections would have suggested a particular reference.

(3.) That inasmuch as in terms it is large enough to cover the case of any of the Provinces, it is sufficient to enquire whether it is in fact applicable to New Brunswick, without inquiring whether or not it does or does not apply to any other Province. It might equally be contended that it applies to other Provinces because it does not apply to New Brunswick.

(4.) That sub-section 1 is the general abstract provision, applicable to any Province in which at the Union denominational schools existed by law, whether such schools be known as such, or by the secondary and applied name of separate or dissentient schools, and is the only section which imposes restraints upon the legislative power of the Provinces in respect thereto, the remaining sub-sections being particular and remedial provisions. This appears more clear when it is considered that in the scheme of Union agreed to at Quebec by the representatives of the several Provinces in 1864, and which formed the basis of all the public discussions of the question of Union; the separate and dissentient schools of Ontario and Quebec were referred to as denominational schools; for, under the head "Local Government", Resolution 43, of the said scheme, it is declared that the Local Legislature shall *inter alia* have power to make laws respecting the following subjects:—

"6th. Education: Saving the rights and privileges which the Protestant or Catholic minority in both Canadas may possess as to their denominational schools at the time when the Union goes into operation."

(5.) That in no view can the language of the Imperial Act be taken as an interpretation of the meaning of the New Brunswick Acts of Assembly.

(6.) But in order to satisfy the terms of Subsection 1, it is not necessary to resort to the school system of New Brunswick, inasmuch as in each of the Provinces there were at the Union specific denominational schools existing by law, the rights held by the various classes with respect to which are rights protected by this subsection. Thus in Nova Scotia: King's College, Church of England; Acadia College, Baptist; Pictou Academy, Presbyterian; St. Mary's and St. François-Xavier Colleges, Catholic. In Quebec: Laval University, Catholic. In Ontario: Regiopolis Colleges, Bytown College, St. Michael's College, Victoria College, and L'Assomption College.

So in New Brunswick, standing outside of the general school system, and in no respect under the control or inspection of the public or educational authorities, and in no wise affected by the provisions of the Common School Act, 1871, there were three denominational schools: the Madras School, in which the members of the Church of England have interests different from the public at large (see Acts of Assembly, 60th George III., Chap. 6); the Wesleyan Academy (see Acts of Assembly, 12th Victoria, Chap. 65), and the Wesleyan College (see Acts of Assembly, 21st Victoria, Chap. 57).

If it were proposed by Provincial Legislation to derogate from the statutable rights of those institutions, it might reasonably be contended that such legislation would be inoperative and void; for example, if it were proposed to deprive the Wesleyan College of the right of conferring degrees, or to interfere with the rights of the Governor and Trustees of the Madras School, under their charter, confirmed by Act of Assembly, 60th George III., Chap. 6, or to repeal Section 11 of the Act incorporating the Trustees of the Wesleyan Academy at Mount Allison, Sackville, which provides that—

"No person shall teach, maintain, promulgate or enforce any religious doctrine or practice in the said Academy, or any department thereof, or in any religious services held upon the said premises, contrary to what is contained in certain notes on

the New Testament, commonly reported to be the notes of the said Reverend John Wesley, A.M., and in the first four volumes of sermons commonly reputed to have been written and published by him."

It is submitted, therefore, that it cannot be assumed that the general provision of Sub-section 1, Section 93, of the British North America Act, refer particularly to this Province; and much less that they refer to the general school system of the Province which existed under the several Acts of Assembly, 21st Vic., Chap. 9, 26th Vic., Chap. 7, and 30th Vic. Chap. 27.

Whether or not such sub-section does cover the case of schools established under the said several Acts of Assembly is a matter of interpretation of the language both of the Imperial and Provincial Statutes.

The Provincial Statutes consisted of the Parish School Act of 1858 (21st Vic., Chap. 9), and the Acts 26th Vic., Chap. 7, and 30th Vic., Chap. 27, in amendment.

The Parish School Act of 1858 was a general public Act, operating territorially through the parish, which in New Brunswick constitutes the municipal unit for civil purposes. The Act provided for a central and local control of the schools; the central control consisting of the Board of Education, a Superintendent and four Inspectors, the local control consisting of three Trustees and a School Committee of three persons. The Superintendent and Inspectors were appointed by the Governor in Council, and the Governor and his Council, with the Superintendent, constituted the Board of Education. The Trustees were parish officers, elected by the rate-payers of the parish at the same time, and in the same manner, as other parish officers, and were subject to the same penalties as other parish officers. (See section 6, clause 1, 21st Victoria, Cap. 9). They were thus officers of the Civil Government, performing civil functions, and amenable solely to civil authorities, and representing the people in their character as rate-payers, being no more religious bodies, or exercising denominational functions than the other parish officers elected at the same time, and in the same manner, viz.:—Overseers of the Poor, Constables, Assessors, and Collectors of Rates, Fence-Viewers, Pound-Keepers, Field-Drivers, Hog-Reeves, &c., &c.

Those Trustees, as parish officers, divided their respective parishes into convenient School Districts, convenient in respect of the civil purposes which the Trustees were elected to effect; and from time to time reconstruct them, and defined in writing the boundaries of each district, and filed a description thereof with the Clerk of the Peace (See section 6, clause 2).

The public, as opposed to the denominational system, is apparent in the provisions with respect to districting, for it is evident how impossible it would be to divide a parish into districts territorially corresponding with the religious features of the population, and to define such boundaries in writing.

The Trustees as parish officers controlled the appointment of the teacher, and gave authority to open the school. (See sec. 6, clause 3.) They might suspend, or displace a teacher. (See Sec. 6, clause 4.) They summoned a meeting of the rate-payers of the district for the purpose of electing a School Committee (see section 6, clause 5,) and they apportioned amongst the School Districts in their respective Parishes any money raised by County or Parish assessment for the support and maintenance of the schools therein, in such manner as they might deem just and equitable (See sec. 6, clause 10).

In all this they acted solely as civil officers, and in the discharge of a public duty were governed by public considerations.

The remaining body having local control was the School Committee. This Committee was elected by the inhabitants of the School District being rate-payers (see sec. 7, clause 1), and had the immediate charge of the school-house and property, library, &c.; they called meetings of the district to determine upon the support of the school; had charge of the money of the district, and care and direction of the children. (See section 7, clause 2-6.) And in towns and populous districts the rate-payers of the district might elect one or more Committees for the district, or a Committee for each school, as might be decided by a majority of the electors present

(See 26th Vic. Cap. 7, sec. 2.) The school meeting was therefore a collection of rate-paying inhabitants of the district; and such meeting called for the purpose had power to order a rate for the support of the school, or the entire County or Parish might provide for the support of the schools of the County or Parish respectively by assessment. (See 21st Vic. Cap. 9, sections 11-22).

The nature of the School District is thus defined in a judgment of the Supreme Court of New Brunswick, in *ex parte Jocelyn*, 2 Allen's Rep. 639:—

“When the Trustees establish School Districts, the foundation is laid of a special jurisdiction to be exercised by a majority of the inhabitants of the Parish or District ratable upon property, over all the inhabitants of the District.”

Such was the structure of the Parish School Act of 1858 (21 Vic. cap. 9), and it is inconceivable that schools so created, so controlled, so sustained, could for a moment be regarded as denominational schools. They were clearly schools of the rate-payer, not of the denomination. They existed not in connection with the denomination, but in connection with the State, and vested no rights or privileges in any class of persons.

But it is alleged, that although the schools of New Brunswick were not denominational schools, they were public schools in which denominational teaching was by law permissible; and that the school system of the Province at the Union might be described, not perhaps as a system of denominational schools, but as a system of public schools in which denominational teaching was legalized, subject to a conscience clause in favor of those children whose parents, or guardians, objected to that teaching; and section 8, clause 5, of the Parish School Act of 1858, is relied upon. That clause is as follows:—

“Every teacher shall take diligent care, and exert his best endeavors to impress on the minds of the children committed to his care, the principles of christianity, morality, and justice, and a sacred regard to truth and honesty, love of their country, loyalty, humanity and a universal benevolence, sobriety, industry and frugality, chastity, moderation and temperance, order and cleanliness, and all other virtues which are the ornaments of human society; but no pupil shall be required to read or study in or from any religious book, or join in any act of devotion objected to by his parents or guardians; and the Board of Education shall, by regulation, secure to all children whose parents or guardians do not object to it, the reading of the Bible in parish schools,—and the Bible, when read in parish schools by Roman Catholic children, shall, if required by their parents or guardians, be the Douay version, without note or comment.”

The Executive Council would, however, maintain that no question of the character of the teaching in the public schools can suffice to restrict the general grant of legislative power on the subject of education vested in the Legislature of New Brunswick: that sub-section (1) clearly requires the existence of denominational schools, and class rights therein secured by law; that the public schools, under the entire control of the ratepayer and the Provincial authorities, cannot, whatever the character of the tuition, be considered as denominational schools, any right of the individual ratepayer or inhabitant therein being a right as a member of society with respect to public schools, and not a class right with respect to denominational schools; and that, in short, sub-section (1) has no reference to the general public system of education. But the Executive Council denies that the Parish School Act of 1858 legalized denominational tuition.

Now, in order to determine the extent to which this Act allowed religious teaching to be carried on in the public schools, it is necessary to look to the Act as a whole; for the details of one part of an Act may contain regulations restricting the extent of general expressions used in another part of the same Act.

The right of the Board of Education to prescribe books, maps, and apparatus for use in the schools, may be implied from section 4, clauses 3 and 11, and from section 5, clause 7.

By section 4, clause 8, the Board of Education had power—

“To provide for the establishment, regulation, and government of school libra-

ries, and the selection of books to be used therein; but no works of a licentious, vicious or immoral tendency, or hostile to the Christian religion, or works on controversial theology, shall be admitted."

When works on controversial theology are classed with obscene, vile, and infidel publications, and are deemed equally unfit for use in the library, how can it be said that they may be taught in the school room? Prohibited from use under the eye of the parent, shall they be taught by the teacher? Shall the library be shut against them, and shall the school door be open to them? And does not the exclusion from the library of works on controversial or distinctive dogmatic theology, clearly show that in the contemplation of the Act the schools were to be schools of the public and not of any sect, and that the Legislature expressly sought to guard against the introduction of sectarian aims into the administration of school affairs?

Again—"The Board of Education shall secure to all children, whose parents or guardians do not object to it, the reading of the Bible in parish schools; and the Bible when read in parish schools by Roman Catholic children, shall if required by their parents or guardians, be the Douay version, without note or comment." (See section 8, clause 5.)

Why without note or comment? If distinctive doctrinal teaching were allowed, why should the Bible, when read by Roman Catholic children, be the Douay version, without note or comment? Why not the Douay version with *note and comment*? Can it be seriously contended that the authorized note and comments by which the Roman Catholic Church declares the meaning of the Scripture shall be excluded, and that the private judgment of the teacher shall expound its meaning, and that this is denominational teaching? Can this be "the fullness of distinctive religious teaching?" and can it be said that the principles of Christianity, which the law required to be impressed upon the minds of the pupils are the principles of Christianity "after a denominational fashion," when works of controversial theology and the Church's interpretation of the Bible were expressly excluded?

Can it be contended that the reading of the Bible, required by the Parish School Act of 1858, to be secured to every pupil, gave a denominational character to the Parish Schools? Although Roman Catholics might ask that their children should have the Douay Bible, without note or comment read, is not such Douay Bible but a different version of the Holy Scripture from the version which is used by Protestants? Neither version professes to be a denominational or sectarian book, but simply the Word of God; and as such, its use in school cannot be held to be denominational teaching.

It may also here be remarked, that although the Trustees of the Parish, the School Committee and the Teacher, might be all Catholics; and although there might be but a single Protestant in the District, the Parish School Act of 1858 gave to his children the legal right, not only of attending such school, but of requiring the reading of the Protestant version in such school. This is utterly inconsistent with the idea that such a school could be a Roman Catholic denominational school; and it is submitted that the character of the school cannot, under the Law, be affected by the presence or absence of a Protestant or Roman Catholic child.

And further, in considering the intention of the Legislature, it is material to look at the consequences.

The clause of the 8th section above relied on is not permissive, it is mandatory. It does not allow any teacher who may feel disposed to do so, to inculcate the principles of Christianity; it requires every teacher to do so. If then, by the "principles of Christianity," were meant the distinctive and denominational or sectarian expression of those principles, then did the Legislature impose upon every teacher, whether male or female, and however well or ill-qualified, whether of the 1st, 2nd, or 3rd class, the absolute duty of teaching the principles of Christianity in their distinctive doctrinal features. It required every teacher to be a teacher of theology, without requiring any antecedent qualification; and turned every school into a nursery of the Church; a school of faith and polemics, with the further consequence that one school might at one and the same time be Protestant and Catholic; the head

master teaching in one room according to his light the doctrines of Geneva, and the assistant teaching in another the doctrines of Rome.

It would also be a consequence of this that a District, by a bare majority of one amongst the ratable inhabitants, might impose assessment upon the entire District, for the purpose in effect of turning the school into a Sunday school for the propagation of the religious views of the majority. The death or removal of a ratepayer might change the character of the school, and the fate of a denomination might hang upon the solvency of one of its members. Almost every District would be annually torn by contending sects in their unseemly strife for power.

Such a system might be described as a system of concurrent endowment—of endowment of every sect that could secure a majority of one at a school meeting. In a country where no Church is preferred, and no Church established, it would place in the hands of a dominant sect the state power of taxation, to be wielded for Church purposes.

The meaning of section 8, clause 5, is then clear. The Legislature required every teacher to impress on the minds of the children the principles of Christianity, in their non-denominational feature, but lest, in so doing, and in the exercise of the discretion vested in the teacher, religious books might be used, or acts of devotion engaged in, to which any tender conscience might object, the conscience clause was inserted, that no pupil should be required to read or study in or from any religious book, or join in any act of devotion objected to by his parent or guardian. The words of the conscience clause do not enlarge the teaching power, they restrict it. The religious books referred to are non-denominational, such books as the Board of Education would admit to the library. But the teaching of distinctive dogmatic or controversial theology is of the essence of denominational teaching, while it may not unreasonably be concluded that the principles of Christianity to be taught relate largely to the Christian virtues enumerated in the section itself, in connection with such term.

It requires no great acquaintance with the works of Catholic and Protestant literature to point to numbers of books emanating from each communion, which, while in the fullest sense religious, do no more relate to distinctive doctrinal theology than the ten commandments or the Lord's prayer.

Whether or not the Legislature judged rightly, that the principles of Christianity are capable of being inculcated in a manner common to the different communions, is not material. It is sufficient that the Legislature thought it possible, following therein a very considerable body of authority.

As long ago as 1635, Sir Thomas Browne, referring to the attitude of the Protestant and Catholic Churches to each other, wrote:—

“We have reformed from them, not against them; for, omitting those impropriations and terms of scurrility betwixt us, which only difference our affections, and not our cause, there is one common name and appellation, one faith and necessary body of principles common to us both.”

And it is well known that in recent times Scripture lessons, sanctioned by the highest authority in the English and Roman Catholic Churches, were for years used with entire satisfaction in the National Schools of Ireland; and the most recent parliamentary discussions on education show that the question of undenominational teaching is still a question of practical politics.

Such then was the school system of New Brunswick at the Union, and at the passing of the Common Schools Act, 1871; a system of public schools operating territorially over the entire Province; springing out of the operation of the municipal system, subject to the control and inspection of the Government; representing in its local management the ratepaying inhabitants of the district; exercising at will the civil power of taxation; providing for certain undenominational religious instruction, but providing by a strict conscience clause for the rights of conscience; requiring the reading of the Holy Scriptures in the ordinary Protestant version, but in the case of the Roman Catholic allowing the Douay version, without note or com-

ment. To speak of such schools as denominational schools, involve the grossest misconception of language.

The term "denominational schools" clearly means the schools of or belonging to or in connection with a denomination, and in which the members of the denomination, have, as such, interests other and different from the interest which they have in them as a portion of the public. Such schools are controlled by the denomination in its interests, and exist at least to a certain extent for denominational, as distinguished from public, purposes.

The meaning of the term was well understood by the Imperial Parliament when the British North America Act was under consideration.

For thirty-six years a system of national, as distinguished from denominational, schools, had existed in Ireland, under which combined literary and separate religious instruction had been given.

On the other hand, at the time of the passage of the British North America Act, the system of primary education in England was chiefly denominational, being carried on mainly through the instrumentality of schools in connection with the various denominations. But by the passage of the Elementary Education Act, 1870, the education of the country was placed on a public basis; and whilst existing denominational schools, and those which might be established within a limited period, were recognized and continued in the receipt of public money, the Act provided for the formation of Local School Boards, and the establishment of School Board Schools. By Section 14 it is enacted that—

"Every school provided by a School Board, shall be conducted under the control and management of such Boards, in accordance with the following regulations:—

"(1.) The school shall be a public elementary school, within the meaning of this Act.

"(2.) No religious catechisms or religious formulary, which is distinctive of any particular denomination, shall be taught in the school."

Thereby, in the words of Mr. Gladstone, "overthrowing, as far as the rate-school is concerned, the use of that which is the note and characteristic of denominational teaching;" while at the same time admitting of religious instruction, and recognizing the possibility of imparting religious instruction without rendering the school denominational.

In the passage of such Act the present Lord Chancellor thus described those schools, and the character of the religious teaching secured thereby:—

"Religious teaching must be specific, but it need not be sectarian or denominational. The schools would be for every proper purpose, under public observation, superintendence and control, and the exclusion of denominational formularies would tend to remind the teacher that he was not to constitute himself the organ of any particular denomination."

So the Education (Scotland) Act, 1872, establishes a central Board of Education, and places the local control of the school in the hands of a School Board, elected in each parish and burgh by electors with a rate-paying qualification. It invests all the parish schools and property in the School Board, and abolishes all jurisdiction, power and authority possessed or exercised by Presbyteries or other Church Courts, with respect to any public schools. In schools so clearly non-denominational it, however, provides that—

"Every public school, and every school subject to inspection and in receipt of any public money, shall be open to children of all denominations, and any child may be withdrawn by his parents from any instruction in religious subjects, and from any religious observance in any such school; and no child shall, in any such school, be placed at a disadvantage with respect to the secular instruction given therein by reason of the denomination to which such child or his parents belong, or by reason of his being withdrawn from any instruction in religious subjects. The time or times during which any religious observance is practised, or instruction in religious subjects is given, at any meeting of the school for elementary instruction, shall be either at the

beginning or the end, or at the beginning and at the end of such meeting, and shall be specified in a table approved of by the Scotch Educational Department."

But it would never be contended that such public schools were denominational schools because they admitted of religious instruction with a conscience clause.

In this Province the term denominational schools has always heretofore been applied to specific schools controlled by a denomination, in which the public, as such, had no rights or interest. These schools stood outside of the general public system, and from time to time their managers, in admission and full recognition of their anomalous position, made application to the Legislature for specific yearly appropriations from the revenue, and over these schools there was no public control or right of inspection.

It is also worth while to inquire what is understood to be denominational schools by the Church in whose interests the present reference is made. In a Pastoral Address of the Catholic Archbishop and Bishops of Ireland, dated at Dublin the 20th October, 1871, it is said:—

"As to primary education, therefore, we demand—1st. For all schools which are exclusively Catholic, the removal of all restrictions upon religious instructions, so that the fullness of distinctive religious teaching may enter into the course of daily secular education, with full liberty for the use of Catholic books and religious emblems, and for the performance of religious exercises, and that the right be recognized of the lawful pastors of the children in such schools to have access to them, to regulate the whole business of religious instruction in them, and to remove objectionable books, if any. In such schools the teachers, the books and the inspectors shall all be Catholic."

Again, in the Province of Ontario, a system of public schools has existed for about twenty years. These schools not having met the requirements of the Roman Catholic clergy, they broke away from the public school system, and procured the establishment, by law, of the "separate" schools referred to in sub-sections 2 and 3 of section 93, of the British North America Act, 1867.

On the 1st of last January, the Roman Catholic Bishop of London, Ontario, issued a Pastoral, which concluded as follows:—

"We have endeavored to point out the importance of Catholic education and the dangers that result from an unchristian education. We have shewn that the education imparted in the common schools of Ontario cannot be religious, for the simple reason that it cannot, in justice to all sects, be denominational. We have pointed out the duty of our clergy and of our Catholic parents on this subject, and we earnestly exhort them to be faithful to it. To insure the efficient working of our separate school system, we, having invoked the holy name of God, deem it our duty to ordain as follows:—

"Art. 1. No Catholic parent living within the legal limits of a separate school, shall send his children to mixed or common schools, they being adjudged by the Canadian hierarchy as dangerous to faith and morals. Should any Catholic parent unfortunately persist in violating this ordinance, he shall be refused the Holy Sacraments until such time as they shall consent to obey the Church in this matter.

"Art. 2. Every Catholic rate-payer, living within the legal limits of a separate school, shall pay his school taxes to said school, under a penalty of being refused the Holy Sacraments. If for grave and special reasons, exemptions should be claimed from these ordinances, let the Pastor, and if necessary, the Bishop, be consulted, and their directions followed.

"We hereby renew the wise ordinance of our predecessor:—

"Art. 1. In any school section whose Trustees are Catholics, no other than a practical Catholic shall be chosen to fulfil the duties of a teacher, whether male or female.

"Art. 2. The School Trustees are to consult their respective pastors in regard to the appointment or dismissal of the said teachers, as well as in all that concerns the general good of the Parochial Schools.

"Art. 3. In case of a dissent between the pastor and the trustees in this matter,

recourse shall be had to the Bishop, who, after hearing both sides, will give a decision, which shall be final.

“ Art. 4. Inasmuch as any school, established and maintained in opposition to these rules can no longer be considered as Catholic, the Pastor, after consulting the Bishop, will forbid parents to support said schools, or to send their children thither.”

Now what is the character of the schools, to attend which, as dangerous to faith and morals, subjects the offender to the refusal of the Sacraments? They are schools in which, by the 129th Section of the Consolidated Common Schools Act of Upper Canada, 22 Vic., Cap. 64, it is provided, almost in the language of the New Brunswick Parish School Act of 1858, that—

“ No person shall require any pupil in any such school to read or study in or from any religious book, or to join in any exercise of devotion or religion objected to by his or her parents or guardians; but within this limitation, pupils shall be allowed to receive such religious instruction as their parents and guardians desire, according to any religious regulations provided for the government of Common Schools.”

And by Regulation 5 of the Regulations made by the Board of Education under such Act, it is provided that the teacher “ shall daily exert his best endeavors, by example and precept, to impress upon the minds of pupils the principles and morals of the Christian religion, especially those virtues of piety, truth, patriotism, and humanity, which are the basis of law and freedom, and the cement and ornament of society.”

It is with reference to such schools that the Bishop of London says, that the education therein imparted cannot be religious, for the simple reason that it cannot in justice to all sects be denominational.

Inasmuch then as in New Brunswick at the Union, and at the time of the passing of the Common School Acts, 1871, the Roman Catholics had by law no rights or privileges with respect to denominational schools, nothing in the Common Schools Act can have deprived them of rights or privileges which they did not previously enjoy. The effect of the Common Schools Act was to appeal the Parish School Act of 1858, and the amendments thereof; to alter the distribution of power between the local and general authorities; to substitute a system of rate-supported schools for a system of schools supported either by rates or voluntary subscription. On the question of religious teaching it preserves silence,—neither excluding the Bible from the school nor legislating it into the school; neither requiring nor prohibiting the inculcation of the principles of christianity in their non-denominational features; neither prescribing nor proscribing such religious instruction, but simply providing that the schools should not be turned to sectarian purposes.

In this connection the Executive Council would refer to some of the allegations of the Petition of Rev. C. Lefebvre and others, set out in paragraph four of the case.

It is there stated that under the School Law in force at the Union, and up to the passing of the Common Schools Act, 1871, the Catholics were enabled, wherever their numbers were sufficiently large, to establish Schools in which a good religious and secular education was afforded.

No such right existed “ under the law,” nothing in the Parish School Act of 1858 prevented the establishment of private schools outside of the law, as nothing in the Common Schools Act, 1871, prevents the establishment of similar schools. An irregular and defective administration of the law might tolerate illegal practices, and allow parties to derive unwarrantable advantages in violation of the law; but privileges enjoyed in violation of the law cannot give rights under the law. For example:—The Executive Council does indeed find that at one time certain of the branches of the Madras School, a denominational school existing by special Act, and under special control, inconsistent with the public control provided for by the Parish School Act of 1858, did, whilst receiving specific pecuniary grants yearly voted by the House of Assembly in aid of Special Schools, also receive the allowances from the Provincial Treasury secured by the Parish School Act of 1858 to the

teachers of Parish Schools, the same having been improperly recognized by the local Trustees and School Committees as a Parish School. But this imperfect administration of the law has never been by the Governor and the Trustees of the Madras School claimed to give a legal status under the law. It was an irregularity which the law was of itself sufficient to check.

It is also stated:—"That in districts in which Catholics were too few in numbers to maintain separate schools,"—a term never known in this Province as applied to the schools of New Brunswick—"they could not be compelled to contribute to the support of any schools in which they had reason to apprehend that anything would be done to sap the faith or weaken the religious convictions of their children, and that this afforded them a safeguard and protection which the Act lately passed will wholly destroy."

And, in the same petition, the injurious operation of the Common Schools Act, 1871, is thus described:—

"That in the several School Districts into which the Counties are to be divided, other sums are to be raised for school purposes, and the determination of the amount and of the mode of expenditure, the appointment of Trustees, and all that concerns the management of the schools, are vested absolutely in the majority, thus by process of law depriving your petitioners, who, in most instances, are in the minority, of all rights and all the protection of law."

Nothing could more clearly mark the confusion of mind into which the petitioners have fallen.

For, under the Parish School Act of 1858, as well as under the Common School Act, 1871, the Districts into which the Counties were divided had the power of raising school money by assessment, and determining the amount and the mode of expenditure; and all that concerned the management of the schools was vested absolutely in the majority. Thus, in the language of the petition, "depriving the petitioners, who, in most instances, are in the minority, of all rights and all the protection of the law."

Under the Common Schools Act, 1871, this power of the majority cannot be used to compel the minority to support schools in which the distinctive doctrines of any sect may be taught.

But if the contention of those be correct, who maintain that the Parish School Act of 1858 provided for denominational schools, or legalized denominational teaching, the power of the majority could, under that Act, have been exercised to compel Catholics to contribute to the extension of Protestant doctrines. Thus, in the words of the petition "depriving Catholics, who, in most instances, are in the minority, of all rights and all protection of the law."

If, as alleged, Catholics could not, under the Parish School Act of 1858, be compelled to contribute to the support of any schools in which they had reason to apprehend that anything would be done to sap the faith or weaken the religious convictions of their children, it could be only the supposition that that Act which gave to the majority the power of ordering assessment, did not admit of denominational schools being established under its provisions.

It is thus evident that the Common Schools Act, 1871, so far from prejudicially affecting the right of Catholics, secure them against the possibility of hostile action of the Protestant majority; and that no more dreadful consequence could fall upon the Roman Catholics, who are one-third of the population, than the re-enactment of the Parish School Act, with the interpretation sought to be placed upon it, of legalizing the establishment of denominational schools, or the teaching of sectarian theology.

Another objection to the Common Schools Act is, that it deprives Catholic graded schools in the cities, and large towns, of pecuniary legislative grants.

The answer to this is, briefly—

(1.) That such grants were not secured by law, but were simply annual votes passed in Supply in aid of Special Schools.

(2.) That the Common Schools Act, 1871, does not seek to restrict the right and

power of the House of Assembly to dispose of the public funds as it may from time to time think proper.

The second general question involved in the Resolution of the House of Commons relates to the extent of the power of the Parliament of Canada to pass remedial laws in reference to education.

If the foregoing remarks, in respect of the power of the Legislature of New Brunswick to pass the Common Schools Act, 1871, be correct, and, if there be nothing in that Act contravening the provisions of Section 93 of The British North America Act, 1867, it is evident that the Parliament of Canada can have no right of legislation in the matter, remedial or otherwise.

But the Executive Council are not prepared to admit that the Parliament of Canada would, in any event, have legislative jurisdiction. An examination of section 93 would appear to shew that the power of the Parliament of Canada does in no way extend beyond the matters specifically referred to in sub-sections (2) and (3).

Sub-section (1) is a general abstract provision in limitation of the general grant of legislative powers given to the local legislatures in the matter of education. It is a general saving clause, under which the rights of the Roman Catholic and Protestant minorities in Ontario and Quebec, in respect of their separate and dissentient schools, are saved; whilst for greater caution being extended to cover similar rights in any of the Provinces, should such exist. It is the generalized expression of the following provision of the Quebec Scheme, before alluded to:—

“(6) Education, saving the rights and privileges which the Protestant or Roman Catholic minority in both Canadas may possess, as to their denominational schools, at the time when the Union goes into operation;”

which Quebec scheme having been the basis of the desire for Union referred to in the preamble of “The British North America Act, 1867, may be looked to for light in the interpretation of the latter Act.

Now the effect of this general saving clause is, that it shall be read into every Act of the several local Legislatures respecting education. It is the same as if such words were expressly inserted by way of proviso in every such Act; and so far, and only so far, as the rights thereby secured are prejudicially affected by Provincial legislation, the Act becomes inoperative and devoid of force of law. Those rights continue as before unaffected by any legislation, and the Courts will uphold such rights in the same manner as if they were expressly saved by such legislation.

It is to be further noted, that the provision is negative and restraining. It does not require the Legislature to enact laws for the preservation of the rights referred to; it simply requires that the Legislatures shall not in certain cases make laws, and provides that if they do, their legislation shall be, *ultra vires*, or at least that it shall not operate to effect certain objects.

Sub-section (2) on the other hand, grants certain rights to the minorities in Quebec, and therefore imposes impliedly on the Legislature of that Province the duty of executing such provision.

Sub-section (3) provides a remedy by appeal to the Governor General in Council from any act or decision of any Provincial authority affecting any right or privilege of the Protestant or Catholic minority in relation to education in any Province wherein separate schools exist by law (whether at the Union or subsequently established). Here it is to be observed that the words “act or decision of a Provincial authority,” rather seem to point to matters of administration, as, for instance, to the acts or decision of the Executive authority, or of the Board of Education.

Sub-section (4) vests certain powers of passing remedial laws in the Parliament of Canada. But it is to be noted that this power is given in but two cases—

- 1st. Where any Provincial law, as seems to the Governor General requisite for the due execution of the provisions of the section, is not made; and
- 2nd. Where any decision of the Governor General in Council on any appeal under the section is not duly executed by the proper Provincial authority in that behalf.

Taking the second branch of the power first: it gives the right of legislation

where the decision of the Governor General in Council on appeal is not duly executed by the proper Provincial authority; but the jurisdiction of the Governor General on appeal is limited to cases arising under sub-section (3).

The other branch of the power is where the Provincial Legislature has made default in passing the requisite legislation for the due execution of the provisions of the section.

This is clearly applicable only to sub-section (2), under which something is required to be executed. The minority in Quebec is thereby vested with certain rights, and the duty cast upon the Legislature of that Province to pass the necessary legislation to effectuate the object; in other words Provincial law becomes necessary for its execution. But the words are not applicable to sub-section (1), by which Provincial Legislatures are not required to act, but are forbidden from acting, and by which the legislation of the local Legislatures is, to the extent that it contravenes the provisions of sub-section (1), entirely inoperative and of no force of law, being to that extent *ultra vires* and unconstitutional.

Nor does it impair the force of this, that the power of the Parliament is not expressly limited to cases under sub-sections (2) and (3), but extends to the section, because the section is in its nature entire; and the same extended reference is made to the "section" in the case of the failure to execute the appeal of the Governor General in Council, as in the case of the failure to have the requisite legislation. The words in the one case are: "any decision of the Governor General in Council on any appeal under this section," and in the other: "any Provincial law requisite for the due execution of the provision of this section." But it is clear that the appeal only lies under sub-section (3), and the word "section" there means that part of the section to which the case is properly referable.

In short, the power of legislation is in the Parliament of Canada in two cases; the case where appeal lies to the Governor General in Council, under sub-section (3), and the case where something which is required to be executed, is not executed, as under sub-section (2). The provisions of sub-section (1) do not require execution, or the passage of any Provincial Law to execute them. They execute themselves, and subject all Provincial Laws to their operation. No remedy is needed, because no wrong can be inflicted; they lie in the protection of the law. But as in the system of denominational schools, such as those of Ontario and Quebec, Provincial authorities may by act or decision interfere with rights or privileges, the section makes provision under sub-section (3) for such cases of injurious administration, act, or decision.

The Executive Council would further observe, that while the subject was under discussion by the House of Commons, and before the adoption of the Resolution of the 30th May, they, on the 29th May last, caused to be transmitted by telegraph to the Privy Council of Canada, the Minute of Council, of which a copy is hereunto annexed, marked A. by which it will be seen that the Government of New Brunswick, on behalf of the people of that Province, entered their most earnest protest against any dealing with the Common Schools Act, 1871, by the Parliament of Canada.

The Executive Council in making the foregoing remarks, do not desire it to be understood that they are assenting parties to the submission to the opinion of the Law Officers of the Crown in England, of the right of the New Brunswick Legislature exclusively to deal with the subject of Education; on the contrary, they most respectfully now enter their protest against any such submission; and while they entertain that just respect which should properly be accorded to any opinion on the subject emanating from such distinguished Lawyers, they foresee the greatest danger as likely to arise from such a course.

The question, whether the Common Schools Act, 1871, is *ultra vires* within the intent and meaning of the 93rd section of The British North America Act, 1867, is at present pending in the Supreme Court of New Brunswick, and the parties in whose interest it is now sought to obtain the opinion of the Law Officers of the Crown, have had their views, with all the facts, presented and argued before the Supreme Court by some of the ablest gentlemen of the Bar in New Brunswick. The decision and

judgment of the Supreme Court will be given in Hiliary Term (February) next, and as an Appeal from such judgment will lie to the Judicial Committee of the Privy Council, it does appear to the Executive Council that any opinion that the Law Officers of the Crown may give, can in no way settle the question; for should the opinion of the Law Officers of the Crown differ from the judgment of the Supreme Court, neither the Legislature nor the Courts of New Brunswick would feel bound by such opinion. And, again, were the opinion of the Law Officers so differing, such as to lead the Dominion Parliament to legislate upon the subject, any such law of the Dominion Parliament might, by the New Brunswick Courts, be held to be *ultra vires*.

The Supreme Court of New Brunswick, in the case of *The Queen vs. Chandler*, 1 Hannay's Report, p. 548, having held that—

“An Act passed by the Legislature of New Brunswick, on the 23rd March, 1868, intituled, An Act in amendment of Chapter 124, Title 34 of the Revised Statutes, ‘Of Insolvent Confined Debtors,’ was an Insolvent Act which the Legislature of New Brunswick had no power to pass since The British North America Act, 1867, came into force, and was therefore, invalid and void; the Parliament of Canada having under the Imperial Statute, the exclusive power to legislate on Bankruptcy and Insolvency; and that the assent of the Governor General to such Provincial Act would not make it valid; the Court holding that where an Act of the Local Legislature conflicts with the British North America Act (it being an Imperial Statute) the Court will pronounce upon its validity;”

they may, and no doubt would, equally hold as *ultra vires* any legislation of the Dominion Parliament interfering with the exclusive power of the New Brunswick Legislature to legislate on the subject, with the sole limitation mentioned in the 1st sub-section, section 93, British North America Act; and thus if the Common Schools Act, 1871, be determined by the Supreme Court to be not *ultra vires*, it is clear any Act passed by the Parliament of Canada on the subject, upon the assumption that it is so, would be necessarily of no force or effect.

Entertaining the strongest view possible of the constitutionality of the Common Schools Act, 1871, the Executive Council would regret to see such a conflict of law as would arise should the Supreme Court uphold that view, and the Law Officers of the Crown arrive at a contrary conclusion, and they see, as the only legal and constitutional determination of the question, an appeal to the Judicial Committee of the Privy Council, from the judgment of the Supreme Court, by the dissatisfied parties.

Any other course than this will not prove satisfactory to the people of New Brunswick, and in no other way, and by no other judgment, will they permit their rights, in the matter of the Act in question, to be settled.

A.

IN COUNCIL, 29TH MAY, 1872.

Read the following Memo andum of the Executive Council in Committee:—

The Executive Council in Committee have observed the introduction into the House of Commons of Canada, of a Resolution that an Address be presented to Her Majesty, praying that she will be pleased to cause an Act to be passed amending The British North America Act, 1867, in the sense in which the House of Commons believes to have been intended at the time of the passage of the said Act, by providing that every religious denomination in the Provinces of New Brunswick and Nova Scotia shall continue to possess all such rights, advantages and privileges with regard to their Schools, as such denomination enjoyed in such Province at the time of the passage of the said last-mentioned Act, to the same extent as if such rights, advantages and privileges had been duly established by law.

The avowed object of such Resolution is the overthrow of the recent legislation of New Brunswick relating to Common Schools, which legislation is admittedly

within the powers of the Legislature of this Province under the Constitution as it exists.

Upon the question of fact embodied in the Resolution, the Committee beg to say that in none of the discussions and negotiations publicly carried on previous to the Union, was it regarded by any parties in this Province that the then existing legislation upon the subject of Education partook in any respect of the character of finality, or conferred vested rights upon any class, nor did any portion of the people of New Brunswick openly seek to secure the permanence or continuance of such legislation and procedure. There had not been in this Province, as in some of the other Provinces, any legislative compromise on the question of denominational education, and the people of New Brunswick would certainly have repudiated any arrangement which sought to limit their freedom of action.

It appears to have been reserved for the representatives of other Provinces of the Dominion to discover that the assumed privileges of a certain portion of the people of New Brunswick were intended to be secured to a greater extent than was by them at the time supposed or intended.

It is now proposed that the powers of the Provincial Legislatures shall be determined, not by the language of the Constitution, but according to the sense which is believed to have been intended by a body that at the time of the passage of the Act had no existence, and from which in this case the Constitution expressly withdraws the power of legislation.

The Committee, desirous of preserving the Union, cannot refrain from drawing the attention of the Government and Parliament of Canada to the alarming character and consequence of the above Resolution. Those consequences far outweigh in importance the particular subject involved. The assumption, by the Government and Parliament of Canada, of the right to seek the imposition of further limitations of the powers of the Provincial Legislatures is subversive of the federal character of the Union, tending to the destruction of the powers and independence of the Provincial Legislatures, and to the centralization of all power in the Parliament of Canada.

The people of New Brunswick cannot and will not so surrender their rights of self-government within the limits of the Constitution, and will regard the passage of such Resolution as an infringement of the Constitution by those whose duty and interest should lead them to uphold the rights of the Provinces, while maintaining the powers of the General Government.

The Executive Council in Committee therefore hasten to warn the Government and Parliament of Canada of the danger involved in the passage of the said Resolution, which, if passed, whatever its effect upon the course of Imperial Legislation, must stand as a precedent of innovation of Provincial rights, fruitful of evil; and in the name of the people of New Brunswick, and invoking the protection of the Constitution, the Executive Council in Committee protest against the passage of such Resolution, and emphatically assert the right of the Legislature of New Brunswick to legislate upon all questions affecting the education of the country, free from interference by the Parliament of Canada.

[Approved.]

[N. B.—No. 14.]

OFFICE OF THE SECRETARY OF STATE FOR THE PROVINCES,
OTTAWA, 4th January, 1873.

SIR,—I have the honor to acknowledge the receipt of your despatch, No. 97, of the 31st ultimo, covering a copy of a Minute of your Executive Council, on the case submitted by the Dominion Government for the consideration of the Crown Officers in England, on the New Brunswick School Act of 1871,

and requesting that the same may be laid before the Governor General, with a view to its transmission to the Right Honorable the Secretary of State for the Colonies.

Your despatch and its enclosures will be submitted without delay for the consideration of His Excellency in Council.

I have, &c.,

(Signed) JOSEPH HOWE,
Secretary of State for the Provinces.

The Honorable L. A. WILMOT,
Lieutenant Governor, Fredericton.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 10th January, 1873.

The Committee have had under consideration the despatch, No. 97, dated 31st December, 1872, from the Lieutenant Governor of New Brunswick, enclosing copy of a Minute of his Executive Council, on the cases submitted by the Dominion Government for the consideration of the Crown Officers in England, on the New Brunswick School Act of 1871, and requesting that the same may be laid before Your Excellency for transmission to the Right Honorable the Secretary of State for the Colonies, to be submitted to the Crown Officers.

The Committee advise that Your Excellency will be pleased to transmit the Minute in question to the Earl of Kimberley to be laid before the Crown Officers, as requested.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

To the Honorable
The Secretary of State for the Provinces, &c.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 7th November, 1872.

MY LORD,—I am directed to enclose to your Lordship a copy of a Report from the Honorable the Minister of Justice, relating to the School question in New Brunswick, with copy of a Report of the Committee of the Honorable the Privy Council, approved by His Excellency the Governor General on the 6th November, 1872.

I have the honor to be, my Lord,
Your most obedient servant,

E. PARENT,
Under Secretary of State.

The Right Reverend JOHN SWEENEY, D.D.,
Bishop of St. John, New Brunswick.

CATHEDRAL OF THE IMMACULATE CONCEPTION,
ST. JOHN, NEW BRUNSWICK, 18th November, 1872.

SIR,—I beg to acknowledge the receipt of your letter of the 7th instant, with copy of a Report from the Honorable the Minister of Justice, relating to the School question in New Brunswick, and a copy of a Report of the Committee of the Honorable the Privy Council, approved of by His Excellency the Governor General on the 6th November, 1872.

I shall avail myself of the opportunity of sending you, as soon as possible, a paper containing some observations on this question, respectfully requesting that it be transmitted to England with the Report, &c., of the Honorable the Minister of Justice.

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

† J. SWEENEY,
Bishop of St. John.

The Honorable J. C. Aikins,
Secretary of State, &c

CATHEDRAL OF THE IMMACULATE CONCEPTION,
ST. JOHN, NEW BRUNSWICK, January 18th, 1873.

SIR,—I beg to forward the enclosed printed papers containing the opinions of Charles Duff and C. W. Weldon, Esquires, legal gentlemen of high standing in their profession, regarding the School law of New Brunswick, lately passed by our Local Legislature, and also statistics to show that the Catholics have been deprived, by this law, of privileges—the right to give religious instruction in the Schools, to establish Catholic Schools, &c.—which they enjoyed and exercised freely under the former School laws of the Province.

I send these papers in accordance with the Report of the Committee of the Honorable the Privy Council, approved by His Excellency the Governor General on the 6th November, 1872, in order that they may be transmitted to England with the Report of the Honorable the Minister of Justice. I have been obliged to delay longer than I had intended sending in these documents, on account of the stormy weather of the past month and the difficulty, in consequence, of communicating with distant localities.

I beg most respectfully to request that this question, so important to the Catholics of New Brunswick, may be brought before the Judicial Committee of Her Majesty's Privy Council, and if possible, to be informed when it may be brought before them, in order that we may have the opportunity of employing counsel in England to represent us.

I have the honor to be, Sir,
Most respectfully,
Your obedient humble servant,

† J. SWEENEY,
Bishop of St. J. In.

The Honorable J. C. Aikins,
Secretary of State of Canada, &c.

To the Right Rev. John Sweeney, D.D., Bishop of St. John, N.B.

ST. JOHN, N.B., 6th January, 1873.

YOUR LORDSHIP,—Agreeably to Your Lordship's wish, we have perused the copy of a Report of the Honorable the Minister of Justice, dated 30th October, 1872, submitting, in accordance with the Resolution adopted by the House of Commons, on the 30th May last, a statement for transmission to Her Majesty's Secretary of State for the Colonies, in order that the opinion of the Law Officers of the Crown in England, and, if possible, the opinion of the Judicial Committee of the Privy Council, might be obtained as to the right of the New Brunswick Legislature to make such changes in the School Law as deprived Roman Catholics of the privileges which they enjoyed at the time of the Union, in respect of religious education in the Common Schools, with the view of ascertaining whether the case comes within the terms of the 4th sub-section of the 93rd clause of the "British North America Act, 1867." We have also read the copy of the Report of the Committee of the Honorable the Privy Council thereon, of the 6th November, 1872, advising that it should be submitted by His Excellency the Governor General to the Right Honorable the Secretary of State for the Colonies; and that copies of it should be forwarded to the Lieutenant Governor of the Province, and to Your Lordship for any remarks which the Lieutenant Governor or Your Lordship might think proper to make thereon, and that Your Lordship might desire should be transmitted therewith to the Right Honorable the Secretary of State for the Colonies.

The statement of the Honorable the Minister of Justice, sets forth:—1st. The resolution of the 30th May, 1872. 2nd. The 93rd clause of the British North America Act, 1867. 3rd. The Common Schools Act, 1871. 4th. The Petition of the Roman Catholic Hierarchy, Clergy, and Laity of this Province, to His Excellency the Governor General, praying that the "Common Schools Act, 1871," might be disallowed, as affecting and diminishing the Educational privileges which the Roman Catholics enjoyed in this Province at the time of the Union; the reply of the Under Secretary of State for the Colonies thereto; an extract from a Report of the Honorable the Minister of Justice upon the Petition, dated 20th January, 1872, advising that the "Common Schools Act, 1871," should be allowed to go into operation; a correspondence between the Reverend James Quin and the Governor General's Secretary. 5th. Copies of various Acts of the Province of New Brunswick which were in existence at the time of the Union, and which were repealed by the Common Schools Act, 1871. 6th. The proceedings in the House of Commons on the 21st, 22nd, and 29th May, 1872.

Involved in this statement, and altogether behind the question arising out of the resolution of 30th May, 1872, is the correctness of the opinion given by the Honorable the Minister of Justice in his report of the 20th May, 1872. Of course Your Lordship is not prepared to regard that opinion as conclusive, so far as relates to the *Constitutionality* of the "Common Schools Act, 1871." In the event of its being decided that this is a case for the intervention of the Dominion Parliament under sub-section 4, there is no doubt that the Roman Catholics of the Province may safely leave the protection of their rights and privileges to that Parliament; but, should the Judicial Committee be of a contrary opinion, then another, and, in a constitutional point of view, a not less important question remains to be decided, viz:—whether it is not covered by sub-section 1.

According to the opinion of the Honorable the Minister of Justice, the high respect which any legal opinion of his is always entitled to receive, we cannot help thinking that the one which he gave in his report of the 20th January, 1872, so far as it relates to the constitutionality of the "Common Schools Act, 1871," is erroneous. He says:—"The Provincial Legislatures have exclusive powers to make laws in relation to education, subject to the provisions of the 93rd clause of the British North America Act. These provisions apply exclusively to the *Denominational, Separate or Dissident Schools*, they do not in any way affect or lessen the power of such Provincial Legislatures to pass laws respecting the general educational system of the Province."

The Act complained of is an Act relating to Common Schools, and the Acts repealed by it apply to Parish, Grammar Superior, and Common Schools. No reference is made in them to Separate, Dissident or Denominational Schools, and the undersigned does not, on examination, find that any Statute of the Province exists establishing such special schools. As therefore the Act applies to the whole school system of New Brunswick, and is not especially applicable to Denominational Schools, the Governor General has, in the opinion of the undersigned, no right to intervene."

The 93rd clause of the British North America Act gives the Local Legislatures power exclusively to make laws in relation to education, provided those laws do not "prejudicially affect any right or privilege with respect to Denominational Schools, which any class of persons have by law in the Province at the Union." Is not this a qualification of the power of the Local Legislature to make "Laws respecting the General Educational System of the Province?" If it should pass a law respecting "The General Educational System of the Province," any of the provisions of which did "prejudicially affect" any such right or privilege, would not that law, or its provisions to the extent to which they affected such privileges, be *ultra vires* and void? If not, the first sub-section would seem to be entirely inoperative.

It may be difficult to define, with certainty, what the Imperial Legislature meant in the 1st sub-section; but surely the Minister of Justice is in error when he assumes that they intended to use the word "Denominational" there as synonymous, or rather as corresponding with the terms "Separate" and "Dissident" in the other sub-sections. If such had been their intention, one would expect to find it associated with these terms in the 3rd sub-section, but it is not. The fact that it is not so associated with these words, there affords a strong, if not a conclusive argument, that it ought not to be associated with them at all. The Legislature has not placed them in the same category, and what right have we to do so?

The word "Denominational" itself is of modern invention; it is not to be found in Johnson and Walker's Dictionary. In the Imperial Dictionary it is defined as "of or pertaining to a denomination." When we find it, as here, in the same clause with "Separate" and "Dissident," we must conclude that it was intended to convey a meaning *somewhat different* from either of these words, or that it was meant to be applied to a different state of circumstances, else why is it used at all? In the 2nd sub-section, the words "Separate" and "Dissident" are applied to the Schools of the Roman Catholic Minority in Upper Canada, and those of the Protestant Minority in Lower Canada. In both these Provinces the Schools of the Minority are Separate Schools. In Upper Canada they are designated *eo nomino* (Consolidated Acts of Upper Canada, p. 768, 22 Vict., c. 65); in Lower Canada they are called "Dissident," (*vide* Consolidated Acts, Lower Canada, p. 61). These terms in that sub-section are both used to signify schools which are under the separate and exclusive control of the Roman Catholics or the Protestants respectively, as the case might be, and they are not confined in their application to the Provinces of old Canada. By the 3rd sub-section they are made applicable to any school of a similar character which might then be in existence, or which might thereafter be established in any Province of the Union. If the Roman Catholics had a system of *Separate* Schools established by law in this Province or in Nova Scotia at the time of the Union, they are comprehended within the 3rd sub-section beyond a doubt; and, unless the first was intended to apply to a different description of schools, there was no necessity for inserting it in the Act at all. By every rule of construction, it seems to us that the word "Denominational" in this connexion, must be taken to refer to schools, not of the same exclusive character as the Separate Schools of Upper Canada, but which shall yet possess something "pertaining to denominations." Would there be nothing "pertaining to denominations" in schools where, whilst the Bible is read, the conscientious scruples of each denomination are respected? Schools of this kind would not be Separate—would not be Dissident, but they would surely be Denominational. We are at a loss to conceive what schools could exist, possessing features "pertaining to denominations" and which would *not be Separate* Schools unless they are of this mixed kind where denominational teaching is recognized and

protected. In Quebec and Ontario the rights of Protestants and Catholics in these respects are amply protected and secured by the 2nd and 3rd sub-sections. In Nova Scotia there is no section of schools to which the language of either section could be applied, but, in this Province, the Act 21 Vict., c. 9 (1858), secured to Roman Catholics a denominational right precisely of this kind. That Act regulated the Common Schools (in the Act itself very inappropriately called *Parish Schools*), at the time of the Union.

By the 8th Section it is, amongst other things, enacted "That every teacher shall take diligent care, and exert his best exertions to impress on the minds of the children committed to his care the *principles of Christianity*, morality, &c., &c.; but no pupil shall be required to read or study from any *religious book*, or join in any *act of devotion* objected to by his parents or guardians, and the Board of Education shall, by regulation, *secure to all children, whose parents or guardians do not object to it, the reading of the Bible in Parish Schools*; and the Bible, when read in Parish Schools by Roman Catholic children, shall, if required by the parents or guardians, be the *Douay version*, without note or comment."

This Section secures the teaching of *Christianity* to all; it *secures the reading of the Bible* in the schools to all who do not expressly object; it *secures to the children of Roman Catholics the Douay version*. It does more it sanctions the use of religious books and acts of devotion by all pupils whose parents do not object to them. Can it be said that there is nothing "pertaining to denominations" in schools established under this section? In any school established under this Act, at which the children of both Protestant and Roman Catholic parents attended, the conscientious scruples of each denomination would be protected. And thus whilst it would not be separate, it would be denominational. In schools of this mixed character, it would be difficult, if not impossible to give a right of appeal to every alleged violation of the rights of a pupil, such as is given by the 3rd sub-section where Separate and Dissident Schools exist, and therefore we do not find the Denominational classed with the Separate and Dissident Schools in that section, as they most certainly would have been, if they possessed the same exclusive character, and were under the exclusive control of either denomination. Furthermore, the rights of the minorities in these schools were of a *negative* rather than a positive character. The parents may *object* to the Bible being read, or to any but the *Douay version*, or they may *object* to religious books or to acts of devotion. If they do not object, either version of the Bible must be read, and any religious book may be read, or any acts of devotion may be performed. So, in the British North America Act, 1867, the difference there in the phraseology of the first from that of the second, third, and fourth sub-sections is marked and significant. The former is negative; the latter are affirmative. If the first sub-section had been framed expressly with a view to protect rights of the peculiar kind possessed by Roman Catholics in the schools of this Province, it would be difficult to find language more appropriate for the purpose.

From another point of view, the language of that sub-section is singularly appropriate to the rights enjoyed at the time of the Union by Roman Catholics in this Province, in connection with the Common Schools then established, arising out of local circumstances. It will be observed that it is not merely a system of *Denominational* Schools, as it is a *system of Separate or Dissident Schools* in the context, which is protected by this sub-section. The Minister of Justice has indeed so read it; but we respectfully submit that he is wrong. It cannot possibly be so read. It is a right or privilege in respect of "*Denominational Schools*," and not a system of *Denominational Schools* which is spoken of. Such a right might exist, to be asserted under certain conditions, and yet no *system of Denominational Schools* be established by the Act itself. If the law gave to the Roman Catholics a right to call into existence schools exclusively of their own denomination, under certain conditions of time or place or otherwise, then that would be a right or privilege in respect of *Denominational Schools*, which they possessed under the law, even although they had never exerted it. The right would be the same, whether exerted or not and even if no opportunity had occurred for availing themselves of it.

The right the Roman Catholics had under the Act of 1858, and the 6th Section of that Act provides for the election of Trustees of Schools, and for the division of their respective parishes "into convenient School Districts." It requires them to "give any licensed teacher authority, in writing, to open a school in a district where the inhabitants have provided a sufficient school house, secured the necessary salary, and with their assent agreed with such teacher." It empowers the trustees to "suspend or displace any teacher" for improper conduct, &c., and directs them, in such case, "to transmit a copy of their proceedings for the decision of the Board." It requires them to call a meeting of the rate-payers of the district for the purpose of electing a School Committee; and in towns or populous districts, the trustees may authorize "such number of schools as the wants of the population" may require. The 7th Section provides for the election of the School Committee by the rate-payers of the school district, and it gives this Committee, when elected, the immediate charge of the school house, the control of the library, and of the appropriation of moneys raised in the district for the purpose of providing a library, subject, of course, to the provisions of the 8th paragraph of the 4th Section, which excludes work of a licentious, vicious, or immoral tendency, or hostile to the Christian religion, and works on controversial (but not dogmatic) theology.

In many parts of this Province, as your Lordship is well aware, the Roman Catholics largely preponderate, and in some they constitute the entire population. In the latter places they elected Trustees and School Committees, "provided sufficient school houses," "secured the necessary salary," and employed teachers. In such places trustees, committees, teachers, parents and pupils were all Roman Catholics, the Douay Bible alone was used, and the religious books and acts of devotion were generally the same as those employed in the Separate Schools in Upper Canada and in the schools (not dissentient) of Lower Canada. These schools were established and were lawfully in existence at the time of the Union, under the Act of 1858; the teachers in them were appointed, and made their returns under the Act, and they received their share of the Provincial allowance under it.

Again, "in towns and populous places" the trustees had established schools which were exclusively Roman Catholic, and they had done so strictly in accordance with the provisions of the law, which empowered them in such cases to establish "such number of schools as the wants of the population might require." All these schools were established and governed in every respect in accordance with the provisions of the Act of 1858, and they were returned by the Superintendent of Education in his annual Report as Parish, or more appropriately, Common Schools. In one instance, a teacher of a school of this kind was dismissed by the trustees, under the 6th section, for improper conduct, and his dismissal having been duly reported was approved of by the Board of Education; the improper conduct being a refusal to use the Roman Catholic Catechism in his school.

By the return of the Superintendent of Education for the year 1870, there were 825 Common Schools or Parish Schools in the Province receiving the Provincial allowance under the Act of 1858, and of that number so returned by him, upwards of 250 were exclusively Roman Catholic.

The right thus to establish schools composed exclusively of Roman Catholic children, in localities where the population is composed exclusively of that denomination; the power given to the trustees to establish them in populous districts; the protection afforded to the conscientious scruples of the minority in mixed schools where all "rights and privileges" in respect to denominational schools which the Roman Catholics of this Province had, as a class, by law at the time of the Union.

It has been urged by some of the advocates of "the Common Schools Act, 1871" (but certainly not by the Minister of Justice), that the denominational rights and privileges mentioned in the first sub-section, refer only to such corporate privileges as have been conferred upon institutions like the Wesleyan Academy at Sackville, the Acadia College in Nova Scotia, or the McGill College in Montreal, belonging respectively to the Wesleyan, Baptist and Presbyterian denominations. This argument does not commend itself to our minds as of any weight. The institutions referred

to are not Common Schools in any sense of the term. They confer degrees, they have courses of lectures, and their whole system of teaching is different. The Act of the Imperial Parliament, 31 and 32 Victoria, Cap. 118, makes provisions for the good government and extension of certain public schools in England, and it was deemed necessary, in order to include Eton and Winchester Colleges, specially to name them.

The Dartmouth College case, 4 Wheaton, U.S. Reports, is an authority to the effect that Corporations of such a character as these form no part of the General Educational or Common School system of the country. Whatever aid they received from the Province, moreover, was in the shape of annual grants, to which they had no vested rights, and which the Legislature might at any time refuse to make. And it was not the different Protestant denominations which were referred to at all. There is nothing in the context of the British North America Act, 1867, to give the slightest color of support to such an argument. Christians, in the 93rd Section, are divided into two great classes, the same into which all Christendom have been divided for centuries, the Roman Catholic and Protestant. The manifest design of the section is in accordance with all modern British legislation—to protect the minority from the encroachments of the majority.

The same division of classes is to be found in the 8th Section of the Act of 1858. It is the Protestant Bible on the one hand, and the Douay version on the other. It is not Methodist, or Baptist, or Presbyterian. Therefore, whether we construe the first sub-section by the context, by the light of contemporary legislation, or by the circumstances and position of affairs in the Province, to which the law was to be applied, the conclusion is the same—the Roman Catholics and the Protestants are the only classes of persons before the minds of the Legislature.

The "Common Schools Act, 1871," repeals the Act of 1858, and thereby deprives Roman Catholics not only of the right which that Act secured to them of having the Douay Bible read by their children in the mixed schools, but also the privilege which they had under it of creating schools of a character exclusively Roman Catholic, where the population was entirely Roman Catholic, and deprives the Trustees of the authority which they formerly had of establishing Roman Catholic Schools in populous places. The 60th Section of the Act of 1871 enacts, that "all Schools conducted under the provisions of this Act shall be non-sectarian." This emphatically prevents the use of the Douay Bible, or of the Catholic Catechism, or of religious books, or the performance of any acts of devotion. By the 58th Section, Sub-section 12, it is enacted that "*no public funds shall be granted in support of any School, unless the same be a Free-School, and conducted in every respect in conformity with this Act and the Regulations of the Board of Education;*" and this deprives Roman Catholics of the Provincial allowance which was secured to them by the Act of 1858, when they complied with its conditions. Moreover, it is under the provisions of the Act of 1871 that the Board of Education derives the authority to make, and that it has made the following regulation:—"Regulation 20:—*Symbols or Emblems in the School Room.* Symbols or emblems, distinctive of any National or other Society, political party or religious organization, shall not be exhibited or employed in the School Room, either in its general arrangement or exercises, or on the person of any Teacher or Pupil."

So long as the Act of 1858 continued to be law, the Board would not have dared to promulgate such a regulation. Catholics were secured against any such outrage by that Act. The Board, moreover, had no power under the Act of 1858 even to *prescribe* the books to be used in Schools. We are, therefore, constrained to say that, in our opinion, the "Common Schools Act, 1871," does "prejudicially affect" rights and privileges which were secured to the Roman Catholics of this Province, as a class, in respect of Denominational Schools.

We observe that Mr. Colby's Resolution and the Report of the Honorable the Minister of Justice both contemplate taking the opinion of the Law Officers of the Crown in the matter, and, if possible, the opinion of the Judicial Committee of the Privy Council. In a matter involving a great constitutional question, and affecting the whole Roman Catholic population of the Province, Your Lordship will not, of

course, allow their rights to be concluded or compromised by assenting to take the opinion of the Law Officers of the Crown as conclusive. However high the professional standing and ability of these gentlemen may be, nothing less than the opinion of the highest judicial tribunal in the country can settle such a question. And we assume that the Canadian Government are disposed to afford the Roman Catholics of the Province every facility for the settlement of the question, so far as it can be disposed of by any Judicial Tribunal; and if they are so disposed, we think that the opinion of the Judicial Committee can be obtained. If the Report of the Minister of Justice, together with the statements of all parties, are forwarded to the Right Hon. the Secretary of State for the Colonies, through His Excellency the Governor General, accompanied by a request that the Secretary of State will lay the whole matter before the Judicial Committee to advise Her Majesty thereon, we think that the opinion of the Committee can be obtained.

Her Majesty has at all times the right to require the advice of Her Privy Council, and the Judicial Committee are a portion of that Council.

That Committee was established under the Act 3rd and 4th William IV., c. 41. The 3rd section of that Act gives the Committee certain appellate jurisdiction in legal matters; and the 4th section is as follows:—"And be it further enacted, that it shall be lawful for His Majesty to refer to the said Judicial Committee, for hearing or consideration, *any such other matter whatsoever as His Majesty shall think fit*, and such Committee shall thereupon hear and consider the same, and shall *advise His Majesty thereon* in manner aforesaid."

Under the 3rd section, the Committee exercise appellate jurisdiction; under the 4th they will advise Her Majesty on any matter she shall "think fit to refer" to them; and this last section has been acted upon in a great variety of cases when the Committee were not sitting as a Court of Appeal at all.

Amongst the matters so referred by Her Majesty to the Committee for their advice, we may refer to the following:—

In re the States of Jersey, 11 Moore's, P. C. C. 320. This was a petition from Philip Gibaut, Esq., Constable of St. John, and 1497 rate-payers and other inhabitants in the different parishes in the Island of Jersey, against an Act of the States, dated 30th April, 1857.

One objection to the Act in question arose under an Order in Council of 28th March, 1771, whereby it was ordered, "That when anything is proposed to the Assembly of the States, it shall be wrote down in the form in which it is meant to be passed, and then it shall be debated; after which it must be lodged, *au Greffe*, for 14 days at least, before it shall be determined, in order that every individual of the States may have full time to consider thereof, and the Constables to consult their constituents, if they judge necessary.

The requirements of this law had not been complied with. The Act in question had not been lodged *au Greffe* for fourteen days.

The Judicial Committee advised Her Majesty that the objection was fatal to the Act, and it was disallowed.

Ramsay vs. The Justices of Sierra Leone.—8 Moore's P. C., 47, was a petition presented by Ramsay to the Judicial Committee, praying for leave to appeal from certain orders of the Recorder's Court of Sierra Leone, imposing fines on the petitioner for contempt of Court. The Court held that they had no jurisdiction to entertain a petition impugning the propriety of such orders; but they say, "In the circumstances disclosed by this petition, if Her Majesty's Secretary of State thinks fit to refer the matter to us, we will hear it, and advise Her Majesty upon the case." Acting upon this intimation, the *appellant presented a similar petition to Her Majesty through the Colonial Office*, setting forth the same facts, and praying that such petition might be referred to the Judicial Committee.

The matter was specially referred by the Colonial Office for the consideration of the Judicial Committee to advise the Crown. The Judges of the Court, whose orders were appealed against, were served with a copy of the petition, and filed their answer.

Affidavits were filed on both sides in support of the respective cases. Counsel

were heard on both sides, and the Judicial Committee advised Her Majesty to reduce the fines.

In re Stronach, 2 Moore's, P. C. C. 311 (1833). This was a petition for leave to appeal against an order made by the Chief Justice of the Supreme Court of the Island of Grenada, in relation to the slaves on a certain estate, called the Grand Ance. The Colonial Act, No. 250, made in pursuance of the Slave Abolition Act, 3 and 4 William IV, c. 73, made the jurisdiction of the Chief Justice of the Supreme Court final and conclusive in such a matter. The Judicial Committee held that no appeal would lie from the order of the Chief Justice, and said: "We think the only course is for the petitioner to present a petition to the Crown through the Secretary of State, and then it can be referred to us generally for our opinion. We have no jurisdiction as it stands."

In re the Island of Cape Breton, 5 Moore's P. C. C., p. 259.

"This was a petition from certain inhabitants of the Island of Cape Breton against the annexation of that Island to Nova Scotia. The object of the petition was to obtain restoration of the Constitution alleged to have been granted by His Majesty King George III., in 1784, and for the convening of a Local Legislature, under a Lieutenant Governor, Council, and Assembly, conformably to such grant, and that the Laws of Nova Scotia, and the authority of its Legislature might no longer be enforced over the Island of Cape Breton."

This petition prayed, amongst other things, that the Constitution of 1784 should be restored to them, and for the convening of their Local Legislature, under a Lieutenant Governor, Council and Assembly; but that, if there should possibly exist any doubt of the petitioners' strict legal and constitutional rights, they further prayed that, as a matter of expediency, and to protect the interests of the inhabitants of the Island, and in consideration of the injuries inflicted upon them by the annexation, His Majesty would be pleased, in the exercise of his prerogative, to grant as an act of great favour the separation of Cape Breton from Nova Scotia, and to permit the Island to enjoy a similar constitution to that of its sister Island of Prince Edward, &c.

The petition was referred by Her Majesty to the Judicial Committee of the Privy Council with directions that the petitioners should be confined in their argument before that tribunal to the bare question raised by them, and were not to be permitted to enter into any question of public convenience or policy. Notice was required to be given, of the petition having been so referred to the Legislative Council and House of Assembly of Nova Scotia, who were authorized, if they thought fit, to appoint Counsel to appear on their behalf and oppose the claim of the petitioners.

The Legislature of Nova Scotia, having been specially summoned by the Lieutenant Governor in consequence of such notice having been given, declined to appoint an Agent or to instruct Counsel to represent them at the Bar of the Judicial Committee, expressing their confidence in the learning and ability of the officers of the Crown, and the integrity and wisdom of the eminent tribunal, before whom these officers were to vindicate the legality of the annexation. They accordingly put in no case, nor did they appear by Counsel.

The petitioners having been so directed, lodged a case in which they set forth the facts, as stated at length in the report, 5 Moore, together with a summary of the constitution of the colony, and referred to a variety of precedents and authorities from which they contended that the annexation in 1820, of Cape Breton to Nova Scotia, and the Legislative authority of that province over the Island ought to be adjudged illegal for reasons set forth in their case as stated in the report in Moore.

A case was also put in on the part of the Crown, wherein it was submitted that the re-annexation of the Island to Nova Scotia was, in the circumstances, strictly legal for reasons also therein set forth.

Counsel was then heard before the Judicial Committee on behalf of the petitioners, and also on the part of the Crown.

No judgment was delivered on the petition, but the report of their Lordships, which was afterwards confirmed by Her Majesty in Council, was as follows:—

"The Lords of the Committee, in obedience to Your Majesty's said order of reference, have taken the said petition into consideration and have heard Counsel on behalf of the said petitioners, and have likewise heard Your Majesty's Attorney General on behalf of Your Majesty's Crown, and their Lordships understanding it to be Your Majesty's pleasure that their Lordships' consideration of the matter referred to them, by Your Majesty's said order of reference, should be confined to the question whether the inhabitants of Cape Breton are by law entitled to the Constitution purporting to be granted to them by the Letters Patent of 1784 mentioned in the said petition, do agree humbly to report their opinion to Your Majesty that the inhabitants of Cape Breton are not so entitled."

In addition to these the cases *in re* Pollard, Law Reports 2 P., C. 106, and *in re* Ramsey, Law Reports, 3 P., C. 427, were questions referred to the Committee by Her Majesty, under the fourth section of the Act.

In conclusion, we advise your Lordship to submit these remarks upon the Report of the Honorable the Minister of Justice, with a respectful request that they should be forwarded by His Excellency, together with that Report, to the Right Honorable the Secretary of State for the Colonies, for the advice of the Judicial Committee of the Privy Council, under the 4th section of 3 and 4 William IV., cap. 41; and as in the case of the Island of Cape Breton above referred to, the Committee will, no doubt, afford your Lordship an opportunity of substantiating your case by affidavits or otherwise, and of being heard by Counsel before them.

We think, also, that the Acts of Upper and Lower Canada, which establish the system of Separate and Dissident Schools in those Provinces respectively, and the Acts of Nova Scotia in relation to education in that Province, should be brought under the notice of the Judicial Committee, as well as our Acts of 1858 and 1871.

By collating the Laws on the subject of Common School Education in all the Provinces in existence at the time of the Union, the application of the language of the first sub-section of Section 93 of the British North America Act to the Common Schools of this Province at that time, will become very apparent.

We have the honor to be,
Your Lordship's obedient servants,

CHARLES DUFF,
CHARLES W. WELDON.

CATHOLIC "PARISH" SCHOOLS IN NEW BRUNSWICK.

New Brunswick is divided into two Catholic Dioceses: the Diocese of St. John and the Diocese of Chatham.

The Diocese of St. John comprises the City and County of St. John, King's and Queen's Counties, the Counties of Sunbury, York, Carleton, Charlotte, Albert and Westmoreland, and part of Kent; the Diocese of Chatham comprises the Counties of Victoria, Restigouche, Gloucester, Northumberland, and part of Kent.

DIocese of St. John.

In the Diocese of St. John there were, on July 1st, 1867, and up to the time when the School Act of 1871 went into operation, as there had been for many years previously, one hundred and sixty schools established under the School Act of 1858, in which the teachers were Catholics, and in nearly all of which the pupils were also entirely Catholics, the great majority being Catholics in those in which the pupils were not exclusively Catholics. In these schools the Catholic catechism was regularly taught, Catholic prayers were taught and were said every day, and Catholic books were used with the knowledge and approbation of the Trustees,

ected by the people of the several parishes, of the Inspectors appointed by the Board of Education to visit the schools periodically, and, in some instances, with the knowledge and approval of the Superintendent of Education who occasionally visited some of these Schools. In several cases also, the Returns made by the Teachers to the office of the Chief Superintendent showed that books manifestly Catholic were used in these schools, and in no instance was any objection ever made to the use of such books, or to the teaching of the Catholic Catechism, or to the saying of Catholic prayers during school hours.

The following is a detailed account of the Catholic Parish Schools established under the law of 1858, which were in existence when the School Act of 1871 came into operation, and which existed for many years previously:—

CITY AND COUNTY OF ST. JOHN.

In the City of St. John	9
“ the Parish of Simonds	6
“ the Parish of Portland.....	6
“ Lancaster	8
“ St. Martins.....	2

IN KING’S COUNTY.....8

QUEEN’S COUNTY.

In Petersville	4
“ Enniskillen.....	1
At Grand Lake	1

IN SUNBURY COUNTY.....2

YORK COUNTY.

In Fredericton.....	4
“ other parts of the County	10

CABLETON COUNTY.

In Woodstock	4
“ Richmond.....	6
“ Williamstown	2
“ Simonds	1
“ Northampton.....	1
“ Canterbury.....	2
“ Johnville.....	3

CHARLOTTE COUNTY.

In St. Stephens.....	3
“ St. Andrews.....	3
“ Bocabec.....	1
“ St. George.....	4

IN ALBERT COUNTY.....4

WESTMORELAND.

In Shediac—Barachois	8
“ Tedish	2

In Botsford	6
“ Dorchester	11
“ Moncton	4
“ Scoudac	3

PART OF KENT.

In Dundas.....	11
“ Wellington (Buctouche).....	8
“ St. Mary’s “	5
“ Richibucto	4
“ Welsford.....	2

All these schools receive the Provincial allowance, according to the grade of the teachers, as fixed by the law of 1858, and in all of them Catholic doctrines were regularly taught, and Catholic devotions regularly practiced. Several of the schools were French, and in these the school books used were generally those approved of by the Quebec Board of Education, which are for the greater part essentially Catholic, and the books “Le Nouveau Traité du Devoir du Chrétien,” “Doctrines Chrétiennes,” “Histoire Sainte,” “L’Ancien et le Nouveau Testaments,” were in general use; in the schools in which the instruction was given in English, books of the same character were in use. The priests of the districts frequently visited some of these schools and gave religious instructions in them.

In Carleton, St. John, two and sometimes as many as four licensed teachers were employed in the Catholic school. These received the usual Provincial allowance from the Board of Education as parish school teachers, duly employed. To this school the Provincial Legislature made also a grant of \$240 a year for many years, to enable the managers to pay other teachers; and in the list of legislative appropriations in the Journals of the House of Assembly it was always called the Roman Catholic School, Carleton.

The subjoined certificate from the gentlemen who acted as trustees for the City of Saint John under the old School Law, shows that in carrying out that law they always had regard to what they considered the legal rights of the several denominations under that law. They are all Protestants. Mr. Sears and Mr. Blatch were trustees for about twenty years, and Mr. Dole for at least thirteen years.

“Under the old School Law, the trustees in St. John (Parish No. 1), always considered, in appointing Roman Catholic teachers to schools, that such schools were essentially denominational; and hence the trustees in making such appointments, always took into consideration the relative claims of the various denominations, (viz:—Episcopal, Roman Catholic, Wesleyan, Presbyterian, and Baptist), in proportion to the whole number of Schools and the population, so as to apportion the number of teachers as fairly as possible among the denominations.

(Signed)

JOHN SEARS,
GEORGE BLATCH,
W. P. DOLE.”

DIOCESE OF CHATHAM.

It has been found impossible to obtain complete returns from this Diocese. Those which have been received show that:—

In the County of Restigouche there were at least two schools, one in the parish of Durham and one at Bel River, in which Catholic teachers taught Catholic devotions and Catholic prayers to Catholic pupils for a number of years.

GLOUCESTER COUNTY.

In the parish of Beresford there were four Catholic parish schools, in which the pupils were regularly taught the Catholic catechism and Catholic prayers, and in which Catholic books were used.

In the parish of New Bandon there were three Catholic parish schools in which the Catholic catechism was taught, and Catholic prayers were said, and Catholic books were used.

In the Parish of Caraquet there were eight Catholic Parish Schools in which the Catholic catechism was taught, Catholic prayers were said every day, and such books as "Le Nouveau Traité du Devoir du Chrétien," "Doctrine Chrétienne," "Histoire Sainte," "L'Ancien et le Nouveau Testaments," were used with the knowledge of the Trustees, and of the Inspector appointed by the Board of Education.

No returns have been received from the Parish of Bathurst or from the Parishes of Inkerman, Saumarez, and Shippegan, which are almost exclusively Catholic, and in which there were several Catholic schools.

VICTORIA COUNTY.

In the Parish of St. Basil there were five parish schools in which the teachers and pupils were Catholics, and in which the Catholic catechism was taught, Catholic prayers were regularly said, and Catholic books were used. In Madawaska there were six parish schools of the same character, and at Grand Falls there were two.

KENT COUNTY.

In the Parish of St. Louis, which belongs to the Diocese of Chatham, at least eight Catholic parish schools existed for many years before the passing of the late Act. These schools were regularly opened and closed with prayer, the Catholic catechism was regularly taught in them, and the books used were Catholic, including the "Nouveau Traité des Devoirs du Chrétien," and "La Bible Illustrée." They were visited regularly by the Government Inspector; and in the returns sent to the Chief Superintendent of Education the names of the books used were given.

NORTHUMBERLAND COUNTY.

The returns from this County are incomplete. In the Parish of Blackville there were three Catholic parish schools in which the Catholic catechism was taught, Catholic prayers were regularly said, and Catholic books were used.

In Douglastown four Catholic parish schools were taught for several years. In these Teachers and nearly all the children were Catholic. The Catholic catechism was taught, Catholic prayers were said and Catholic books were used. The Teachers were examined by the Board of Education, and received the regular Provincial allowance.

The following certificate from the gentlemen who acted as Trustees of the Schools in the Town and Parish of Chatham for a number of years, shows that, as in the City of St. John, the right of the several denominations to establish, under the law of 1858, Schools in which denominational and religious instruction would be given, was practically recognized. These gentlemen, except Mr. Lawlor, are all Protestants.

"We, the undersigned, who have for several years fulfilled the office of Trustees of Schools in the Parish of Chatham, County of Northumberland, under the School Law of 1858, certify that of the various schools in operation in this Parish during the existence of said law (from 1858 to 1871), several were known to be professedly and in practice, '*Denominational Schools*;' that is, under the patronage of one or other of the different religious denominations of Christians. In these schools besides the secular and moral education required by law, the peculiar religious instruction (by catechism, prayers, hymns, &c.,) according to the tenets and usages of their respective Churches, was known to be imparted in their regular daily exercise.

"The Schools under the patronage of Roman Catholics, kept in school-houses belonging to that body, attended by pupils almost exclusively Catholic, numbering from 250 to 300, and conducted by licensed teachers of the same creed:—namely, Annie Quinlan, Sarah Wynn and Bridget Flannagan, during all the above-mentioned time—

and Mary Harrington and Margaret McCarthy for a shorter period—and Thomas Caulfield and other Teachers of St. Michael's Male Academy, from 1861 to 1871 inclusively, were all conducted under the then existing law, by the above-named licensed Teachers and were regularly visited by the Inspectors, Woods, Morrison, &c., and Chief Superintendent Bennet and other officials, and received their regular portion of Government allowance from the Provincial School Fund, through the Board of Education.

(Signed) " THOS. F. GILLESPIE, M.P.P.,
 " " J. C. GOUGH, M.P.P.,
 " " JAS. J. PIERCE,
 " " WM. LAWLOR,
 " " W. WILKINSON,
 " " R. CARMAN."

In the Diocese of Chatham the total number of Catholic schools must have been at least one hundred. In all of these the education was in every respect thoroughly Catholic; and they were recognized by the Board of Education—composed of the members of the Provincial Council and the Chief Superintendent of Education—as Catholic schools, to all intents and purposes. So much was this the case that, in April, 1871, when Mr. Turgeon was appointed Principal of the Superior School in the Parish of Beresford, and the Inspector, Mr. Morrison, employed as his assistant a Protestant Teacher, on Mr. Turgeon remonstrating with the Inspector and satisfying him that the assistant should be a Catholic, who could properly give religious instructions to the Catholic pupils, Mr. Morrison immediately cancelled the agreement he had made with the Protestant teacher and a Catholic assistant was employed. In some instances a few Protestant children attended the schools—as in Caraquet, where there were eight schools, five or six Protestant children attended—but this did not in any way alter the character of the schools. The conscientious rights of those Protestant children were sacredly regarded, as the laws of 1858 prescribed, but the Catholic children received religious instruction and said their prayers precisely as if no Protestant children were at the schools. The teachers were duly licensed and received the Provincial allowance fixed by law, and the schools were what the law called Parish Schools, and belonged to the regular Provincial School Establishment; but they were not in any sense Separate, as are the Catholic schools of Ontario, or Dissident, as are the Protestant schools of Quebec; they were thoroughly and unquestionably Denominational Schools.

DEPARTMENT OF THE SECRETARY OF STATE,
 OTTAWA, 28th January, 1873.

MY LORD,—I am directed to acknowledge the receipt of your Lordship's letter of the 18th instant, forwarding therein printed papers containing the opinions of Charles Duff and C. W. Weldon, Esquires, regarding the School Law of New Brunswick, lately passed by the Local Legislature, &c., &c., and to inform Your Lordship that the same have been referred to the Privy Council for consideration.

I have the honour to be, My Lord,
 Your most obedient servant,

(Signed) E. PARENT,
Under Secretary of State.

The Right Reverend JOHN SWEENEY, D.D.,
 Bishop of St. John, New Brunswick.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 30th January, 1873.

On a letter, dated 18th January, 1873, from His Lordship the Right Reverend the R. C. Bishop of St. John, N.B., enclosing printed papers, one of them containing the opinions of two legal gentlemen, Messrs. Duff and Weldon, regarding the late School Law of New Brunswick, in order that the same may be transmitted to England; and requesting to be informed, if possible, of the time when this question, so important to the Catholics of New Brunswick, will be brought before the Judicial Committee of Her Majesty's Privy Council, in order that they may have an opportunity of employing Counsel in England to represent them.

The Honorable the Minister of Justice, to whom the above letter has been referred, recommends that a copy of such letter, with the documents annexed thereto, be transmitted by Your Excellency to the Right Honorable the Secretary of State for the Colonies, to be placed with the papers heretofore transmitted on the same subject, and to be taken into consideration at the same time.

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

Certified.

(Signed)

W. A. HIMSWORTH,

Clerk, Privy Council.

To the Honorable

The Secretary of State,
&c., &c., &c.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 4th February, 1873.

MY LORD,—I am directed to inform Your Lordship that your letter of the 18th January last, enclosing printed papers, one of them containing the opinion of two legal gentlemen, Messrs. Duff & Weldon, regarding the late School Law of New Brunswick, in order that the same may be transmitted to England, and requesting to be informed, if possible, of the time when this question, so important to the Catholics of New Brunswick, will be brought before the Judicial Committee of Her Majesty's Privy Council, in order that they may have an opportunity of employing Counsel in England to represent them, having been referred to His Excellency the Governor General in Council, an Order in Council has been passed, directing that a copy of Your Lordship's said letter with the documents annexed thereto, be transmitted by His Excellency to the Right Honorable the Secretary of State for the Colonies, to be placed with the papers heretofore transmitted on the same subject, and to be taken into consideration at the same time.

I have the honor to be, My Lord,
Your most obedient servant,

E. PARENT,
Under Secretary of State.

The Right Reverend JOHN SWEENEY, D.D.,
Bishop of St. John, St. John, New Brunswick.

The Secretary of State for the Colonies to the Governor General.

(Copy.—Canada, No 47.)

DOWNING STREET,
February 18th, 1873.

MY LORD,—I referred to the Law Officers of the Crown, and to the Privy Council Office, your despatches, No. 85, of the 6th of November, 1872; and No. 7, of the 13th of January last, together with the papers which accompanied them, relating to the Act passed by the Provincial Legislature of New Brunswick, in May, 1871, relating to Common Schools. I transmit to you for your information, and for that of your Government, copies of the opinions which have been given by the Law Officers on this case; and also, a copy of a letter from the Privy Council Office on the subject.

L. O., Nov. 29th, 1872.
Law Offices, 12th Feb., 1873.
Council Office, 13th Dec., 1872.

From the letter you will learn that the case is not one which can be properly submitted to the Judicial Committee of the Privy Council.

I have, &c.,

(Signed) KIMBERLEY.

Governor General,

The Right Honorable

The EARL OF DUFFERIN, K P., K.C.B.,
&c., &c., &c.

The Law Officers of the Crown to the Earl of Kimberley.

(Copy.)

TEMPLE, 29th November, 1872.

MY LORD,—We are honoured with Your Lordship's commands, signified in Mr. Holland's letter of the 25th November, instant, stating that he was directed by your Lordship to transmit to us a copy of a despatch from the Governor General of Canada, with enclosures relating to an Act passed by the *Provisional* (*) Legislature of New Brunswick, in May, 1871, relating to Common Schools, and to request that we would take the papers into our consideration and favour your Lordship with our opinion thereon.

In obedience to your Lordship's commands we have the honor to report:—

That we agree substantially with the opinion expressed by the Minister of Justice of the Dominion, so far as appears from the papers before us, whatever may have been the practical working of annual Education Grants in the Province of New Brunswick, the Roman Catholics of that Province had no such rights, privileges, or schools as are the subjects of enactment in the British North America Act, 1867, Section 93, Sub-section, *et seqr.*

It is, of course, quite possible that the new Statute of the Province may work in practice unfavorably to this or that denomination therein, and therefore to the Roman Catholics, but we do not think that such a state of things is enough to bring into operation the restraining powers or the powers of appeal to the Governor General in Council, and the powers of remedial Legislation in the Parliament of the Dominion contained in the 93 Section. We agree, therefore, in the practical conclusion arrived at by Sir John A. Macdonald.

We have, &c.,

(Signed) J. D. COLERIDGE,
G. JESSEL.

The Right Honorable

The EARL of KIMBERLEY, &c., &c., &c.

The Law Officers to Lord Kimberley.

(Copy.)

TEMPLE, 12th February, 1873.

MY LORD,—We are honored with your Lordship's commands, signified in Mr. Holland's letter of the 11th inst., stating, that with reference to the Report furnished by us on the 29th November, respecting an Act passed by the Legislature of New Brunswick, in May, 1871, relating to Common Schools, he was directed by your Lordship to transmit to us a copy of a further despatch from the Governor General of Canada, forwarding a memorandum of the Executive Council of New Brunswick on the resolution by the House of Commons of the Dominion, on the 30th May last.

And that he was to request us to take the documents into consideration, and inform your Lordship whether we saw any reason to change the opinion expressed in our Report on the 29th November.

In obedience to Your Lordship's commands we have the honor to report, that we see no reason to alter or modify the opinion which we have already submitted to Your Lordship on this subject.

We have, &c.,

(Signed) J. D. COLERIDGE,
" G. JESSEL.

The Right Honorable
The Earl of Kimberley.

Mr. Reeve to Mr. Holland.

(Copy.)

PRIVY COUNCIL OFFICE, 13th December, 1872.

SIR,—I have submitted to the Lord President of the Council your letter of the 9th inst., transmitting a copy of a despatch from the Governor General of Canada with enclosures, respecting an Act passed by the Provincial Legislature of New Brunswick with reference to Common Schools, and requesting to know whether the opinion of the Lords of the Judicial Committee of the Privy Council on this question can properly be obtained.

It appears to His Lordship that as the power of confirming or disallowing Provincial Acts is vested by the Statute in the Governor General of the Dominion of Canada, acting under the advice of his constitutional advisers, there is nothing in this case which gives to Her Majesty in Council any jurisdiction over this question; though it is conceivable that the effect and validity of this Act may at some future time be brought before Her Majesty on an appeal from the Canadian Courts of Justice.

This being the fact, His Lordship is of opinion that Her Majesty cannot, with propriety, be advised to refer to a Committee of Council in England a question which Her Majesty in Council has at present no authority to determine, and on which the opinion of the Privy Council would not be binding on the parties in the Dominion of Canada.

I have, &c.,

(Signed) HENRY REEVE,
Esq. P. C.

HENRY T. HOLLAND, Esq., &c., &c., &c.

The Secretary of State for the Colonies to the Governor General.

(Copy.—Canada, No. 54.)

DOWNING STREET, 20th February, 1873.

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's despatch, No. 35, of the 1st February, inclosing copy of a further Report of a Committee of the Canadian Privy Council, and of a letter with printed papers from the Roman Catholic Bishop of St. John, relating to the New Brunswick School Act.

In my despatch, No. 47, of the 18th inst., I have forwarded to you copies of the opinions of the Law Officers of the Crown in reference to this case; as the Law Officers have had this subject twice under their consideration, and as the matter is not one which can properly be referred to the Judicial Committee of the Privy Council, I do not propose to submit to the Law Officers the papers enclosed in your despatch now under acknowledgment, unless it is desired by the Canadian Government.

I have, &c.,

(Signed) KIMBERLEY.

Governor General,

The Right Honorable

The EARL of DUFFERIN, K. P., K.C.B.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 13th March, 1873.

The Committee of Council have had under consideration the despatch from the Right Hon. H. M. Secretary of State for the Colonies, No. 54, dated 20th February, 1873, relating to the Act passed by the Provincial Legislature of New Brunswick, in May, 1871, relating to Common Schools.

The Hon. the Minister of Justice, to whom the above despatch and its enclosures were referred, reports, that it appears from this, and from previous despatches, that the Resolution adopted by the House of Commons of Canada, at its last Session, asking for the opinion of the Law Officers of the Crown in England, as to the competence of the Legislature of New Brunswick to pass the Common School Act of New Brunswick, of 1871, together with the Minute of the Executive Council of New Brunswick, was submitted by Her Majesty's Government to the Attorney and Solicitor General of England.

That on this reference the Law Officers have given their opinion that the Provincial Legislature was competent to pass the Act in question.

That this opinion was given before the arrival in England of the letter and accompanying documents transmitted by the Roman Catholic Bishop of St. John, relating to the New Brunswick Act.

That it is to be regretted that the delay in the preparation of the memorandum by the Bishop prevented his letter being before the Law Officers at the time they had the question under consideration.

That as the Right Reverend Prelate, however, speaks on behalf of the Roman Catholic people who complain of the Act in question, and dispute its validity, it seems to him, the Minister of Justice, advisable that the Attorney and Solicitor General should be requested to reconsider the whole case, after having before them all the papers transmitted by Your Excellency on the three several occasions, viz:—The Resolution of the House of Commons; the memorandum of the Executive Council of New Brunswick; and the letter and papers transmitted by the Bishop of St. John.

That without such reconsideration, the Roman Catholic body might feel that the opinion had been given without their case being submitted or considered, and it would not therefore have the weight with them that is desirable.

The Committee concur in the foregoing Report, and advise that a copy of this Minute be transmitted by Your Excellency to the Earl of Kimberley.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

To the Honorable
The Secretary of State for the Provinces.

No. 94—141.

OTTAWA, 15th March, 1873.

SIR,—In compliance with your order of reference of this date, I have the honor to transmit to you, herewith, a copy of the Judgment of the Supreme Court of the Province of New Brunswick, upon the question of the constitutionality of "The Common Schools Act, 1871," in the case of Auguste Renaud and others, called for by the House of Commons in their Address of the 14th inst.

The enclosed document was received this day from the Lieutenant Governor of New Brunswick, in a covering despatch, dated the 10th inst.

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

E. H. MEREDITH
Under Secretary of State for the Provinces.

E. PARENT, Esquire,
Under Secretary of State for Canada.

JUDGMENT OF THE SUPREME COURT OF NEW BRUNSWICK.

Upon the question of the constitutionality of "The Common Schools Act, 1871," delivered in Hilary Term, 1873, in the case of AUGUSTE RENAUD and others.

The Chief Justice delivered the following, as the judgment of himself and Justices Allen and Weldon—

We are asked to set aside the assessment in this case, on the ground that the Legislature had no power or authority to enact the law under which such assessment was levied—The Common Schools Act, 1871—inasmuch as, it is contended, it contravenes 'The British North America Act, 1867,' and is consequently void and of no effect. We have never doubted that when a Provincial Act and an Imperial Statute are repugnant, so far as such repugnancy extends, but no further, the Provincial Act is void; and this principle has been, since the passing of "The British North America Act, 1867," on several occasions enunciated and acted on by this Court; and we should not have thought it necessary now to refer to it, still less to support by authorities the views we have always entertained on this point (without any doubts), were it not that we observe that in the neighboring Province of Quebec the question has been much discussed, and the Court divided in their opinions on the subject, though the majority arrived at the same conclusion as that which has hitherto governed this Court. We have always thought it a constitutional principle, too clear to be seriously questioned, that the subordinate legislative power of a Colonial Legislature must succumb to the supreme legislative power and control of the

Parliament of Great Britain, and therefore have heretofore considered it wholly unnecessary to cite any authority; but as there is a clear statutory recognition, as well as the highest judicial declaration in support of the accuracy of the view we have acted on, we think it as well now to name them. In the Imperial Act 28th and 29th Vic. cap. 63, sec. 2, it is enacted—"That any Colonial Law which is, or shall be, in any respect repugnant to the provisions of any Act of Parliament extending to the Colony to which such Law may relate, or repugnant to any order or regulation made under authority of such Act of Parliament, or having in the Colony the force and effect of such Act, shall be read subject to such Act, order or regulation, and shall, to the extent of such repugnancy, but not otherwise, be and remain absolutely void and inoperative." And Sec. 3 says—"No Colonial Law shall be, or be deemed to have been void or inoperative on the ground of repugnancy to the Law of England, unless the same shall be repugnant to the provisions of some such Act of Parliament, order or regulation as aforesaid." And this Statute has undergone judicial comment in the case of *Phillips vs. Eyre* (Law Rep. 6, Q. B., 20), where Willes, J., in delivering the judgment of the Exch. Ch., in stating the effect of this Statute, after putting forward what has already been considered Law in this Province, viz., that an English statute only binds the Province when it is by the express words of the statute, or by necessary intendment, made clearly applicable to the Province, says—"It was argued that the Act in question (an Act passed by the Legislature of Jamaica) was contrary to the principles of English Law, and therefore void. This," he says, "is a vague expression, and must mean either contrary to some positive Law of England, or to some principle of natural justice, the violation of which would induce the Court to decline giving effect even to the law of a foreign Sovereign State. In the former point of view, it is clear that the repugnancy to English Law which avoids a Colonial Act, means repugnancy to an Imperial statute or order made by authority of such statute applicable to the Colony by express words or necessary intendment, and that so far as such repugnancy extends, and no further, the Colonial Act is void."

But long prior to the passing of either the 28th and 29th Vic. cap. 63, or "The British North America Act, 1867," the Judiciary of England authoritatively declared what the Law was on this subject, in answer to a question propounded to the Judges by the House of Lords.

On the 4th day of May, 1840, the Lord Chief Justice of the Court of Common Pleas delivered the unanimous opinion of the Judges (with the exception of Lord Denman and Lord Abinger who did not attend the meeting of Judges) upon the question of Law propounded to them, respecting the Clergy Reserves (Canada) Act. In answer to the question lastly propounded (question 3), which is as follows:—"Whether the Legislative Council and Assembly of the Province of Upper Canada, having, in an Act 'to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof,' enacted that it should be lawful for the Governor, by and with the advice of the Executive Council, to sell, alienate and convey in fee simple, all or any of the said Clergy Reserves; and having further enacted in the same Act, that the proceeds of past sales of such Reserves which have been or may be invested under the authority of the Act of the Imperial Parliament, passed in the seventh and eighth years of the Reign of His late Majesty King George the Fourth, intituled, 'An Act to authorize the sale of part of the Clergy Reserves in the Provinces of Upper and Lower Canada,' shall be subject to such orders and directions as the Governor in Council shall make and establish, for investing in any securities within the Province of Upper Canada, the amount now funded in England, together with the proceeds hereafter to be received from the sales of all or any of the said Reserves, or any part thereof, did, in making such enactments, or either of them, exceed their lawful authority;" His Lordship said:—"In answer to the question lastly propounded, we all agree in the opinion, that the Legislative Council and Assembly of the Province of Upper Canada have exceeded their authority in passing the Act 'To provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof,' in respect of both the enactments specified in Your Lordship's question. As to the enactment, that it should be lawful

for the Governor, by and with the advice of the Executive Council, to sell, alienate and convey in fee simple, all or any of the Clergy Reserves; we have in answer to the second question, already stated our opinion to be such, as that it is inconsistent with any such power in the Colonial Legislature; and as to the enactment 'That the proceeds of all past sales of such Reserves, which have been, or may be, invested under the authority of the Act of the Imperial Parliament, passed in the 7th and 8th George Fourth, for authorizing the sale of part of the Clergy Reserves in the Provinces of Upper and Lower Canada, shall be subject to such orders and directions as the Governor in Council shall make and establish for investing in any securities within the Province of Upper Canada, the amount now funded in England, together with the proceeds hereafter to be received from the sales of all or any of the said Reserves;' we think such enactment is, in its terms inconsistent with and contradictory to the provisions of the statute of the Imperial Parliament, 7th and 8th George Fourth, and therefore void, there being no express authority reserved by that Act to the Colonial Legislature to repeal the provisions of such latter Statute."

Assuming, then, that it is not only the right, but the bounden duty of this Court to deal with questions of this nature when legitimately presented for its consideration, we must endeavor to ascertain whether there is such a repugnancy in this case as will constrain us to declare "The Common Schools Act, 1871," void, in part or in whole.

"By the 93rd section of 'The British North America Act, 1867,' it is enacted that—In each Province the Legislature may exclusively make Laws in relation to Education, subject and according to the following provisions:—

"(1.) Nothing in any such Law shall prejudicially affect any right or privilege with respect to the Denominational schools, which any class of persons have by law in the Province at the Union.

"(2.) All the powers, privileges and duties at the Union by law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic subjects, shall be and the same are hereby extended to the Dissentient Schools of the Queen's Protestant and Roman Catholic subjects in Quebec.

"(3.) Where, in any Province, a system of Separate or Dissentient Schools exists by law at the Union, or is thereafter established by the Legislature of the Province, an Appeal shall lie to the Governor General in Council, from any act or decision of any Provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to Education.

"(4.) In case any such Provincial Law, as from time to time, seems to the Governor General in Council requisite for the due execution of the provisions of this section is not made, or in case any decision of the Governor General in Council, on any Appeal under this section is not duly executed by the proper Provincial authority in that behalf, then and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions of this section, and of any decision of the Governor General in Council under this section.

It is now contended that the rights and privileges of the Roman Catholic inhabitants of this Province, as a class of persons, have been prejudicially affected by "The Common Schools Act, 1871," contrary to the provisions of sub-section (1) of section 93 of "The British North America Act." We have now to determine whether any class of persons had, by law in this Province, any right or privilege with respect to Denominational Schools at the Union which are prejudicially affected by "The Common Schools Act of 1871." This renders it necessary that we should, with accuracy and precision, ascertain exactly what the state of the law was with reference to Denominational Schools, and the rights of classes of persons in respect thereto, at the Union. At that time, what may fairly and legitimately be called the Common School system of the Province, was carried on under an Act passed in the 21st Vic., cap. 9, intitled, "An Act relating to Parish Schools." There were, no doubt, at the same time in existence, in addition to the schools established under the Parish School Act, schools of an unquestionably denominational character, belonging

to, and under the immediate government and control of particular denominations, and in which, there can be no doubt, or it may reasonably be inferred, the peculiar doctrines and tenets of the denominations to which they respectively belonged were exclusively taught, and therefore had, what may rightly be esteemed, all the characteristics of denominational schools, pure and simple. We do not here refer to Collegiate Institutions, which it has been strongly, and with great force, urged were not within the contemplation of the Imperial Parliament, or intended to be affected by "The British North America Act, 1867;" but we refer to such schools as the Wesleyan Academy, Sackville, as incorporated by the 12th Vic., Cap. 65, amended by 19th Vic., Cap. 65, a corporation entirely distinct in law, as we presume also in fact, from the College which the Trustees of that Academy are authorized to found and establish under the 21st Vic., Cap. 57; an Institution entirely under the control of the Wesleyan denomination, and in which, or in any department thereof, or in any religious services held upon the said premises, it is enacted that no person shall teach, maintain, promulgate or enforce any religious doctrine or practice contrary to what is contained in certain Notes on the New Testament, commonly reputed to be the Notes of the Rev. John Wesley, A.M., and in the first four volumes of Sermons, commonly reputed to have been written and published by him. The Varley School, endowed by the late Mark Varley, who bequeathed certain property "To the Trustees of the Wesleyan Methodist Church of the City of St. John, for the establishment and maintenance of a Day School," which devise was confirmed by the 13th Vic., Cap. 2, and the property vested in certain persons, viz, the Trustees of said Wesleyan Methodist Church in the City of Saint John, in connection with the British Conference, upon the Trusts, &c., in said Will. The Madras School, which by its charter is to be conducted according to the system called the Madras system, as improved by Dr. Bell, and in use and practice in the British National Education Society, incorporated and established in England; which National Society, established in 1811, was incorporated in 1817, for promoting the education of the poor in the principles of the Established Church throughout England and Wales; the schools established by such Society being purely denominational, in which the children are to be instructed in the Holy Scriptures, and in the liturgy and catechism of the Established Church, and "with respect to such instruction, the schools are to be subject to the superintendence of the Parochial Clergyman, and the Masters and Mistresses are to be members of the Church of England." And the Baptist Academy or Seminary,—the Roman Catholic School established in the city of Saint John,—the Free School in Portland, under the Board of Commissioners of the Roman Catholic School in Saint John; the Roman Catholic School in Fredericton, the Roman Catholic School in Saint Stephen,—the Roman Catholic School in Saint Andrews, all of which are recognized by name by the Legislature in various Acts, anterior to the 21st Vic., cap. 9, and received specific annual grants from the Public Provincial Funds, outside the Parish School Act.

In the year 1857, and subsequently thereto, the money intended for educational purposes has been annually granted in a lump sum, viz., so much "to provide for certain educational purposes," not specifying any particular school or purpose, as had been theretofore customary. But the Estimates of the Public Expenditure which appear in the Public Journals, shew that appropriations of a similar character have been since annually made. Thus in the year 1867, but before the 1st day of July (the day of the Union), it will be seen by the Journals of the House of Assembly, page 45, that in addition to the amount authorized by Law, the following schools, among others, received special grants, viz:—The Madras School; the Wesleyan Academy; the Baptist Seminary; the Roman Catholic School, Fredericton; the Presbyterian School, St. Stephen; the Roman Catholic School, St. John; the Varley School, St. John; the Roman Catholic School, Milltown; the Roman Catholic School, St. Andrews, male and female; the Roman Catholic Schools, Carleton, Woodstock, Portland, and Bathurst; the Presbyterian School, Chatham; the Roman Catholic School, Newcastle; and the Sackville Academy; and in the Journals for 1871, the year the Common School Law passed, are to be found special appropriations for the above schools; so that it is obvious there were in existence at the time of the Union, and have been ever since in

this Province, apart from schools established under the Parish School Act, denominational schools, recognized by the Legislature and aided from the public revenues. But as it is not contended that the Common School Law prejudicially affects any right or privilege with respect to these Schools, which any class of persons had by Law at the Union, it will be necessary to examine minutely and critically, the Parish School Act of 1858, under which it is contended "Rights and Privileges" existed, which, it is alleged, have been so affected. By that Act, the Governor in Council, with a Superintendent appointed by the Governor and Council, constituted the Board of Education; the Province was to be divided into Districts by the Governor and Council, who were to appoint an Inspector for each District; and to the Board of Education was confided the power of making Regulations for the organization, government and discipline of the Parish Schools, and for the examination, classification, and mode of licensing teachers; to appoint examiners of teachers; to grant and cancel licenses, and to hear and determine all appeals from the decision of Trustees; to prescribe the duties of Inspectors of Schools; to apportion all moneys granted by the Legislature for the support of such Schools, among the several parishes, in proportion, &c.; and to provide for the establishment, regulation and government of School Libraries, and the selection of books to be used; but no books of a licentious, vicious, or immoral tendency, or hostile to the Christian religion, or works on Controversial Theology, were to be admitted. To the Superintendent was confided, subject to the order of the Board, the general supervision and direction of the Inspectors, and the enforcement and the giving effect to all the regulations made by the Board; he was to collect information on Education, hold meetings in different parts of the Province, to which he was to invite the attendance of the Inspectors, teachers and inhabitants; to address such meetings on the subject of education, using all legitimate means to excite an interest therein; to cause Trustees, School Committees, and Teachers, to be furnished with copies of the Regulations of the Board of Education, &c.; to adopt measures to promote the establishment of School Libraries; to provide plans for the construction of School Houses, &c.; with power to sue for books, &c., purchased for the use of Parish Schools, and for all moneys due on sale thereof; and he was required annually to prepare a Report upon the condition of the Schools and School Libraries, with information upon the system and state of education generally; the amount expended in promoting it, with suggestions, accompanied with a return of moneys received for the sale of books, &c., to be laid before the Legislature within ten days after the opening thereof. Provision was then made that three Trustees of Schools should be annually elected in each Town or Parish, at the time and in the same manner as other Town and Parish Officers; who should be subject to the same pains and penalties for neglect or refusal to act, or the non-performance of their duties, as other Town or Parish Officers; and when any Town or Parish failed to elect, the Sessions should appoint as in other cases. In incorporated Towns, Cities, or Counties, the Council were to appoint the Trustees. The duties of the Trustees were pointed out; they were to divide parishes into convenient School Districts; to give any licensed teacher authority in writing to open a school in a District where the inhabitants had provided a school-house and secured salary, and with their assent to agree with such teachers; to suspend or displace teachers for incapacity, &c. They were required, immediately after ratifying the engagement of a teacher, and annually thereafter, to call a meeting of the rate-payers of the District for the purpose of electing a School Committee of three persons. They were to accompany the Inspector in the examination of schools; they were at least once a year to examine all schools; to authorize such number of schools in any town, &c., as the wants of the inhabitants might require; and, if they deemed it necessary, authorize the employment of an assistant licensed teacher in any large school; to apportion among School Districts any money raised by County or Parish assessment for support, &c., of schools. The election of a School Committee by the ratepayers was then provided for, and their duties pointed out, viz., to have charge of school-house, furniture, &c.; to call meetings of inhabitants for providing school-house, books, &c.; to have control of any library, and appointment of a librarian, &c.; to receive and appro-

appropriate all money raised in the district for providing a library, &c.; to admit free scholars and children at reduced rates, being children of poor and indigent parents, &c.

The duties and qualifications of Teachers are minutely detailed in section 8. That section is as follows:—

“8. The teachers, male and female, shall be divided into three classes, qualified as follows:—

“Male teachers of the first class, to teach spelling, reading, writing, arithmetic, English grammar, geography, history, book-keeping, geometry, mensuration, land-surveying, navigation, and algebra; of the second class—spelling, reading, writing, arithmetic, English grammar, geography, history and book-keeping; of the third class—spelling, reading, writing and arithmetic.

“Every teacher of the first and second class shall be qualified and enjoined to impart to his pupils a knowledge of the geography, history and resources of the Province of New Brunswick, and of the adjoining North American Colonies.

“Female teachers of the first class—to teach spelling, reading, writing, arithmetic, English grammar, geography, history, and common needle-work; of the second class—spelling, reading, writing, arithmetic, English grammar, geography and common needle-work; of the third class—spelling, reading, writing, arithmetic, and common needle-work.

“Every teacher shall keep a daily register of the scholars, which shall be open for inspection at all times; a visitors' book, and enter therein the visits of the Inspectors, Trustees and School Committee respectively; maintain proper order and discipline, and carry on the regulations made for his guidance.

“Every teacher shall take diligent care and exert his best endeavour to impress upon the minds of the children committed to his care the principles of Christianity, morality and justice, and a sacred regard to truth and honesty, love of their country, loyalty, humanity, and a universal benevolence, sobriety, industry and frugality; chastity, moderation and temperance; order and cleanliness, and all other virtues which are the ornaments of human society; but no pupil shall be required to read or study in or from any religious book, or join in any act of devotion objected to by his parents or guardians; and the Board of Education shall, by regulation, secure to all children, whose parents or guardians do not object to it, the reading of the Bible in Parish Schools; and the Bible, when read in Parish Schools by Roman Catholic children, shall, if required by their parents or guardians, be the Douay version, without note or comment.”

Provision is then made for Provincial assistants for support of Superior Schools and libraries; and the subsequent sections of the Act provides for assessment whenever the majority of ratepayers in any County, Parish, District, or Municipality determine to provide for the support of schools therein by assessment, with a provision that any District School supported by assessment shall be free to all the children residing therein. As these latter sections do not touch the question we are discussing, it is unnecessary to refer to them more particularly. This Act was amended by the Act 26 Vic., cap. 7, which, however, merely gives to the Board of Education authority to order a re-division of Districts improperly divided, and to limit the number of teachers, &c. This, then, was the state of the law relating to Parish or Common Schools at the time of the passing of “The British North America Act, 1867,” and continued so until repealed by “The Common Schools Act, 1871;” and because it is alleged that rights and privileges secured by or enjoyed under this Act have been prejudicially affected by “The Common Schools Act,” it is contended that the latter Act is void.

The Parish School Act clearly contemplated the establishment throughout the Province of public common schools for the benefit of the inhabitants of the Province generally; and it cannot, we think, be disputed, that the governing bodies under that Act were not in any one respect or particular, “denominational.” The Board of Education was the Governor and Council, with a Superintendent appointed by them. The Trustees were elected or appointed as the case might be, as other Parish

officers, and they were put in other respects on precisely the same footing as other Parish officers; and the School committee was elected by the rate-payers; and in nothing pertaining to the organization, regulation or government of the schools, had any class of persons or denomination whatever, as such, the slightest voice or right of interference. The Board of Education, on behalf of the inhabitants of the Province at large, being responsible for the general working of the system, and the trustees and School Committees having the management and direction of certain matters, under the Board of Education, in the particular localities for which they were respectively elected, but (without reference) so far as can be gathered from the Statute, in any or either case to class or creed.

The schools established under this Act were then Public, Parish or District Schools, not belonging to or under the control of any particular denomination; neither had any class of persons nor any one denomination—whether Protestant or Catholic—any rights or privileges in the government or control of the schools that did not belong to every other class or denomination, in fact, to every other inhabitant of the Parish or District; neither had any one class of persons or denomination, nor any individual, any right or privilege to have any peculiar religious doctrines or tenets exclusively taught, or taught at all in any such school. What is there then in this Act to make a school established under it a denominational school, or to give it a denominational character? A good deal has been said as to the intention of the Imperial Parliament in using the words “denominational schools,” in sub-section 1. There seems to be no difficulty in giving a legal construction or definition to these words, if they are read in their ordinary sense. It is a well-established canon of construction that an Act is to be construed according to the ordinary and grammatical sense of its language, if precise and unambiguous; and it is likewise a rule established by the highest appellate authority, that the language of a statute, taken in its plain, ordinary sense—and not its policy or supposed intention—is the safer guide in construing its enactments. *See Philpott vs. St. George’s Hospital*, (6 H. Lords’ Cases, 338; 3 Jur. N.S. 1269.) And in the great *Sussex Peerage* case, (11 C. & F. 86; 8 Jur. 793), the Judges declared the law to be that, if the words of the Act are of themselves precise and unambiguous, then no more can be necessary than to expound those words in their natural and ordinary sense; that the words themselves do in such case, best declare the intention of the Legislature.

The 5th paragraph of Section 8, of the Parish School Act, has been very strongly relied on, as establishing a right in respect to denominational schools. Under that paragraph the teacher is most certainly enjoined to take diligent care, and exert his best endeavours to impress on the minds of the children committed to his care, the principles of Christianity, morality, &c., &c. As we think it cannot be denied that the schools under this Act were to be Public Parish Schools, for the benefit of all the inhabitants of the Parish or District in which they might be established, and the pupils attending the schools would necessarily, in a vast majority of cases throughout the Province, be children of parents belonging to different denominations; can it be supposed, with any reason, that the Legislature could have intended that the teacher, who might possibly himself belong to a persuasion differing from all his pupils, should impress on the minds of his pupils the principles of Christianity, by instructing each one in the peculiar doctrines of the denominations of its parents? Still less, do we think it could have been intended, that the principles of christianity to be impressed, should be those of a denomination to which any of the pupils did not belong, simply because they might happen to be those of a denomination to which the teacher, or even a large majority of his pupils, may have belonged. It seems to us, that in view of the entire scope, object and policy of the Act, that the duty imposed on the teacher by the 5th paragraph of section 8, was a duty outside of the educational teaching of the school (which is specifically provided for in paragraphs 1 & 2), to be performed as opportunities occurred, by precept and example, rather than by any direct or continuous system of dogmatic teaching; that the principles of Christianity, honesty, &c., to be impressed, were to be principles of general applicability, interfering with the peculiar

religious views of none; doctrines, precepts and practices, which all Christian people hold in common, rather than the dogmatic teachings or tenets of a particular denomination or sect. This view would seem to be strongly confirmed by the last clause of the 4th paragraph, because, while under the first clause of that paragraph, the duty referred to is to be discharged by the teacher in respect to all the children committed to his care, without any exception in favor of any class or creed; the provision in the last clause is—"but no pupil shall be required to read or study in or from any religious book, or join in any act of devotion objected to by his parents or guardians," leaving the duty still on the teacher, "to impress on the minds of the children committed to his care, the general principles of christianity, morality, justice, a sacred regard for truth and honesty, &c., &c;" and the paragraph ends by providing that the Board of Education shall, "by regulation, secure to all children whose parents or guardians do not object to it, the reading of the Bible in Parish Schools; and the Bible, when read in Parish Schools by Roman Catholic children, shall, if required by their parents or guardians, be the Douay version, *without note or comment.*" This paragraph, so far from making the schools denominational, or giving any rights or privileges in respect to a denominational school, appears to us to be directly opposed to the idea of denominational teaching in the schools. Does not the very last clause (that most relied on at the argument, permitting the use of Douay version, by the addition of the words "without note or comment," show, that with the Bible read from that version, no denominational views of any kind shall be put forward; and is not the whole in this view entirely consistent with the exclusion from the School Library, and from use, of all works on controversial theology? But it has been said that under the Parish School Act, Schools were in fact established in certain localities, where all, or a large majority of the rate-payers, happened to belong to one particular persuasion, in which the catechisms of particular churches were taught, prayers peculiar to a particular religious body were used, and books inculcating the doctrines, views and practices of a particular denomination, were used as class books; and that these schools were therefore denominational, and consequently the class of persons belonging to any such denomination, had a legal right or privilege with respect to denominational schools. Assuming what is alleged to have been the case (though on the point we have no information before us of which we can take judicial notice), surely it is begging the whole question. How can the mere fact, that in exceptional cases, certain Schools under the Parish School Act, drawing Provincial aid, may have been made for the time being, with or without the knowledge or sanction of the Board of Education, denominational, by reason of the teacher instructing the children exclusively in doctrines of a particular denomination, or using the prayers or books, or daily teaching the catechism peculiar to such denomination, confer any legal right or privilege on any class of persons with respect to denominational schools, or give the denomination whose tenets may have been so taught in any such schools, rights or privileges other than those possessed by all and every the humblest inhabitant of the parish in which such school existed, free and independent of all denominational connection?

It is not by what the Board of Education, Superintendent, Inspectors, or Trustees may have done or allowed to be done under the Act, nor is it from the mode in which the principles of Christianity may have been actually practically taught in one of a hundred schools which may have drawn public money under the Parish School Act, that the question in a legal view must be determined; we must look to the law as it was at the time of the Union, and by that, and that alone, be governed. Where then do we find any legal exclusive right or privilege conferred on any denomination to any school established or that might be established under that Act; or any right or privilege conferred on any class of persons to deal with such a school as belonging to such persons as a class or denomination; or as being under their control as such: or that as a class they had any right to have taught therein the peculiar doctrines of their denomination? The assumption that the character or status of the school could be legally altered or affected, or rights gained by reason of the religious opinions or feelings of the inhabitants of a district,

or a majority of them, because in such a case Trustees and a School Committee might perchance be elected from a particular denomination, and so that then the school might be made denominational, is, in our opinion, entirely erroneous. To the Board of Education is entrusted the controlling, governing power. By those rules and regulations, made and ordained within the letter and spirit of the Act, must all acts under them be controlled and governed, wholly independent of the religious opinions of the electors of the district, or of the trustees elected by them. It appears to us, then, that in passing the Parish School Act, the Legislature contemplated a general system of education for the benefit of all the inhabitants of the Province, without reference to class or creed; that such schools were to be organized, regulated and governed by public bodies, not owing their existence to or being in any way under the control of any class or denomination; that the Act made no provision for any schools established thereunder being denominational, and did not provide that any sect or denomination whatever, as such, was in any such schools to have control or precedence, nor in any way give or recognize any right in any class of persons to have in the schools established thereunder the doctrines, precepts or tenets of their denomination taught as part of the system of instruction, or to have such schools in any other respect denominational in their character. That with reference to religion, the Act simply recognized the duty of impressing on the minds of the pupils the general principles of Christianity, honesty, &c., common alike to all Christians; and simply required to be secured by regulation the reading of the Bible as the inspired Word of God, accepted by all Christians as the basis of their faith, securing always to the Roman Catholics the use, when read by Roman Catholic children, if required by their parents, the version recognized by their Church, but without note or comment; but, at the same time, with the greatest apparent caution and scrupulous care, lest the religious principles of any should be interfered with, provided that, even with respect to the inculcating of the principles of christianity, morality, &c., as indicated, no pupil should be required to read or study in or from any religious book, or join in any act of devotion objected to by his parents or guardians. And so even with respect to the reading of the Bible, it is to be secured only to those children whose parents or guardians do not object. If, then, the establishment of denominational schools, or the teaching of denominational doctrines was not recognized or provided for by the Act, and the Roman Catholics had therefore no legal rights, as a class, to claim any control over, or to insist that the doctrines of their Church should be taught in all or any schools under the Parish School Act, how can it be said (though as a matter of fact such doctrines may have been taught in numbers of such schools) that, as a class of persons, they have been prejudicially affected in any legal right or privilege with respect to "denominational schools," construing those words in their ordinary meaning, because, under "The Common Schools Act, 1871," it is provided that the schools shall be non-sectarian?

But it is contended, in this case, that the words "denominational schools" were not used by the Legislature, and should not be construed by us in their ordinary grammatical sense and meaning, but should have a much broader interpretation. While freely admitting that, though the general rule is that every word must be understood according to its legal meaning, in construing an ordinary as opposed to a penal enactment, where the context shows that the Legislature has used it in a popular or more enlarged sense, the Courts will so construe the language used; we are at a loss to discover anything in "The British North America Act, 1867" indicating a legislative intention of using the words otherwise than in their ordinary meaning. It is clear enough that the reference in sub-section two, to separate and dissentient schools in Ontario and Quebec, is especially to schools of Protestants and Catholics; and it is, perhaps, equally clear that sub-section 3 applies only to schools of a like character existing in any of the four Provinces. But we are at a loss to understand why sub-sections 2 and 3 should be held to control or in any way limit or affect a previous distinct enactment couched in plain and unambiguous language, and which, by quite as clear and unequivocal terms, has relation to all classes of persons or denominations, and to all the Provinces of the Dominion; or why, because separate and dissentient schools, as between Pro-

testants and Roman Catholics, not only in Ontario and Quebec, but in any Province in which they may exist at the Union, or be thereafter established, are provided for and protected, therefore we must necessarily infer therefrom, that in using the term "Denominational schools" in sub-section 1, the Legislature intended to legislate only as between Roman Catholics and Protestants, and then also as to schools not necessarily denominational in the ordinary acceptation of the term. We think that the term "denomination" or "denominational" as generally used, is in its popular sense more frequently applied to the different denominations of Protestants, than to the Church of Rome; and that the most reasonable inference is, that sub-section 1 was intended to mean just what it expresses, viz: that "any" that is, every "class of persons" having any right or privilege with respect to denominational schools, whether such class should be one of the numerous denominations of Protestants, or Roman Catholics, should be protected in such rights. If it had been intended that the clause was to be limited in its application to Roman Catholics and Protestants, only as dissentient one from the other, and apply to schools other than those usually understood as denominational schools, is it not fair to presume that the Legislature would have used some expression in the sub-section itself indicating such a particular sense, especially as we have seen there were at the Union, in this Province at any rate, strictly denominational schools, both Protestant and Roman Catholic, to which a clause would be applicable; and for the very reason also, that when dealing with schools as between Protestants and Roman Catholic in sub-sections 2 and 3, the language clearly confines it to those bodies respectively?

But, assuming that the term "Denominational Schools" is not to be construed in what has been called its narrow signification, perhaps the most favorable position to assume would be to read the sub-section 1 as meaning substantially that nothing in any such law shall prejudicially affect any right or privilege which any class of persons, as a denomination, had by law with respect to schools in the Province at the Union. Let us endeavor to ascertain whether, in such a case, we would be justified in pronouncing the Common Schools Act, 1871, *ultra vires*, and therefore void.

Except in the matter of compulsory taxation, there is no very great difference in principle, that we can discover, between the Parish School Act of 1858, and the Common Schools Act of 1871. The general government, superintendence and control of the schools are, under both laws, vested in a Board of Education almost similarly composed, the only difference being, that to the Governor and Council and Superintendent, is added the President of the University, under the latter Act; in fact, the power to make regulations for the organization, government and discipline of the schools, appointment of examiners of teachers, and the power of granting or cancelling licenses, and of making such regulations as may be necessary to carry into effect the Act, and generally to provide for any exigencies that may arise under its operations, are precisely the same in both;—(See section 4, paragraphs 3 to 10, of the Parish School Act, and sec. 6, sub-sections 4 to 8, of the Common Schools Act); and the details are to be carried out by a Superintendent, Inspectors and Trustees, alike substantially under both Acts; and the duties and powers of these officers do not in principle substantially differ. But there are, of course, differences. Those relied on are, that the Common Schools Act had no enactment similar to section 8 of the Parish School Act; that the Parish School had no enactment similar to section 58, sub-section 12, of the Common Schools Act; and this section, it is alleged, prohibits the granting Provincial aid to any but schools under the Common Schools Act; and that by the 60th section of the Common Schools Act, all schools conducted under its provisions shall be non-sectarian—a provision not to be found in the Parish School Act; and it is contended, that the omission in the one case, and the expressed enactment in the other, prejudicially affect the rights and privileges which the Roman Catholics, as a class of persons and a denomination, had in the schools established, or which might have been established under the Parish School Act; in other words, that the rights and privileges which they had under the one, the omission and the enactments referred to, prevented their claiming or obtaining under the other.

With reference to the omission:—The Parish School Act no doubt declares that

the Board of Education shall secure to all children, whose parents do not object, the reading of the Bible, and that when read by Roman Catholic children, if required by their parents, it shall be in the Douay version, without note or comment. Here, we have expressly directed to be secured to all children, what many persons, no doubt, consider a great right and privilege; and Roman Catholic parents have a great right secured to them, viz., to have, if they require it, a particular version of the Bible read. As to the reason why a similar provision, securing these important rights in which Protestant and Catholics were both interested, was excluded from the Common Schools Act, it is not our business to enquire; what we have to determine is, does this omission make the law void, if in other respects unobjectionable? We think not.

If this was a right or privilege which existed at the Union, the Legislature certainly have not protected it by any express enactment. But is the right taken away? May it not still exist, provided always, it is a right which legitimately comes under Sub-section 1, Section 93? Because, that section declares that nothing in any such law shall prejudicially affect any such right; and in such case, reading the Common School Law by the light of this section, would it not be the duty of the Board of Education under the Common Schools Act, instead of making Regulation 21, declaring as follows:—that “It shall be the privilege of every Teacher to open and close the “daily exercise of the school by reading a portion of Scripture (out of the “Common or Douay version, as he may prefer), and by offering the Lord’s Prayer— “any other prayer may be used, by permission of the Board of Trustees; but no “teacher may compel any pupil to be present at those exercises, against the wishes “of his parents or guardians, expressed in writing, to the Board of Trustees;” to secure by Regulation just what the Board of Education were bound to secure under the Parish School Act of 1858; that is, to make just such a Regulation as the Parish School Act required to be made? We have seen they have precisely the same, and only the same powers to make Regulations, as the Board had under the Parish School Act. By this simple means, the rights of all the children and their parents in the Province—as well Protestant as Roman Catholic—which existed at the Union, would be preserved, and all just cause of complaint on this head removed. Why the Board of Education should have departed from the principle and policy of the Parish School Act, and taken from the parents of all the children of the country—Protestant and Roman Catholic alike—the great boon and privilege of insisting on the Bible being read in schools, as they have done, and should have conferred on the teacher, not only the privilege of reading the Bible or not as he likes, but out of the Common or Douay version—not as the children or their parents may choose, but as the teacher may prefer, though he cannot compel the attendance of the pupils—is not for us to attempt to explain; we simply point out the fact. But if the right secured by the Parish School Act is protected by “the British North America Act, 1867,” we fail to see, because the Board of Education may not have made such a Regulation as they ought in such case to have made, or have made a Regulation they ought not to have made, that the action of the Board, or its non-action, can render the Act of the Legislature inoperative.

If the right and privilege falls under Section 93, and if there is no power to compel the Board of Education to make such a Regulation, or the Legislature should have inserted a clause in the Common Schools Act, requiring them to do it, is not this just a case where Sub-section 4, of Section 93 of “The British North America Act, 1867,” applies? viz:—“In case such Provincial Law, as from time to time seems to the “Governor General in Council requisite for the due execution of the provisions “of this section is not made, then, as far only as the circumstances of the case may “require, the Parliament of Canada may make remedial laws for the due execution “of the provisions of this section.” In this connection we may refer also to the 20th Regulation, which, it has been contended, prejudicially affects the rights and privileges which the Roman Catholics had under the Parish School Act. This Regulation declares that “symbols or emblems distinctive of any national or other “society, political party or religious organization, shall not be exhibited or employed “in the school room, either in its general arrangement or exercises, or on the person

“ of any teacher or pupil.” It may be that the Board of Education have disregarded the general policy of the Common Schools Act, and interfered with the rights of teachers, parents and children, in excluding from the schools alike teachers and pupils, who may exhibit on their persons, in dress or ornament, symbols or emblems distinctive of any national or other society, political party or religious organization; for, however clear the right of the Board of Education may be to make regulations necessary for the good government and discipline of the schools; to make arbitrary, restrictive regulations as to the dress or personal adornment of the teachers and pupils, or which are calculated unnecessarily to interfere with the feelings, national, social or religious, in matters not calculated to give any just cause of offence to others, or to interfere with good order in the schools, is quite another question. And, while it is by no means clear to us that any power exists in the Board of Education, under the Common Schools Act, by regulation, to deprive teachers, parents and children of their right of access to the Free Schools of the country, to the support of which they and all others are forced to contribute, unless they submit to such regulations; and, though the assumption of such a power of practical expulsion by the Board of Education, raises a question involving important and delicate rights—rights which, in this land of civil and religious freedom, few may be willing to see infringed—or, at any rate, raising discussions which must be unpleasant to those engaged in them, and calculated to result in consequences which can scarcely fail to produce acrimonious feelings, and, in the end, be injurious to the cause of free education, which, we must presume, the regulation objected to was intended to further; all we can say is, as the case stands, the Regulations are not before us in such a way that we can deal with them, and therefore we are not called upon to express any decided opinion as to their validity, because the constitutionality of the Act cannot, in our opinion, be affected by any regulation made under it, there being nothing unconstitutional in the Act itself that we can discover.

The second objection is easily answered. The provision in sec. 58, sub-sec. 12 of the Common Schools Act, declaring that no public funds shall be granted, would seem to apply to the schools particularly referred to in the preceding part of that section, and not to all schools. But, if it was intended to apply generally to all schools, as Mr. Duff's argument assumes, what does it amount to? It cannot take from the Legislature the right to make such grants. Thus, we see, in the estimates of the year 1872, grants were recommended by the Lieutenant Governor, and, no doubt made, for all the denominational schools before specifically referred to (see Journals of House of Assembly, page 124); and if such a clause was *ultra vires*, and we declared it void—*cui bono*? It would not affect the other parts of the Act, and what would practically be attained? The Legislature could, whether the clause stands or is declared void, do just as it pleases about granting or withholding the public funds.

But it is contended that the 60th section, declaring “ that all schools conducted “ under the provisions of this Act shall be non-sectarian,” prejudicially affects the rights and privileges which the Roman Catholics, as a class, had in the Parish Schools at the time of the Union. It cannot be denied that to the Provincial Legislatures is confided the exclusive right of making laws in relation to education; and that they, and they only, have the right to establish a general system of education, applicable to the whole Province, and all classes and denominations, provided always they have due regard to the rights and privileges protected by Section 93 of “ The British North America Act, 1867.”

Now what, in this case, is the right or privilege claimed to have been prejudicially affected? Is it a legal right or privilege that could have been put forward and enforced by the Roman Catholics, as a class, under all circumstances and in every Parish or Common School; or is it a legal right confined to the Roman Catholics as a body; or does it belong equally to all and every of the other denominations of Christians in this Province, and capable by them of enforcement; or, on the contrary, was it not the mere possible chance of having religious denominational teaching in certain schools, dependent entirely on accidental circumstances; as, on what might happen to be the

religious views of the majority in a parish, and then on the accidental result of the election of Trustees and School Committee, and on the views of the parties so elected, as to religious denominational teaching, and their willingness to permit it in the schools (admitting that the Trustees or Committee had any discretion in the matter, which perhaps is more than doubtful); was it not also dependent on the Board of Education, who had the general controlling power? If dependent on circumstances such as these, how can it be considered such a legal right as could have been contemplated by the Imperial Parliament in passing the 93rd Section of "The British North America Act, 1867"? Where is there any thing that can, with any propriety, be termed a legal right? Surely the Legislature must have intended to deal with legal rights and privileges. How is it to be defined—how enforced?

It by no means follows as a necessary legal consequence, that because a majority of the inhabitants of a Parish or School District may belong to a particular persuasion, they would necessarily vote for Trustees favourable to denominational teaching, nor could they be compelled by any legal process so to vote; nor does it follow that Trustees when elected even by a majority of one denomination, would necessarily prove favorable to denominational teaching; and by what legal process could they be constrained to assent to its introduction in the schools? And again, suppose up to this point all were favorable, might not the whole scheme be ignored by the Board of Education; and how then could any class of persons, as such, no matter to what denomination they may belong, claim of right to control or direct the acts or doings of any of these parties; or how could Electors, Trustees, School Committees, or the Board of Education, be compelled to make any school in any sense denominational or in other words, to confer on any such class denominational rights? Surely the rights contemplated must have been legal rights; in other words, rights secured by law, or which they had under the law at the time of the Union. If any such existed they must have been capable of being clearly and legally defined, and there must have existed legal means for their enforcement, or legal remedies for their infringement; for it is a clear maxim of law, that *ubi jus ibi remedium*. It was said long ago, in a celebrated case, that if a man has a right he must have a means to vindicate and maintain it, and a remedy if he is aggrieved in the exercise and enjoyment of it; and that it was indeed a vain think to imagine a right without a remedy, for want of right and want of remedy are reciprocal. What possible legal means could any denomination have invoked under the old Parish School Act, to compel any one school to be made denominational, or to require and insist that in any one school denominational tenets, doctrines, precepts, or practices, should be taught or used? But then it was repeatedly urged upon us, that under the Parish School Act, circumstances might and very often did concur, where schools might, and in numerous cases did, become denominational; but that by reason of Section 60 of the Common Schools Act, such was not now possible. The answer is simply this: the inability of a class of persons to have under the Common Schools Act, that which possibly they might under certain exceptional and accidental circumstances have had under the Parish School Act of 1858, but which they had no right to insist on having, is a damage not occasioned by anything which the law esteems any injury—a kind of damage termed in law *damnum absque injuria*, and for which there is no remedy. And so in this case, as there was no legal right to have denominational schools or denominational teachings, there is no injury in legal contemplation committed, by the Legislature dealing with the question in such a manner as to prevent the possibility arising, and consequently no right to have the action of the Legislature abrogated. It may be a very great hardship that a large class of persons should be forced to contribute to the support of schools to which they are conscientiously opposed, or be shut out from what they have hitherto, under certain circumstances, enjoyed, and be without remedy; but by any such considerations, Courts of Justice ought not to be influenced: hard cases it has been repeatedly said, are apt to make bad law; and it has also been justly remarked, that if there is a general hardship affecting a general class of cases or persons, it is a consideration for the Legislature, not for a Court of Justice.

FISHER, J :

I concur in the judgment of my brethren, as to the constitutionality of The Common Schools Act, 1871; but as there are some sentiments in it in which I do not agree, I have thought in a matter of so much delicacy and importance, it was better to read the judgment that I had written than attempt to qualify opinions which my brethren had so fully considered.

The right to impose this assessment is objected to on the ground that it includes a sum for the support of schools under the authority of the Act relating to Common Schools, 34 Vic. cap. 21, which it is contended is unconstitutional; that the Legislature have no power to pass it, because it contravenes the exception in the Act of Union.

By the 93rd section of "The British North America Act," it is declared—"That in and for each Province the Legislature may exclusively make laws in relation to Education, subject and according to the following provision:—

"(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to Denominational Schools, which any class of persons have by law in the Province at the Union.

"(2) All the powers, privileges and duties, at the Union by law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic subjects, shall be and the same are hereby extended to the Dissident Schools of the Queen's Protestant and Roman Catholic subjects in Quebec.

"(3) Where in any Province a system of Separate or Dissident Schools exists by law at the Union, or is thereafter established by the Legislature of the Province, an Appeal shall lie to the Governor General in Council from any act or decision of any Provincial authority, affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

"(4) In case any such Provincial law, as from time to time seems to the Governor General in Council requisite for the due execution of the provisions of this section is not made, or in case any decision of the Governor General in Council on any appeal under this section is not duly executed by the proper Provincial authority in that behalf, then and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions of this section, and of any decision of the Governor General in Council under this section."

The exclusive power of legislating upon the subject of education is thus conferred upon the Legislature of each Province, subject to the reservation of the rights of any class of persons with respect to Denominational Schools.

Every one acquainted with the history of the Provinces which comprised Canada before the Union knows the reason for the insertion of some of the provisions of this section. It was found to be the only mode of solving a question that had caused serious difficulty with the Government and Legislature of that Province.

Paragraphs two and three were constructed to soothe and settle these difficulties, and at present only apply to that Province, now consisting of Ontario and Quebec, where schools were in operation at the Union answering the description given them in these paragraphs.

Whether the fourth paragraph applies to any other law than such as is referred to in the third paragraph, it is not necessary to consider, as the constitutionality of the School Act depends entirely upon the meaning of the first paragraph.

The simple question for solution is, does the Common Schools Act, 1871, prejudicially affect any right or privilege, with respect to Denominational Schools, which any class of persons had by law in the Province at the time of the Union? It is not merely a right or privilege. A denominational right or privilege of itself, if any such existed, would not alone make the Common Schools Act unconstitutional. It must be a right or privilege with respect to a Denominational School, which a class of persons had by law at the Union which is prejudicially affected by this Act, to render it unconstitutional.

It appears to me that the first inquiry is:—What is a Denominational School? In

my opinion, it is a school under the exclusive government of some one denomination of Christians, and where the tenets of that denomination are taught. But assume that a school answering either of these requisites is a denominational school, and this is the lowest ground upon which it can be put, and then examine the laws in force at the time of the Union, to ascertain if any such school then existed by law, and if the right of any class of persons therein has been prejudicially affected by the Common Schools Act.

There were denominational schools in existence at the Union, such as the Varley School in St. John, the Sackville Academy, the Madras School, and the like; but they are not touched by the Common Schools Act, 1871; they remain in the enjoyment of all the rights they had at the Union.

The Act 20 Vic. cap. 9, intitled, "An Act relating to Parish Schools," with some unimportant amendments not affecting the present question, was in force at the Union. As it has been superseded by the Common Schools Act, 1871, which is objected to, we must refer to its provisions to ascertain whether it authorized any denominational school; for if it did not, then the Act under consideration has not in any of its provisions prejudicially affected any right or privilege any class of persons enjoyed at the Union.

The very title of the Act proclaims its unsectarian character as fully, to my mind, as the positive enactment in the Act of 1871, that the schools conducted under its provisions should be non-sectarian—a useless provision in an Act which alone provided for the establishment of such schools.

Parish schools—that is, schools in and for every parish in the Province, according to the political divisions of the Province into counties, towns and parishes, distributed and sustained by public aid according to the population and extent of each parish—the number and classes of the schools must, in the very nature of things, be other than denominational.

I will now refer to the provisions of the Act, and see if there is any authority for the establishment of a denominational school under it, or any countenance in the Act for such a school.

The Governor in Council appoints the Superintendent of Schools, who, with the Governor and three members of the Executive Council, constitute the Board of Education. The inspection of the schools is done altogether by political agency. The Governor in Council is authorized to divide the province into four districts, and appoint one inspector for each district.

The Board of Education, a purely political body, make rules and regulations for the organization and government of the schools, and such other regulations as may be deemed necessary to carry the Act into effect. There was no restriction whatever upon the power of the Board in this respect. The Board regulates the mode of licensing, examining, classifying, and paying the teachers, and prescribes the duties of the Inspectors.

The Superintendent, a political officer, has the general direction and supervision of the schools, subject to the order of the Board.

Each parish was to be divided into school districts by three trustees, annually elected by the rate-payers, at the same time and in the same manner as other town or parish officers were elected, and subject to the same penalties and disabilities, with the same provision for appointing them in case of failure in the election. They employ the teachers, and may dismiss them, subject to an appeal to the Board of Education. They are to examine the schools, and apportion the money raised by assessment, when so raised, amongst the different schools.

Each school was under the immediate supervision of a School Committee, elected annually by the rate-payers of the district. They were empowered to admit free scholars and children of poor parents at a reduced rate.

The law also provided for a Superior School in each parish, thus also supplying the means for higher education. The teachers, both male and female, were divided into three classes, with an appropriate allowance to each class from the Provincial

Treasury, and with duties, as to the subjects taught, prescribed in the Act for each class.

It provided for a School Library in each District, by a money grant in aid of the amount raised in the locality for that purpose, and placed the selection of books under the control of a Board of Education; but expressly excluded works of a licentious, vicious or immoral tendency, or hostile to the Christian religion, or works on controversial theology. This is the only part of the law in which anything of a denominational character is referred to in any way; and it shows how jealous the Legislature was in guarding the law, and in preserving the schools from any denominational or sectarian tendency. Provision was made for the education of the children of the whole people, in schools of every grade, by teachers of both sexes; and by the Superior School, the wants of higher education were provided. The whole machinery of the Act is designed to make the schools common to the child of every man, irrespective of his religious opinions. The Act recognizes the agreement of the inhabitants of any locality with a teacher licensed by the Board of Education, when they have provided a sufficient school house and secured the necessary salary, raised by voluntary contribution or tuition fee. It contains provision for voluntary assessment in the District, Parish or County where the rate-payers determine to adopt that mode of supporting the schools; and in such case the schools are declared to be free to the children of all the inhabitants.

The system is prescribed by the Board of Education; the localities take an active part in the establishment and government of the schools, subject to the general control of the Government.

The local agency is exercised, and the local officers appointed, in the same manner as for the government and support of the poor, the highways, or any other local or parochial object. Neither class, creed, nor color, affect or influence the one more than the other. The only qualification for the electors of any officer is that they are to be rate-payers upon real or personal property, or income. No class or creed had, under the Act, any peculiar right, either in the general government of the whole Province, or in any parish or school.

Now, when all this machinery for working the Act relating to Parish Schools had been made, is it not a striking proof of the determination of the Legislature to avoid the very thing which it is contended the Act authorizes; by restricting the power of the Board of Education to make rules and regulations in this respect, and expressly excluding from the School Libraries works hostile to the Christian religion, or works on controversial theology; while it left the inhabitants free to elect their local agents, who should employ the teachers, and look after the schools. To secure to every man, and the child of every man, a just equality with regard to his religious faith, it enacted, in effect, that the great leading principles of Christianity should be inculcated in the schools; but there should not be in the Library a book upon controversial theology, or, in other words, with denominational teaching.

What sort of denominational school would that be, where the master would not be aided in his dogmatic teaching by the writings of men of his own faith? When a denominational school is established, how quickly this is provided for. Take any one of the Acts on our Statute Book, and examine its provisions. I will refer to the Act incorporating the Trustees of the Wesleyan Academy at Mount Allison, Sackville, (12 Vic., cap. 65); the 11th section is as follows:—

“No person shall teach, maintain, promulgate or enforce any religious doctrine or practice in the said academy, or any department thereof, or in any religious service held upon the said premises, contrary to what is contained in certain notes on the New Testament, commonly reported to be the notes of the said Rev. John Wesley, A. M., and in the first four volumes of sermons, commonly reported to have been written and published by him.”

Take the Charter of the Madras School, or any other Act, and the same strict provision for dogmatic teaching is made. I pass by the Colleges, which were referred to by the Counsel on the argument on this rule, as not material to the inquiry, if they are within the category contended for.

I can hardly imagine any stronger illustration of the principle that pervades the whole Act relating to Parish Schools, than the language of the eighth paragraph of the fourth section, which thus restrains the large legislative power of the Board of Education. It is as follows:—

“To provide for the establishment, regulation and government of School Libraries, and the selection of books to be used therein; but no works of a licentious, vicious, or immoral tendency, or hostile to the Christian religion, or works on controversial theology, shall be admitted.”

It has been urged that the sixth paragraph of section eight countenanced denominational teaching. I think no one can read that section and fail to discern that it enacts the very contrary. The words of the paragraph are:—

“Every teacher shall take diligent care, and exert his best endeavors to impress on the minds of the children committed to his care, the principles of christianity, morality, and justice, and a sacred regard to truth and honesty, love of their country, loyalty, humanity, and a universal benevolence, sobriety, industry and frugality, chastity, moderation and temperance, order and cleanliness, and all other virtues which are the ornaments of human society.”

Surely it cannot be disputed that this can be done without any denominational teaching, or, in the language of the statute, without entering upon controversial theology.

There are certain great fundamental principles of Christianity, common to all, that may be enforced, without trenching upon debatable ground. Take the Sermon on the Mount, or any of the lessons of the Great Teacher himself, for example.

To avoid any abuse of this duty or privilege of the teacher in the Parish Schools, the Legislature proceeds further to enact—“but no pupil shall be required to read or study in or from any religious book, or join in any act of devotion objected to by his parents or guardians.” Here is a positive enactment against denominational teaching.

Knowing it to be possible for a designing teacher, under color of the authority, to impress upon the minds of the children the principles of christianity, and all other virtues, stealthily to teach doctrines of a denominational or sectarian character, and to protect the child from the influence of such teaching, the parents are empowered to interfere and withdraw the child from any such teaching, or from joining in any act of devotion having such a tendency.

The paragraph then proceeds thus:—“and the Board of Education shall, by regulation, secure to all children whose parents or guardians do not object to it the reading of the Bible in Parish Schools.”

What is there denominational in thus inculcating the principles of christianity, and all other virtues which are the ornaments of human society? What better mode could be adopted than by reading portions of the Bible? It certainly is not a denominational book. It is the common standard of faith and practice to all Christians. To it they all appeal. Where are such ennobling thoughts as in the Bible? It is said to be an historical fact, that when the question of reading the Bible in the Common Schools of one of the cities on this continent was debated, the Jews voted for it, on the ground that it was well adapted to the instruction of children, because of the sublime principles of morality it contained.

Though the Bible is regarded as the great charter of our salvation, as the revelation of the will of God to man, eminent Divines in one branch of the Church Catholic object that some words, some expressions, some sentences, are incorrectly rendered in our ordinary English version, and recognize another version as being a more correct interpretation of such words, expressions and sentences.

The Legislature, with the same object of preventing any denominational right, enacts—“and the Bible, when read in Parish Schools by Roman Catholic children, shall, if required by their parents or guardians, be the Douay version, without note or comment;” the very words “without note or comment,” of themselves, are significant proofs of the intention of the Legislature.

Assuming that the Bible is a denominational book, and I cannot think anyone

will seriously contend that it is, and that this provision created a right—a denominational right if you please—that will not help the *ultra vires* argument, because if it were so, it is a right or privilege which a class of persons had by law at the Union, to have the Bible read in a Parish School, not in a Denominational School, and that is not a right secured by “The British North America Act, 1867,” even if it existed.

I have endeavored to ascertain the true construction of the Act relating to Parish Schools, as the only Act affecting the question; I include the amendments which are not important. Every other Act which confers upon any denomination a right or privilege with respect to Denominational Schools, is left unrepealed, so that no right or privilege enjoyed by any class of persons under any such Act is prejudicially or in any way affected by the Act under consideration.

I will now refer very briefly to the 34th Vic., cap. 21, intituled, “An Act relating to Common Schools.” It is substantially the same as the Act of 1858, relating to Parish Schools.

The Board of Education is the same, with the addition of the President of the University. It has the same large powers.

The duties of the Superintendent are the same.

The number of inspectors is increased, with smaller Districts for each, but with duties very similar to what they discharged under the old law.

The Trustees are appointed in the same manner as under the old law, and discharge much the same duties, including the duties of the School Committee.

The Teachers are classified and paid as in the old law. Superior Schools are provided for, and Libraries upon the same principle. The only real difference that I can discover, arises from the different modes of supporting the school.

Under the Act of 1871, the portion of the support furnished by the inhabitants is raised by assessment; and in the machinery and provision necessary for working this out, and the different modes of paying and supporting the schools, that it involves, is the only difference. In other respects, this Act provides for the attainment of the same object by the same means.

It is said that there is no provision requiring the reading of the Bible in the schools. The Board of Education may by Regulation provide for it, as in the Act relating to Parish Schools. If it were otherwise, it would not help the *ultra vires* argument, unless the schools could be shown to be denominational.

Upon the argument, it was contended that some of the Regulations interfered with the rights of a class of persons. I confess I was unable to discover the bearing of that argument upon the question. How, if the law were good, a bad Regulation—if such there was—would affect it? Assume that this contention is correct, and that it prejudicially affects the right that a class of persons had at the Union, such a right, if it existed, is not saved by “The British North America Act, 1867;” because it would be a right or privilege with respect to a Parish School, and not to a Denominational School.

I cannot discover that the Regulations have anything to do with the question of the power of the Legislature to pass the Act, or can form any guide in the interpretation of it. It appears to me that under either of the Acts of 1858 or 1871, it was competent for the Board of Education to make any of the Regulations referred to; whether they exercised their powers wisely or unwisely, under the Act of 1871, is another question.

The propriety of the Regulations objected to is a question of public policy, upon which I am not called upon to express an opinion. I may, as an individual, entertain a very strong opinion as to its policy. As a Judge, all I feel called upon to do is to consider its legality, and for myself, on that point, I entertain no doubt.

I am therefore of opinion that the Rule should be discharged

WETMORE, J.:

While fully concurring in the opinion of my learned Brethren as to the constitutionality of the “Common Schools Act, 1871,” I do not wish to be understood as

expressing a participation in any doubt whatever, as to the regulations of the Board of Education.

I think the only question properly before the Court is, as to the Act itself, and not as to the regulations. We are only called upon to decide whether or no, the Schools Act, or any part of it, is *ultra vires*; and upon the decision, the assessments, to set which aside the application is made, are to be affected.

If the Act itself is not *ultra vires*, I do not see how the promulgation of any regulation, even supposing it to be one which the Schools Act would not warrant, or to be in violation of the provisions of section 93, sub-section 1, of "The British North America Act, 1867," can affect the case any more than assessors acting in violation of the law under which an assessment is imposed, would affect the law authorizing the assessment. In such case, if the assessment is imposed in a manner not warranted by law, parties aggrieved would have their remedy for obtaining relief; and so with reference to a regulation sought to be established by a Board of Education. If that body should exceed the power given by law in such case, the regulation would not have the support of law to uphold it, and therefore could not be maintained; but the law, nevertheless, would remain in full force and authority.

The application to this Court is simply to set aside an assessment in consequence of the invalidity of the law; it does not touch the regulations; and though they have been referred to by Counsel in the argument, it does not seem to me they are before us in such a way as to call for a decision, or the expression of an opinion on any one of them. Indeed, I do not see that a most positive and direct expression by the Court, as to the legality or illegality of any of the regulations, would in the slightest degree affect the constitutionality or unconstitutionality of the law; and I therefore purposely abstain from expressing my opinion upon any one of the regulations. Should a question arise respecting the regulations, or should a decision upon them be necessary for any other matters before the Court, then, of course, I would be required to express my opinion; until it does arise, I decline doing so: to use an expression of Cockburn, C. J. in *Rimini vs. Van Praagh*, (L. Rep. 8, Q. B., 4,) "It will be time enough to do so when the necessity arises."

Rule for a *Certiorari* discharged.

MESSAGE.

DUFFERIN.

The Governor General transmits, for the information of the House of Commons, Copy of a Despatch, dated 10th April, 1873, from Her Majesty's Secretary of State for the Colonies, enclosing a further Report from the Law Officers of the Crown on the subject of the New Brunswick School Law.

GOVERNMENT HOUSE,
OTTAWA, 5th May, 1873.

The Secretary of State for the Colonies to the Governor General.

(Copy.)—Canada, No. 112.

DOWNING STREET,
10th April, 1873.

MY LORD.—With reference to your Lordship's despatch, No. 72, of the 13th March and to previous correspondence, I have the honor to transmit to you here-
April 7, 1873. with a copy of a further opinion of the Law Officers of the Crown on the

subject of the Act passed by the Legislature of New Brunswick, in 1871, relating to Common Schools.

I have, &c.,

(Signed) KIMBERLEY.

Governor General The Right Honorable,
The Earl of Dufferin, &c., &c., &c.

The Law Officers to Lord Kimberley.

(Copy.)

TEMPLE, April 7th, 1873.

MY LORD,—We are honored with Your Lordship's commands, signified in Mr. Herbert's letter of the 31st March ultimo, stating that he was directed by Your Lordship to transmit to us copies of two despatches from the Governor General of Canada, with their enclosures, relating to the Act of the Provincial Legislature of New Brunswick, passed in May, 1871, relating to Common Schools; and that he was desired to refer us to the opinions given by us in reference to that Act, dated the 29th of November, and 12th of February last.

Mr. Herbert was pleased further to say, that he was to request that we would take those further papers into consideration and favour your Lordship with our opinion upon them, and that he enclosed copies of the papers on which our previous opinions were given.

In obedience to Your Lordship's commands, we have the honor to Report,—That we have reconsidered this case with special reference to the further papers now sent, and we see no reason to alter or modify the opinion which we have already submitted to your Lordship on the subject.

We have, &c.,

(Signed,) J. D. COLERIDGE,
" J. JESSEL.

The Right Honorable
The Earl of Kimberley, K.G., &c., &c., &c.

RETURN

To an ADDRESS of the HOUSE OF COMMONS, dated 15th February, 1877;—For copies of all correspondence between the Imperial and Canadian Governments, not already laid before the House, concerning the mode of exercising the power of disallowance of Provincial Acts.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 26th February, 1877.

For papers previously laid before the House concerning the mode of exercising the power of disallowance of Provincial Acts, see Sessional Papers:—

1869—No. 18.
1870—No. 35.
1872—No. 36.
1873—No. 44.
1874—No. 25.
1874—No. 40.
1875—No. 61.
1876—No. 116.

GOVERNOR GENERAL'S OFFICE, 23rd February, 1877.

SIR,—I am directed by His Excellency the Governor General to enclose to you the accompanying copies of a correspondence which has passed between the Imperial and Canadian Governments “concerning the mode of exercising the power of disallowance of Provincial Acts,” called for by an Address from the House of Commons, dated the 15th instant, herewith returned.

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

(Signed)

E. G. P. LITTLETON,

Governor General's Secretary.

The Honorable

The Secretary of State for Canada,
&c., &c.

(COPY.)

FREDERICTON, HOUSE OF ASSEMBLY,
Saturday, 4th March, 1874.

Whereas, Petitions, numerously signed, have been presented to this House during the last and the present Sessions of the Legislature, praying that such amendments may be made in the Common School Act, 1871, as will secure to Her Majesty's Roman Catholic subjects of this Province, Schools, generally known as "Separate Schools;"

And, whereas, this House continues to hold the opinion, that any system of Education, under the control and supervision of the State, should grant to all the people of the Province, similar and equal rights in respect of education, without distinction of class or creed;

And, whereas, by the provisions of the British North America Act, 1867, if a system of Separate Schools is established, it shall forever thereafter be beyond the power of the Legislature to interfere with, or repeal the Acts creating such a system;

And, whereas, certain exclusive rights, powers and jurisdictions have been vested in the Legislature of this Province, guaranteed to it by the terms and provisions of the "British North America Act, 1867," the enjoyment of which is essential to the welfare of this Province and the harmonious working of the Constitution;

Resolved, That after careful consideration of the said Petitions, and whilst affirming that various important changes may advantageously be made from time to time in the Acts relating to education, whereby the burdens imposed by the said Acts may be lightened or made to fall more equitably, this House is of opinion that no changes in the said Acts should be made, whereby special rights and privileges in respect of Denominational Education shall be granted to any class of persons in this Province; and, further

Resolved, That in the opinion of this House, no Acts should be done or passed whereby the jurisdiction and powers of the Legislature, established by the British North America Act, 1867, shall be impaired or curtailed without the sanction of the people of this Province previously expressed at the polls; and therefore,

Resolved, That this House regrets it cannot comply with the prayer of the said petitions; and, further, Resolved, that this House most respectfully, but firmly, maintains and submits that no Acts should be done or passed at any time by the Parliament of the United Kingdom of Great Britain and Ireland, or by the Parliament of the Dominion of Canada, to impair, curtail, alter, or withdraw the said rights, powers and jurisdictions, or any of them, without the requisition or consent of this Legislature for that purpose, first made or obtained and signified by address from the Legislature of this Province.

(Signed) GEO. T. BLISS.

Clerk.

The Governor General to the Earl Carnarvon.

(No. 67.)

OTTAWA, 11th March, 1875.

MY LORD,—I have the honor to enclose, for Your Lordship's information, an extract from the Votes and Proceedings of the House of Commons of the Dominion, from which you will see that an Address has been voted to Her Most Gracious Majesty on the subject of the School Act recently passed by the Legislature of the Province of New Brunswick.

I have, &c.,

(Signed) DUFFERIN.

The Earl of Carnarvon,
&c., &c., &c.

TO THE QUEEN'S MOST EXCELLENT MAJESTY :
MOST GRACIOUS SOVEREIGN :

We, Your Majesty's most dutiful and loyal subjects, the Commons of the Dominion of Canada, in Parliament assembled, humbly approach Your Majesty for the purpose of representing :

That in the opinion of this House, legislation by the Parliament of the United Kingdom encroaching on any powers reserved to any one of the Provinces by "The British North America Act, 1867," would be an infraction of the Provincial Constitutions ; and that it would be inexpedient and fraught with danger to the autonomy of each of the Provinces for this House to invite such legislation.

That on the 29th day of May, 1872, the House of Commons adopted the following Resolution :—

"This House regrets that the School Act recently passed in New Brunswick is "unsatisfactory to a portion of the inhabitants of that Province, and hopes that it "may be so modified during the next Session of the Legislature of New Brunswick, "as to remove any just ground of discontent that now exists."

That this House regrets that the hope expressed in the said Resolution has not been realized.

That we most humbly pray that Your Majesty will be graciously pleased to use the influence of Your Majesty with the Legislature of New Brunswick, to procure such a modification of the said Act as shall remove such grounds of discontent.

Ordered, That the said Address be engrossed.

On motion of Mr. Cauchon, an Address was voted to His Excellency the Governor General, praying him to transmit the foregoing Address of this House to Her Majesty, in such a way as His Excellency may deem fit, in order that the same may be laid at the foot of the Throne.

Ordered, That the said Address be engrossed and presented to His Excellency, by such Members of this House as are of the Honorable the Privy Council.

The Governor General to the Earl of Carnarvon,

(No. 89.)

CANADA, GOVERNMENT HOUSE,
OTTAWA, 7th April, 1875.

MY LORD,—I have the honor to inform your Lordship that the Hon. Mr. Blake, Member for South Bruce, on the 22nd of February, gave notice that he would move in the House of Commons the following resolutions:—

That by the 56th clause of the British North America Act, 1867, it is in effect enacted, that when the Governor General assents to a Bill in the Queen's name, the Queen in Council may, within two years after its receipt, disallow such Act.

That by the 90th clause of the said Statute it is enacted, that the above provisions shall extend and apply to the Legislatures of the several Provinces as if re-enacted, with the substitution of the Lieutenant Governor for the Governor General, of the Governor General for the Queen, of one year for two years, and of the Province for Canada.

That in the opinion of this House the power of disallowance of Acts of a Local Legislature conferred by the said Statute is thereunder vested in the Governor General in Council, and that His Excellency's Ministers are responsible to Parliament for the action of the Governor General in exercising or abstaining from the exercise of the said power.

That by a letter dated 13th December, 1872, the Registrar of the Privy Council of the United Kingdom conveyed to the Colonial Office the opinion of the Lord President of the Council that the power of confirming or disallowing local Acts, is under the said Statute, vested in the Governor General acting under the advice of his constitutional advisers.

That notwithstanding the premises, by a despatch dated 30th June, 1873, the Secretary for the Colonies in response to an application from the Governor General for instructions on the subject, informed His Excellency that he was advised, by the Law Officers of the Crown, that the question of disallowance or allowance of local Acts is a matter in which His Excellency must act on his own individual discretion, and in which he cannot be guided by the advice of his responsible Ministers.

That this House feels bound in assertion of the constitutional rights of the Canadian people to record its protest against and dissent from the said instruction, and to declare its determination to hold His Excellency's Ministers responsible for his action in the exercise of the power so conferred by the said Statute.

An opportunity of bringing the subject before the House did not occur till Wednesday, March 31st, when Mr. Blake moved the adoption of the resolutions of which he had given notice; but after a debate, in the course of which Mr. Mackenzie and Sir J. A. Macdonald expressed their assent to the constitutional doctrines laid down by Mr. Blake, that gentleman withdrew his motion.

I have the honor also to enclose a copy of the Parliamentary Report of the debate that took place on that occasion.

I have the honor, &c.,

(Signed), DUFFERIN.

[See debate on Mr. Blake's resolutions, Hansard, March 31st, 1875.]

The Governor General to the Earl of Carnarvon.

(No. 91.)

GOVERNMENT HOUSE,
OTTAWA, 8th April, 1875.

MY LORD,—I have the honor, at the request of my Privy Council, to transmit to Your Lordship a copy of a report made to me by a Committee of that body on the question of Ministerial responsibility in connection with the disallowance by the Governor General of Acts passed by the Legislatures of the several Provinces of the Confederation.

I have, &c.,

(Signed) DUFFERIN.

The Earl of CARNARVON, &c., &c.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 8th March, 1875.

The Committee of Council have had under consideration the question of Ministerial responsibility in connection with the disallowance of Acts passed by the Local Legislatures of the Confederated Provinces.

Lord Kimberley, late Secretary of State for the Colonies, in a despatch dated June 30th, 1873, having reference to the disallowance of certain Acts passed by the New Brunswick Legislature with regard to the school system in that Province, makes the following statement:—

“I am advised:—

“1. That these Acts of the New Brunswick Legislature are, like the Acts of 1871, within the powers of that Legislature.

"2. That the Canadian House of Commons cannot constitutionally interfere with their operation by passing a resolution such as that of the 14th May last. If such a resolution were allowed to have effect, it would amount to a virtual repeal of the section of the British North America Act, 1867, which gives the exclusive right of legislation in these matters to the Provincial Legislatures.

"3. That this is a matter in which you must act on your own individual discretion, and on which you cannot be guided by the advice of your responsible Ministers of the Dominion."

Section 90 of the British North America Act, 1867, reads as follows :—

"The following provisions of this Act, respecting the Parliament of Canada, namely: the provision relating to Appropriation and Tax Bills; the recommendation of Money Votes; the assent to Bills; the disallowance of Acts, and the signification of pleasure on Bills reserved shall extend and apply to the Legislatures of the several Provinces, as if those provisions were here re-enacted and made applicable in terms to the respective Provinces and the Legislatures thereof, with the substitution of the Lieutenant Governor of the Province for the Governor General; of the Governor General for the Queen, and for a Secretary of State; of one year for two years, and of the Province for Canada."

The power of disallowance is here clearly vested in the Governor General, in the same manner as the power of assent or disallowance is vested in Her Majesty, by Sections 56 and 57, that is in the Queen in Council.

The Committee, therefore, humbly submit that the passage above quoted would, if acted upon, destroy all Ministerial responsibility, and impose on the Governor General a responsibility not intended by the statute and at variance with the constitution. It would also be impracticable in operation as some competent legal authority must examine the statutes passed by the Local Legislature to enable the Governor General to arrive at an intelligent decision. If this could be done by importing the services of any one outside the Privy Council, it would establish a subsidiary body not contemplated by the constitution. If done by the Minister or Ministers, then Ministerial responsibility at once attaches.

That this view is taken by Her Majesty's Privy Council, the following letter written by Mr. Reeve, Clerk of the Council, and dated 13th December, 1872, clearly shows.

Mr. Reeve to Mr. Holland.

PRIVY COUNCIL OFFICE, 13th December, 1872.

SIR,—I have submitted to the Lord President of the Council your letter of the 9th instant, transmitting a copy of a despatch from the Governor General of Canada, with enclosures, respecting an Act passed by the Provincial Legislature of New Brunswick with reference to Common Schools, and requesting to know whether the opinion of the Lords of the Judicial Committee of the Privy Council on this question can properly be obtained.

It appears to His Lordship that as the power of confirming or disallowing Provincial Acts is vested by the statute in the Governor General of the Dominion of Canada, acting under the advice of his constitutional advisers, there is nothing in this case which gives to Her Majesty in Council any jurisdiction over this question, though it is conceivable that the effect and validity of this Act may, at some future time, be brought before Her Majesty on an appeal from the Canadian Courts of Justice.

This being the fact, His Lordship is of opinion that Her Majesty cannot, with propriety, be advised to refer to a Committee of the Council in England, a question which Her Majesty in Council has, at present, no authority to determine, and on

which the opinion of the Privy Council would not be binding on the parties in the Dominion of Canada.

I have &c.,

(Signed)

HENRY REEVE,
Registrar, Privy Council.

HENRY T. HOLLAND, Esq.

The Committee advise that a copy of this Minute be transmitted by Your Excellency for the consideration of Her Majesty's Government.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

No. 96.

The Governor General to the Earl of Carnarvon.

CANADA,
GOVERNMENT HOUSE,
OTTAWA, 13th April, 1875.

MY LORD,—With reference to my despatch, No. 67, dated March 11th, 1875, informing Your Lordship that an Address to Her Majesty had been voted by the House of Commons on the subject of the School Act recently passed by the Legislature of the Province of New Brunswick, I have now the honor to transmit this Address to Your Lordship for presentation to Her Most Gracious Majesty.

I have also the honor to enclose a printed copy of the Address. (See page 431.)

I have, &c.,

(Signed) DUFFERIN.

Canada, No. 248.

The Earl of Carnarvon to the Governor General.

DOWNING STREET, 18th October, 1875.

MY LORD,—I duly received and considered Your Lordship's despatch, No. 96, of the 13th of April, communicating to me an Address voted by the House of Commons of Canada to the Queen, on the subject of the New Brunswick Schools Act of 1871, and I have thought it convenient to defer my reply to it until your return to Canada.

The Address was laid at the foot of the Throne, and the Queen was pleased to receive it very graciously, but I was not able to advise Her Majesty to take any action respecting it.

2. I concur with the representation of the address, that legislation by the Imperial Parliament, curtailing the powers vested in a Province by the British North America Act, 1867, would be an undue interference with the Provincial constitutions, and with the terms on which the Provinces consented to become members of the Dominion. And holding, as I do, this opinion, while I cannot but feel that if I were to recommend the Queen to intervene directly in this matter by advising that Legislature to legislate in any particular direction, I might be deemed to counsel an interference with the system of Government established by the Act of Union, not greatly differing from that which the address deprecates.

3. For this reason I have not felt myself at liberty to advise Her Majesty to take

any action with respect to this address. At the same time there can be no impropriety in my expressing the strong hope which I entertain that, as in other British communities, the majority of the population in New Brunswick, which, through its representatives, controls the educational system of the Province, may be disposed to adopt such modifications of the existing rules as may render them less unacceptable to those who, from conscientious reasons, have felt themselves obliged to protest against the system now in force.

I cannot, in conclusion, consistently with my duty, refrain from observing that as education is one of the subjects expressly and exclusively reserved to the Provincial Legislatures by the "British North America Act, 1867," it is for the serious consideration of those in New Brunswick who take an active part in relation to it, whether there can be any advantage, and whether there must not be serious inconvenience, in bringing under public discussion in the Dominion Legislature a controverted question which may possibly engender much heat and irritation, and over which it has no jurisdiction.

I have, &c.,

(Signed) CARNARVON.

Governor General, &c., &c., &c.

(Copy, No. 70.)

The Governor General to the Earl of Carnarvon.

OTTAWA, 13th March, 1876.

MY LORD,—I have the honor of transmitting herewith a memorial which I have received from the Presbytery of Glengarry in connection with the Church of Scotland, forwarding a petition addressed to Your Lordship, praying that two certain Acts Cap. 75 and 76, of the Province of Ontario, passed in the 38th year of Her Majesty's Reign may not receive the Royal Assent.

On the receipt of these documents I caused them to be referred to the Minister of Justice, for such observations as he might think fit to make thereon for Your Lordship's information, and I enclose a copy of a report of a Committee of the Privy Council expressing their concurrence in the views contained in the memorial annexed, from the Hon. Mr. Blake. I also transmit copies of the several documents to which allusion is made in the memorial addressed to Your Lordship.

I have, &c.,

(Signed) DUFFERIN.

To the Right Honorable Sir Frederick Temple, Earl of Dufferin and Clondeboye and Governor General of Canada.

MAY IT PLEASE YOUR EXCELLENCY :

The Presbytery of Glengarry, in connection with the Church of Scotland, in accordance with their request that you would be good enough to allow petition, papers and decisions in matters submitted to Your Excellency regarding certain Acts of the Legislature of the Province of Ontario, passed in the 38th year of Her Majesty Queen Victoria, to remain *in statu quo*, until such time as this Court had made arrangements to have the grievances complained of laid at the foot of the Throne ;

I have now to request Your Excellency to be good enough to order Your Secretary to forward the same to the Right Honorable the Earl Carnarvon, Her Majesty's Principal Secretary of State for Colonial Affairs, along with this our explanatory

Petition, so that the same may come in due course of business before Her Majesty's Council in London.

We have forwarded to the parties whom we expect to appear for us, the decisions of Your Minister of Justice as conveyed to us, and letters received by us, so that the whole may be adjudicated on at as early a date as may be convenient.

I have the honor to be,

Your Excellency's humble and obedient servant,

(Signed) NEIL BRODIE,
Minister of Lochiel, Ont., Presbytery Cle rk.

To the Right Honorable The Earl of Carnarvon, Her Majesty's Principal Secretary of State for Colonial Affairs.

We, the Presbytery of Glengarry, Province of Ontario, Dominion of Canada, in connection with the Church of Scotland, would humbly submit the following explanatory statements to Your Lordship, on the matter of the Presbytery above designated, as Petitioners to His Excellency the Governor General of Canada in Council, and carried by formal appeal, with His sanction, to Her Majesty the Queen in Council.

Which explanations humbly sheweth, that by letter, dated 12th February, 1875, from the Department of State, and marked a Petition from the majority of the Ministers of the above designated Presbytery, was duly presented before His Excellency the Governor General of Canada in Council, by one of His Principal Secretaries of State for the Postal Department, and acknowledged, as by letter dated as above, praying for the disallowance of certain Acts passed by the Legislature of Ontario, in the thirty-eighth year of Her Majesty Queen Victoria, being Chapter Seventy-Five (75) and Chapter Seventy-Six (76) of said Acts of the Legislature, as our petition more fully shows; and as the persecutions complained of has been greatly intensified since said Acts were said to have gone into operation.

Our petition to His Excellency the Governor General in Council was detained, unattended to, at Ottawa for some ten (10) months, as dates of letters show, marked No. 2,410, on 181,* and when adjudicated on by the present Minister of Justice we were not allowed to be heard in explanation thereof, as date of reference to him, and date of decision show; and, yet, the time thus lost is brought forward as the reason for refusing us any redress in the premises, and the injustice thereof seems the harder, if Your Lordship causes Your Secretary to read the original petition before you. We do feel that such action, even in Colonial affairs, is at variance to all the precedents of the Empire, in so dealing with any matters brought, respectfully, and constitutionally, before those representing British law and order; and that any instructions, as to being regulated by the "well understood wishes of the people," could have been carried out without overthrowing rights, titles, possessions and benefits, legally and constitutionally held by us and others, now, for many and many a year.

We do feel very sorry to trouble Her Majesty's Council with our affairs, after She had been graciously pleased to do so much for the Church in Scotland; but we are very sorely pressed in our position, and we do feel causing this trouble the more, as the Queen in Council has been called upon so often to repress, resist Ecclesiasticism in the Province of Quebec, and now impertuned by us to grant relief from the same spirit in the Province of Ontario, as in both Provinces the respective Local Governments are equally subservient to the clericalism of its dominant party, as these Bills show.

We seek relief from the afflictions we suffer under these Acts; for the following and other reasons:—

* See page 443.

First—The Acts complained of were passed without any notice being served on Congregations or on Ministers, though so seriously affected by said Acts; nor was such, seemingly, demanded by the Legislature from the promoters of said Bills, but passed at their request, who, though office bearers in our church, formerly, were only so in matters of faith and doctrine, and had no power of a temporal nature over us or over the brethren, and they knew well that without the secular power no injury could be done to us in our bodies, in our estate, or amongst our people. We do not point out any of the deviations from rules of their own making, on the part of the Legislature of Ontario, although we might do so in this case, as the properties of order should be within the breasts of each, both by training as well as by nature: only we state that in less than an hour, these Acts in Toronto, which is very distant from our respective homes, passed.

Then all who had withdrawn 30 years ago, joined with other denominations, joined by some of our own people, rushed at the properties held by us as before the cry, "Moab to the spoils," and under color of said Acts we have suffered in our estates as well as in our religious interests, and we claim that said Acts should be disallowed, and the spiritual power of authority or of Church Courts alone allowed to rule.

Secondly.—The Province of Ontario, as also the other Provinces, has an Act or Acts on religious worship, permitting any persons so minded to constitute themselves a religious denomination under any name they please, and when the numbers are so many as the law states they can then continue their existence, can hold property and have acknowledged rights under that name, and can carry on the religious corporation they so originate, whilst we are excluded from said liberties, although our numbers, even now, are far in excess of the limits the said law ever contemplated or expressed, as a minimum number to be so acknowledged under the Religious Worship Acts of this Province; and we claim that the Colonial Legislature has no power to legislate us out of existence, which said Acts do, and so ought to be disallowed or so altered as to have all left to the freedom of choice in continuing with the Church of Scotland or withdrawing peacefully therefrom, and the more so as one of the sections of chapter seventy-five (75) prevents our continued existence; and prepares the way to carry over all our properties without a sale or purchase, or payment; but it does not afford us the same privilege as against the larger body, making thus a regular net out of which there is no escape. So that the toleration Acts of the empire are violated by said Acts, to our hurt, and we claim protection therefrom.

We might explain that, in party government in these Provinces, the more of all the ordinary safeguards of State that are violated to please a religious denomination, the more that party gains in control over such in a land so political as this, and this right is often thus trampled under foot.

Thirdly.—By an Act of the Imperial Parliament, passed in the year 1853, Ontario Lands called Clergy Reserves, a former gift from the Crown of Great Britain for the "support of a Protestant Clergy," were placed at the disposal of the Legislature of Upper and Lower Canada, subject to a reservation in favour of the Churches of England and Scotland, "to whom the faith of the Crown was pledged." Now these churches had left with them manse or parsonages, glebes, churches, churchyards, which were then in the peaceable possession of said churches, under the "Faith of the Crown," as the emoluments were that came from the Provincial Treasury, until the Act of 1853, withdrawing the same. Now, without being even heard in the matter, the remaining property aforesaid is conveyed by the dictum of the Legislature over to another body, contrary to all precedents of former days, and a religious body, separate from us in name and doctrine and practice, are put into possession of these churches and heritages.

We claim that said Acts should be disallowed until an Imperial Act were passed withdrawing the "Faith of the Crown" from all heritages as have remained with this church, and we feel quite satisfied to abide such legislation as Imperial Justice will enact,

No part or portion of property legislated on was ever given over to us by the Province, but was a concession from the Crown of Great Britain, increased by gifts from the living and the dead, so that a Church, identical in name and doctrine with the Church of Scotland, should continue and be perpetuated in Her Majesty's Provinces. Yet we are legislated out of our name and rights at the request of parties who did not own said properties nor were givers thereto, and without such Acts we could not be molested in any way, as the deeds were absolute and had a clause in them declaring that such lands "were inalienably connected with the Church of Scotland" in all time coming.

Fourthly.—All our churches, repaired in whole or in part, have been assisted by the parent Church in Scotland, on application from parties here voluntarily submitting themselves to the requirements of the Church, and that was placing upon the property a lien or hypotheca that said property was to remain "inalienably attached to the Church of Scotland in all times coming," and a certified copy of said deed was deposited with the department of the Church, called "Colonial Committee," having their rooms at No. 22 Queen street, Edinburgh; one of said copies will be forwarded to the "Colonial Office," London, in conformation of the same; and no written notice of relief of said lien or hypotheca was produced from the Church of Scotland to permit the Legislature of Ontario to set aside said deeds duly registered; nor were any of the deeds of the Church here asked for or looked at by the House, whilst for a few minutes the Clerk called out the Bills; nor have the lands so hypothecated a clause for redemption in equity, as said condition was to abide "in all time coming," so that the ordinary laws of trade and commerce are set aside by the Legislature to benefit other friends at the expense of the property of the Church unrepresented here, all which is wholly contrary to British law, and to our rights as British subjects of the British Crown; seeing we are resolved to remain connected with one of the Churches of the Empire, all our day, and we claim that said connection is not a crime cognizable by any law passed as yet in these parts; and we claim that the said Acts should be disallowed, in as far as they affect the Presbyterian Church of Canada in connection with the Church of Scotland.

In the case of Queen's College, Kingston, Ontario, chapter seventy-six (76), the Act first constituting said university was local, which Act was disallowed in order that the permanency of its connection and position would have every guarantee of continuance as long as colonial connection would exist; so a Royal Charter was granted to said college, dated at Windsor, in the fifth year of Her Majesty, Queen Victoria; and thus Royal Letters Patent passed the *Great Seal*, dated 16th October, 1841, granting certain privileges to said college, and also perpetual connection with the Church of Scotland, yet said Royal Charter or Letters Patent have been set aside by the Legislature of Ontario, in chapter seventy-six (76), in the thirty-eighth (38th) year of Her Majesty Queen Victoria, of said Acts passed that year, and the Royal Charter treated as no protection to the Church in its control over the institution.

One of the banks doing business in this Dominion and Province is also under a Royal Charter, terminable at a certain time, and, if now confiscated, a clear gain of over two million dollars could be made to the Dominion; and it has no better guarantee than we had under Royal Charter.

We, therefore, humbly pray enquiry may be made as to facts stated, and if found true in every respect, as we know they must, we do pray that the Acts complained of be disallowed, notwithstanding the ten (10) months that our Petition has lain in the Department of State at Ottawa. And as the law of changes in Church properties begun here in the year 1855, extended itself to Ireland in the year 1870, so we feel sure that the principle now complained of will be sure to meet some British Government in its application to glebes, churches, church-yards, and other properties left with the disestablished Church of Ireland before very long. And we do pray that such a decision may be come at as will reflect lustre on the spirit of order and justice which has marked the past of the Government of Britain.

Without these Acts we do not fear any of the Courts of this Province to test our

title before them, and our people are in all places prepared to pay all local obligations due against the properties, whether Municipal or Provincial, as the same may be imposed by law.

We have applied to His Excellency the Governor General of Canada to be good enough to forward, in order of business, this explanatory Petition, along with the original Petition, as received thereon, the 12th February, 1875, along with such other originals as have passed before him, and also the decision of Council there anent.

We have requested the Colonial Committee of the Church of Scotland to forward one of the duly certified deeds from the Bounds of this Presbytery, in their office, and we have also forwarded the papers received from Ottawa by us, to be humbly submitted to Your Honorable Council in due form, and Your Petitioners, as in duty bound, shall ever pray.

Signed, in the name and by authority of, the Presbytery of Glengarry.

(Signed) THOMAS McPHERSON,
Moderator.

“ NEIL BRODIE,
Minster, Lochiel, Ont.
Presbytery Clerk.

At Lancaster, Ontario, this 24th day of February, 1876.

No. 4.

To the Right Honorable Sir Frederick Temple, Earl of Dufferin and Clandeboye, and Governor General of Canada.

The Petition of the undersigned, being a majority of the Ministers of the Presbytery of Glengarry, Province of Ontario, Dominion of Canada, in our own name, and in behalf of a large number of our co-laborers and adherents in this Province,

HUMBLY SHEWETH :—

1. That your Petitioners do respectfully call your attention to Act number Seventy-four (74) of the Acts passed in the last Session of the Second Parliament of the Province of Ontario, Dominion of Canada, an Act designated, “An Act respecting the union of certain Presbyterian Churches therein named,” and we humbly submit that the said Act or Acts were passed in such haste as to preclude due notice of its provisions being given to many of Her Majesty’s subjects who are seriously and vitally affected by the same ; and its provisions being in excess of that of any Private Bill, as it affects others than the applicants for said Act.

2. We submit, that a great religious change has been made in the doctrine of the Presbyterian Church of Canada, in connection with the Church of Scotland, by said Act, and that the ancient standards of the Church, that have the most solemn position in its creed and practice, as well as in the Union compact of Her Majesty’s Kingdom of Great Britain, have been violated and changed, which matters of creed and doctrine have been repeatedly sustained as the one, or one of the distinctive features of said Church.

3. We humbly state, that the Act complained of affects a large portion of Her Majesty’s subjects, and is wholly without precedent in any other part of Her Majesty’s Dominion, wherein said Presbyterian Church, in connection with the Church of Scotland, had a legal recognition and existence ; as in the case of former Unions of Presbyterian Churches in any part of this Dominion, these churches were wholly clerical erections brought into existence by earnest, zealous ministers, whose labors were aided by the sympathy and support of such as joined themselves to them ; and such congregations, or societies, could not complain of any change made upon the name, doctrine or discipline of such societies, so called into being, and so altered by such clerical guides, in each case, having as was judged upon every separate change,

good and convincing reasons for such Ecclesiastical changes; but we, and our people stand wholly different in the matter now complained of, in and under said Act, as the people who adhered to the Presbyterian Church of Canada in connexion with the Church of Scotland, are not followers of, or collected by such as would be leaders in the same, but are joined to it as to the National creed of the land, many of our people left; and others were joined to its sacred truths, but in all cases, separate and distinct from the pastor.

And the Pastors, amongst said people in religious matters, were not chosen for their gifts, but for the name and creed under which they appeared amongst the people who continued, amid many trials, sometimes years being without a pastor of their own beloved Church; and who do pray to be still allowed to continue said name and Church.

4. We also submit, that said Act limits the toleration laws of the whole Empire to our hurt, and to that of as many as may deem it their solemn duty to continue faithful to vows and obligations freely and solemnly undertaken, as it prevents us and said adherents from continuing in our former peaceful ways, in which we have been accustomed to exercise our religious privileges and ecclesiastical functions under our most valued name; whilst it permits those who seek our religious destruction to use any name they please.

5. We also submit, that the rights of the Queen of these lands, and of such of Her Presbyterian subjects in connexion with the Church of Scotland, as a body and as individuals, in so far as they did not personally, or by others duly authorized, seek the change, and that such rights as formerly they each held, are not now fully maintained, as they should be, notwithstanding any provisions of said Act.

6. We submit that said Act affects properties of comparatively great value to parties in so poor and humble a position in earthly matters as we do occupy, who have devoted ourselves to the preaching of religious truths, and such our position has been taken advantage of, as we could not afford to retain counsel, to hire parties, and make long journeys for united council in this important matter; and to mitigate this worldly poverty, the Imperial Parliament, in its liberality, had made provision for our aid, and individuals in their liberality have added to the same, while the Parliament of Ontario has given nothing, and yet has legislated us out of the Royal gifts of former Kings, as well as the gifts of individual friends, which individual gifts are not yet twenty years in existence; nor has any attempt been made to show that such funds are misappropriated.

7. We also submit, that the Presbyterian Church of Canada, in connexion with the Church of Scotland, although disestablished by and with the consent of the Imperial Parliament, has not been wholly *disendowed*; but large concessions in lands and other benefits have been still left with said church, and such lands and buildings are inalienably connected with the Church of Scotland, as the deeds thereof do more fully show; and that the Christian denomination who now seek the same did most religiously spurn to take any favours from said Imperial Legislation; and if now any change of sentiment marks their history, and makes them to repent of the former action, the efforts to possess the rights already assigned were better directed and employed in seeking from the wealthy Parliament of Ontario or from the Imperial Parliament, such redistribution as their liberality might see meet to grant.

8. We also submit, that the Ecclesiastical Court or Courts, said to have given a legal consent to said Act, were not in their nature and object competent to the same, as they have no jurisdiction except in matters spiritual, and are not recognized by any portion of the people of any land, acquainted with Presbyterian order, in any other matter; and the Act complained of, being wholly earthly and material, was beyond the power of such spiritual court, which the promoters of said Act well knew, and that without the material power, such Act joined to the spiritual domain all the power to persecute or wrong your petitioners, or others, would be futile. Besides, so ill-adapted is said Church Court for any representative purpose of a worldly nature, that the largest number who appeared, and did constitute said Court, are not interested therein, nor beneficiaries, nor sufferers under any such Act in the smallest

matters, but are engaged in the many duties of their separate callings in the Dominion, to whom any such change may be little more than a sentiment; and that you may the better understand the same, we assure you that such parties, whom we call Elders, voted four separate times in this matter, once in the public or ordinary meeting; 2nd, in Church Court, we call the Session; 3rd, in another such Court, we call the Presbytery; and 4th, in the Court called the Synod; and also, that many such at a former time voted themselves in connection with a church called the Presbyterian Church of British North America, and now vote away anew the rights of your petitioners.

9. We submit, that, whilst we do not expect that the doctrinal differences we know do exist, may be understood by us to have directed their enquiries to other fields of thought, nor do we deem any living being a judge between us, founded as such doctrines are on the Holy Word of God, yet we feel these matters keenly, and complain that such Act prevents us from continuing, as we believe, in that which is wisest and best for God's glory, and our spiritual good; besides we do most emphatically state that we have taken no steps to limit the collective and individual liberty of such parties as are led to see it as a duty to God and their conscience to separate from us, and even to think they do God service in striving to erase our name and position out of the whole of this Her Majesty's Dominion of Canada; but we are willing to deal with such as once were numbered with us in a spirit of justice as large as we claim, and to make the whole Christian world witness of that equity which is in our laws: "Do unto others as ye would they should do unto you," and this too in any way that said dissentient brethren may deem best, only we do most respectfully claim to be allowed to exist in peace, and in our rights, under the religious toleration of Her Majesty's laws.

10. We do submit, for these and other reasons that press sorely on our spirits, pray that you may submit said Act complained of to your Minister of Justice at Ottawa, with the view that the said Act be disallowed in whole or in part, so that no one need feel oppressed by the same; and we also submit, that we shall furnish such proofs of the civil portions in Act of which we complain, and of the statements made in this our complaint, as far as your Minister is competent to adjudge upon the same, leaving out the doctrinal portions, as will satisfy the Honorable the Minister of Justice of the truth of the same; and that, in view of the injustice and tyranny attempted to be exercised upon us, whether by majorities of thousands or units, for we own no spiritual or civil jurisdiction to mere numbers, nor did we ever promise or agree to be ruled by any such, there being no such dogma in all our creed. So we claim from your Excellency, as the representative of Her Most Gracious Majesty, the Queen, in this Her Dominion of Canada, the protection of all our rights and privileges as long as we are permitted to continue under Her Majesty's laws.

And in the event of Your Excellency deciding not to act in this grievous wrong, nor to grant any redress, either in the partial or total disallowance of said Act of which we do most humbly complain, we pray Your Excellency to forward this our petition, accompanied with said Act, to Her Majesty the Queen in Council.

And, as in duty bound, we do humbly pray.

(Signed)	THOMAS McPHERSON,
"	JOHN DAVIDSON,
"	NEIL BRODIE,
	per T. McP.
"	JOHN S. MacCLAN,
	per N. BRODIE.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 23rd November, 1875.

The Committee have had under consideration the Report dated 23rd October, 1875, hereunto annexed, from the Hon. the Minister of Justice, having reference to Cap. 75 of the Statutes passed in the year 1874, by the Legislature of Ontario, intituled, "An Act respecting the Union of certain Presbyterian Churches therein named," and the petition of the Reverend Thomas McPherson and others, to His Excellency the Governor General, in reference to the said Act referred to him, the Minister to report, and they submit their concurrence in the views expressed in the said report, and recommend that the Act be not disallowed.

Certified.

(Signed)

W. A. HIMSWORTH.
Clerk, Privy Council

DEPARTMENT OF JUSTICE,
OTTAWA, 23rd October, 1875.

With reference to Cap. 75 of the Statutes, passed in the year 1874, by the Legislature of Ontario, intituled, "An Act respecting the Union of certain Presbyterian Churches therein named," and the petition of the Rev. Thomas McPherson and others, to His Excellency the Governor General in reference to the said Act, referred to the undersigned for report; the undersigned begs respectfully to report as follows:

This Act recites that the Canada Presbyterian Church, the Presbyterian Church of Canada in connexion with the Church of Scotland, the Church of the Maritime Provinces in connexion with the Church of Scotland, and the Presbyterian Church of the Lower Provinces have severally agreed to unite together and form one body or denomination of Christians, and under the name of "The Presbyterian Church in Canada."

The Act does not purport to accomplish any such union, but it deals with the property "real or personal within the Province of Ontario, now belonging to, or held in trust for or to the use of any congregation in connexion or communion with any of the said churches." Presumably, the various congregations whose property is to be affected, are residents of the Province of Ontario, and the undersigned does not think it necessary to consider the question which might be raised under other circumstances.

The undersigned does not conceive that he is called upon to express an opinion upon the allegations of the petition as to the injustice alleged to be effected by the Act. This was matter for the Local Legislature.

The 7th clause, however, appears to deal with matters beyond the competence of the Legislature. After providing that Knox College and Queen's College, both institutions in Ontario, shall stand in certain relations to the new body, it provides that the Corporation of the Presbyterian College of Montreal and the Corporation of Morin College at Quebec, shall also stand in certain relations to the new body.

It appears to the undersigned that these portions of the sections are *ultra vires* and inoperative; but he has been informed that like provisions have been made by the Local Legislature of Quebec, and, under any circumstances, he could not recommend that the Act should be disallowed by reason of this objection.

(Signed) EDWARD BLAKE,
Minister of Justice.

2410 on 181.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 14th December, 1875.

SIR,—I am directed to acknowledge the receipt of your letter of the 8th instant addressed to His Excellency the Governor General, referring to a memorial submitted by yourself and others in the month of February last, praying for the disallowance of an Act of the Ontario Legislature respecting the union of certain Presbyterian churches, and to inform you that the subject has received the consideration of His Excellency in Council, and that His Excellency has been pleased to direct that the Act in question be left to its operation.

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

(Signed) E. J. LANGEVIN,
Under Secretary of State.

The Rev. THOS. MCPHERSON, M.A.,
Lancaster, Ont.

LANCASTER, 20th January, 1876.

MAY IT PLEASE YOUR EXCELLENCY:—

I am directed by the Presbytery of Glengarry, in connection with the Church of Scotland, to acknowledge the receipt of Your Excellency's letter, dated 10th December, 1875, informing us "that your Minister of Justice has been called upon to furnish a report on the prayer of the memorial," whereupon I communicated with the brethren of the Presbytery near me, so as to send one or more of our number to explain to your Minister of Justice the grievances and persecutions we complain of, in accordance with the prayer of our petition.

Before this arrangement was carried out, for lack of time, I received from Your Excellency's Under Secretary of State the letter No. 2,410 on 181, dated at Ottawa, 14th December, 1875, intimating the summarily disposing of our petition without giving us any opportunity of being heard in the matter.

Your Excellency cannot but be aware of the strife and contention the acts have caused in the Province of Ontario amongst the Scotch Presbyterian people, in resisting claims not founded on titles or deeds, but on those acts complained of as limiting the Toleration Laws of the empire in this Province.

In these circumstances, the Presbytery claim from Your Excellency that these papers, petitions and acts be allowed to remain *statu quo* until such time as your petitioners have made some arrangements to have the prayer of said petition duly represented before the Queen in Council.

I have the honor to be
Your Excellency's most obedient servant,
(Signed) THOMAS MCPHERSON.

To His Excellency
The Governor General of the Dominion of Canada,
Ottawa, Ont.

To His Excellency the Right Hon. Sir Frederick Temple, Earl of Dufferin, &c., &c.,
Governor-General of the Dominion of Canada, &c., &c., in Council:

The petition of the undersigned members and adherents of the Presbyterian Church of Canada in connection with the Church of Scotland,

RESPECTFULLY SHEWETH:—

The established existence of the Church of Scotland in Canada, was long years

since affirmed by the highest judicial authority of the Empire, in its final determination in favor of that Church; in other words, in favor of the Clergy and members thereof, in the Colony, for a participation in the Clergy reserve lands, allotted by the Imperial Acts of 1774 and 1791, for the support of a Protestant Clergy in Canada; thereby, in effect, recognizing the existence of the Presbyterian Church of Canada in connection with the Church of Scotland, as being within the intent of those Acts, no other denominations of Protestant Clergy, at the promulgation of those Acts, having an acknowledged legal existence beside the Clergy in connection with the Churches of England and Scotland in Canada.

From the period of that determination the Presbyterian Church of Canada in connection with the Church of Scotland, in its undivided existence and quasi corporate capacity throughout the two Canadas, has not been controverted, but has been sustained by Imperial and Provincial legislation and by public acts, in important matters affecting its material and spiritual intents.

In the interest and for the guidance of the members and clergy of the said Church, co-extensive with the Province of Canada generally, a Church synod was formed in 1831, in conformity with the laws and regulations of the Church of Scotland, under the name of "The Synod of the Presbyterian Church of Canada in connection with the Church of Scotland," which has continued since in active existence and operation.

Under Imperial Statutes for the distribution and division of the Clergy Reserves, the Clergy of the said Presbyterian Church of Canada, in connection with the Church of Scotland, received their portion of the proceeds of the said Clergy Reserves which were secularized for the uses and purposes of their original intention, the support of the Clergy of the Church, and were managed by Commissioners for the said Church, who distributed and paid the several Clergy stipends and allowances, which were afterwards, under legislative authority, commuted by the said Clergy to whom they had previously been assigned, and the commutations with their accruals and subsequent contributions for the purpose, were formed into a fund, and compose the temporalities fund of the said Church, under the Act of the Province of Canada, 22 Vic., cap. 66, first Session in 1858, intituled: "An Act to Incorporate the Board for the Management of the Temporalities Fund in the Presbyterian Church of Canada in connection with the Church of Scotland," which fund and its accruals and additions are by the said Act applied as a trust fund, exclusively to the purposes of the said Clergy and of the said Presbyterian Church of Canada in connection with the Church of Scotland, and to no other existing Presbyterian religious association.

In like manner, an annuity fund was formed by contributions of the clergy and members of the said Presbyterian Church of Canada in connection with the Church of Scotland, which was entrusted to administrators, members of that church who were incorporated under the Act of the Province of Canada, 10 and 11 Vic., chap. 103, intituled, "An Act to incorporate the Ministers' Widows' and Orphans' Fund of the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland," which fund, in the nature of a trust fund, is exclusively to be applicable for the purposes of the widows and orphans of the clergy of the said church in connection with the Church of Scotland, and none other.

That by the said Acts of incorporation respectively, the said corporation thereby enacted and established, were of a general nature and co-extensive with the said Province of Canada, without distinction or reference to the then local Provinces of Upper Canada and Lower Canada, now Ontario and Quebec, and vested their respective trust funds exclusively for the uses and purposes of the said Presbyterian Church of Canada in connection with the Church of Scotland, and for the exclusive benefit of the beneficiaries in the said Acts mentioned of the said Presbyterian Church of Canada, in its connection aforesaid, to the exclusion of all separatists and seceders from the said church.

By virtue of the Royal Letters Patent of 1841, the Presbyterian College, previously established at Kingston, in then Upper Canada, now Ontario, by the Presbyterian Church of Canada in connection with the Church of Scotland, for the

educational purposes of that church was duly incorporated for the Province of Canada aforesaid, under the name of Queen's College, and in continuance of its original intent and object of its establishment, in connection with the said Presbyterian Church of Canada, in connection with the Church of Scotland, as in the said Letters Patent expressly declared, which said Royal Letters Patent have since remained undisturbed.

That on the fifteenth day of June last past, divers ministers and others, heretofore members of the said Presbyterian Church of Canada in connection with the Church of Scotland, separated and seceded therefrom, and, with divers others in the Provinces of Quebec and Ontario, not members of the said church, formed themselves into a voluntary religious association and union under the name of "The Presbyterian Church in Canada,"—to wit: the Dominion of Canada,—the said seceders, in the said heretofore Province of Canada hereby abandoning all right of participation in the said temporalities and widows' and orphans' funds respectively, and in the said Queen's College above mentioned.

That the said Voluntary Association and Union have procured from the Local Legislatures of Quebec and Ontario Acts of incorporation for their said Union, extending the same throughout the Dominion of Canada, as general Acts for the Dominion of Canada, with authority to appropriate the said Temporalities and Widows' and Orphans' Fund to the purposes of the said Union, to wit: the said Presbyterian Church of Canada in connection with the Church of Scotland.

That three Acts of the nature complained of were passed by the Legislature of Quebec during its last Session, in the 38th year of Her Majesty's reign, namely Chapters 61 and 64 respectively, to amend the said Act of Incorporation for the Widows' and Orphans' Fund management, above intitled, and amendments thereto, and to amend the said Temporalities Act and Chapter 62, an Act respecting the union of certain Presbyterian Churches therein named, and two Acts of a similar nature by the Legislature of Ontario, at its last Session, to wit: 38 Vic., caps. 75 and 76 respectively, intitled, "An Act respecting the union of certain Presbyterian Churches therein named," and "An Act respecting Queen's College at Kingston."

That the subject matters of the said Acts of both Local Legislatures respectively are not of a merely local or private nature within the said respective Provinces, or either of them, and do not come within the class of subjects exclusively assigned to such Provincial legislation, but are general in character for the Dominion of Canada, and affect the civil rights of persons residing in either Province, extra territorial of its jurisdiction, to wit: the minister and members of the Presbyterian Church of Canada in connection with the Church of Scotland, their said rights being general and not Provincial in their nature, and indivisible in their disposition, and not susceptible of being abrogated or interfered with by merely Provincial or Local legislation, and that such Provincial legislation has neither been required or asked for by the said Presbyterian Church of Canada in connection with the Church of Scotland, nor by its ministers and members who have not separated or seceded therefrom.

That the said Provincial Acts are obnoxious and subject to disallowance under the provision in that respect of the British North American Act of 1867.

Wherefore, your petitioners pray, that it may please Your Excellency to disallow the hereinbefore mentioned statutes passed by the Legislatures of Quebec and Ontario, respectively, purporting to unite the Presbyterian Church of Canada in connection with the Church of Scotland with certain other religious bodies under the title of "The Presbyterian Church in Canada," and that it may please Your Excellency to declare the said Acts and each of them illegal and unconstitutional, and to disallow the same.

And your petitioners, as in duty bound, will ever pray.

(Signed) Robert Dobie, Minister,
 " T. Miller, Elder,
 " Charles Downie,

(Signed) Lucy McJanet,
 " Margaret Noble,
 " Elizabeth MacIntyre,

(Signed)	George R. Anderson,	(Signed)	Jessie J. MacIntyre
"	David Downie,	"	Kate McKenzie,
"	Mary Harris,	"	Eliza M. McKenzie,
"	Sarah Jane Anderson,	"	Bella A. McKenzie,
"	A. H. Doorn,	"	Helen Miller,
"	Warfurt H. Doer,	"	Jennie Martin,
"	James Ruxton,	"	Catharine E. Carradice,
"	Jane Ruxton,	"	Mrs. Carradice, Widow,
"	James Ruxton, junr.,	"	Thomas Carradice,
"	Samuel Harris,	"	Alex. Brown,
"	Phœbe Harris,	"	Wm. Chisholm,
"	Grace Landsborough,	"	Lizzie Wallace,
"	Margaret Anderson,	"	John Wallace,
"	Isabella Anderson,	"	R. D. Stoney,
"	Agnes Anderson,	"	Wm. Sloan,
"	Jane Anderson,	"	Ellen Dobie,
"	Elizabeth Anderson,	"	Eva Dobie,
"	Jane McCallum,	"	Thomas Chisholm,
"	Tiny McCallum,	"	Mrs. Chisholm,
"	Janet McCallum,	"	Robert Dobie,
"	Elizabeth McCallum,	"	George Chisholm,
"	James Landsborough,	"	Annie Chisholm,
"	M. Ford Landsborough,	"	Victor Chisholm,
"	Margaret Landsborough,	"	Maggie Morris Dobie,
"	Mrs. Jane McNab,	"	Henry Chisholm,
"	Alex. McNab,	"	A. D. Dobie,
"	Mary Jane McNab,	"	David Carradice,
"	Duncan McNab,	"	William Carradice,
"	F. McCallum,	"	Margaret Norris.
"	Robert McJanet,		

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 6th March, 1876.

The Committee of the Privy Council have had before them the Report hereunto annexed, from the Honorable the Minister of Justice, on a memorial from ^{Cap. 75 and} the Presbytery of Glengarry, praying that a former petition presented by ^{Cap. 76.} them to Your Excellency, praying that two certain Acts of the Legislature of the Province of Ontario passed in the 38th year of Her Majesty's Reign, should not receive the Royal assent, together with all papers connected with the subject be forwarded by Your Excellency to Her Majesty's Secretary of State for the Colonies.

The Committee concur in the Report of the Minister of Justice.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,

OTTAWA, 29th February, 1876.

The undersigned, to whom has been forwarded the accompanying memorial of the Presbytery of Glengarry to His Excellency, enclosing a so-called explanatory statement from the same Presbytery, addressed to the Secretary of State for the Colonies, with an expression of His Excellency's wish that the undersigned should

peruse the same and make such observations as he thinks fit for the information of the Secretary of State for the Colonies, begs to report that the action with reference to the local Statutes referred to in these papers is the action of the Queen's Privy Council for Canada, and that it appears to him that any observations to be made on the papers for the information of the Secretary of State, should be approved in Council.

The undersigned observes that it is alleged by the Presbytery that that body was not allowed to be heard in explanation of its petition to the Governor in Council.

This statement is, so far as the undersigned is aware, entirely unfounded. The undersigned is aware of no application on the part of the Presbytery to be heard. Had such an application been made it would have been necessary for those responsible for the proper management of the matter to have considered the propriety of granting a hearing, which, if granted, would probably involve the necessity of citing those who might be opposed to the prayer of the petition and giving them a hearing.

The undersigned is not aware of any case in which these matters have been dealt with after the fashion suggested in their memorial by the Presbytery.

The undersigned observes that it is alleged that the time said to be lost was brought forward as the reason for refusing the Presbytery any redress in the premises.

This the undersigned is obliged to deny. The law accords twelve months for the disposition of the question whether a Provincial Statute shall be disallowed or left to its operation.

Within that period it was necessary for the Government to act, if it should act at all, and this is all that was alleged by the Government in that connection.

Passing to the objections taken to the Statutes, the undersigned does not feel called upon to make any further observations than those contained in his report to Council upon the subject of the petition and the acts in question; but, with reference to the proposal of the Presbytery, that the Imperial authorities should interfere, he would observe that by the British North America Act the power of disallowance does not reside in the Imperial authorities, that it can be exercised only within twelve months, that that time has elapsed, and that there is consequently no power to interfere with the operation of the Acts in question, so far as they are within the powers of the Local Legislature, a question which can be raised in the Courts alone.

(Signed) EDWARD BLAKE,
Minister of Justice.

(Copy—Canada, No. 83.)

The Earl of Carnarvon to the Governor General.

DOWNING STREET, 14th April, 1876.

MY LORD,—I have received your Lordship's despatch, No. 70, of the 13th ultimo, forwarding a memorial from the Presbytery of Glengarry, in the Province of Ontario, praying for the disallowance of certain Acts of the Legislature of that Province affecting the various Presbyterian Churches in Canada.

I request that you will inform the memorialists that the Acts of which they complain, being Acts of the Provincial Legislature, their confirmation or disallowance rests not with the Imperial authorities, but with those of the Dominion of Canada, by whom they appear to have been confirmed after due consideration of the objections of the memorialists. The Acts in question appear, therefore, to be in full operation, and no appeal against them can now be brought unless it should appear that any of their provisions were beyond the power of the Provincial Legislature to

pass. If the petitioners should be of opinion that such is the case, it would be open to them to try the question in a Court of law.

I have, etc.,

(Signed)

CARNARVON.

The Governor General,
&c., &c., &c.

No. 147.

The Earl of Carnarvon to the Governor General.

DOWNING STREET, 1st June, 1876.

MY LORD,—I have the honor to transmit to you a copy of a letter from the Rev. John Moffat, Minister of the Scotch Church, Bayfield, Huron County, respecting the injury done to the Scotch Church by legislation in Canada.

I have, &c.,

(Signed)

CARNARVON.

The Governor General, &c., &c., &c.

The Rev. John Moffat to the Earl of Carnarvon.

SCOTCH CHURCH, BAYFIELD, HURON COUNTY,
CANADA WEST, May 9th, 1876.

MY LORD,—A great wrong has been perpetrated upon Her Majesty's loyal subjects in Canada who belong to the Church of Scotland, in consequence of the passing of certain Acts by the Provincial Legislatures here to strip that church of her property, and to transfer it to a new and hostile sect, and thus destroy her completely, if possible. For a long time past we have had a tremendous struggle to preserve our rights—these were finally taken from us about a year ago, and great has been our suffering and persecution since the obnoxious Acts came into force. The cause of the movement is evidently an insane desire with the party in power here (vulgarly called Grits) to obliterate British national feelings and institutions. A considerable number of our Ministers joined the movement, and with the view of first pulling down the loyal Church of Scotland, formed a sort of union with Canadian and other Presbyterians hostile to our Church of Scotland. Against such union proceedings we protested at every stage of them. Nevertheless the fatal Bills were rushed through the different Legislatures in defiance of every right, which transferred our property to a disloyal rebellious sect! Thus was our loyal Church of Scotland robbed and plundered of all her property under the deceptive name of Union. Your Lordship will at once see the injustice of this, the law being universally laid down that those seceding from any body, forfeit all right to its property. Those therefore who thought proper to leave us and join others had no right whatever to carry with them our property.

All the property of the Scotch Church in Canada has been raised by the laudable exertions of her own members in Scotland or in Canada, or granted partly by the British Government in recognition of her services in America, and to deprive her of such property and transfer it to aliens is a violation of every principle of right and justice. Every tie which connects us with the Mother Country should be maintained, and the Scotch Church here was a very powerful one. I have endeavoured, in the accompanying pamphlet to point out some of our sufferings and hardships, for we are now

oppressed with chancery and law suits of which we cannot tell the issue, and our last resort is to appeal, if possible, to the Privy Council in England for redress.

Earnestly entreating Your Lordship to interest that august body in our present troubles and trials.

I have, &c.,

(Signed) JOHN MOFFAT,
*Minister of the Scotch Church, Bayfield,
Huron County, Canada West.*

To the Right Honorable
The Earl of Carnarvon,
Colonial Secretary.

(Copy, No. 96.)

The Governor General to the Earl of Carnarvon.

OTTAWA, 6th April, 1876.

MY LORD,—With reference to previous correspondence relative to the question of ministerial responsibility in connection with the disallowance of Acts passed by Provincial Parliaments, I have the honor to enclose herewith a copy of an Order of my Privy Council which has received my approval.

I have, &c.,

(Signed) DUFFERIN.

The Earl of Carnarvon,
&c., &c., &c.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 29th February, 1876.

The Committee of the Privy Council have had under consideration the Report, hereunto annexed, from the Honorable the Minister of Justice, dated 22nd December, 1875, on the despatch from the Right Honorable H. M. Secretary of State for the Colonies, of the 5th November, 1875. See Sessional Papers No. 116 of 1876, on the question of Ministerial responsibility in connection with the disallowance of Provincial Acts, and they respectfully submit their concurrence in the views expressed in the said Report, and advise that a copy thereof and of this minute be transmitted by Your Excellency for the consideration of Her Majesty's Government.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

To the Honorable the Secretary of State,
&c., &c.

DEPARTMENT OF JUSTICE.

OTTAWA, 22nd December, 1875.

The undersigned, to whom has been referred the despatch of the 5th November, 1875, from the Earl of Carnarvon to His Excellency upon the minute of Council of the 8th March 1875, on the question of ministerial responsibility in connection with the disallowance of Provincial Acts, begs to report as follows:—

The minute was evoked by a despatch from Earl Kimberley, dated June 30th, 1873, in which His Lordship, upon the advice of the Law Officers of the Crown in England, instructed His Excellency that the question whether a Provincial Act should be disallowed was a matter in which His Excellency should act on his own individual discretion, and in which he could not be guided by the advice of his responsible Ministers.

In order to a clear understanding of the question raised a brief preliminary statement is requisite.

The powers of Provincial Legislatures are, by their constitution, limited to certain subjects of a domestic character, so that their legislation can affect only Provincial and at most Canadian interests.

Provincial Acts are, to the extent to which they may transcend the competence of the Legislature, inoperative *ab initio*. There is no power to "allow" them, nor can any attempted "allowance" give them vitality, so that void acts left to their operation remain void thereafter.

Provincial Acts are, to the extent to which they may be within the competence of the Legislature, operative *ab initio*, and so continue unless and until disallowed.

Lord Carnarvon, in the despatch now under review, states that in his opinion the constitution of Canada does not contemplate any interference with Provincial legislation on a subject within the competence of the Local Legislatures.

Without attempting to expound the principles on which the power of disallowance should be exercised, the undersigned may be permitted to observe that the considerations involved are of a more complex and delicate character than might, at first sight, be perceived.

So long ago as June 9, 1868, an Order in Council was passed on the subject, adopting a memorandum from the Minister of Justice expressing the following views:—

"The same powers of disallowance as have always belonged to the Imperial Government with respect to Acts passed by Colonial Legislatures have been conferred by the Union Act on the Government of Canada. Of late years Her Majesty's Government has not, as a general rule, interfered with the legislation of colonies having representative institutions and responsible Government, except in the cases specially mentioned in the instructions to the Governors, or in matters of Imperial and not merely local interest.

"Under the present constitution of Canada the general Government will be called upon to consider the propriety of allowance or disallowance of Provincial Acts, much more frequently than Her Majesty's Government has been, with respect to Colonial enactments.

"In deciding whether any Act of a Provincial Legislature should be disallowed or sanctioned the Government must not only consider whether it affects the interests of the whole Dominion or not, but also whether it be unconstitutional, whether it exceeds the jurisdiction conferred on Local Legislatures, and, in cases where the jurisdiction is concurrent, whether it clashes with the legislation of the general Parliament."

Without discussing how far this memorandum accurately states the circumstances under which the power of disallowance may be exercised, and referring only to the cases to which Lord Carnarvon more especially alludes, it will be found that in their disposition numerous, grave and difficult questions may arise. There may be a Provincial jurisdiction for a particular purpose, exercised in fact, though not in form, for the accomplishment of another purpose exclusively within Canadian jurisdiction.

It is very often doubtful whether an Act is within or beyond the competence of the Local Legislature. Frequently, local Acts are mainly valid, but yet contain some provision beyond the competence of the Legislature.

In the character of the enactments beyond the competence of the Legislature there is a vast difference, since, though all such provisions are alike void, yet some Acts might be left to their operation without inconvenience, while to take the same course as to others might produce serious embarrassment and confusion. It is, in each particular case, a question to be decided whether the Act, through containing

some void provisions, should be disallowed or left to its operation, and in practice a considerable number of such Acts are so left.

It thus appears that whatever be the range of the power of disallowance, and the principles on which it should be exercised, it must often be very difficult to decide whether, on the whole, any particular Act should be disallowed or left to its operation.

The question at issue is by whom and under what responsibilities the power of disallowance is to be exercised.

The power of disallowance of Canadian Statutes is by Sect. 56 of the British North America Act, 1867, vested in the Queen in Council.

By Sect. 90 of the same Act this provision is extended and applied to each Province as if it were re-enacted and is so made applicable in terms thereto, with the substitution, among other things, of the Governor General for the Queen.

The result, is that by the express words of the Act, the power of disallowance of Provincial Statutes is vested in the Governor General in Council—a phrase which, under the 13th section of the Act, means “the Governor General, acting by and with the advice of the Queen’s Privy Council for Canada.”

If the British North America Act had not contained these express provisions it would seem that, upon the plain principles of the constitution, the result would have been the same.

Supposing that the Act had vested the power of disallowance of Canadian Statutes in Her Majesty, not adding the words “in Council,” it will not be contended that the power so given could be constitutionally exercised otherwise than under the advice of Her Majesty’s Ministers, who would be responsible for Her Majesty’s action, and, by parity of reasoning, a power of disallowance of Provincial Statutes given to the Governor could be exercised only under the advice of his Ministers, who would be responsible for his action.

It results from preceding observations that the only contingencies which can arise are,—

1. That the Governor should propose to disallow a Provincial Statute without or against the advice of his Ministers.

2. That Ministers should propose to disallow a Provincial Statute without the assent of the Governor.

The position taken by the Council is that neither of these things can be done; that, the power being vested in the Governor in Council, any action taken must be accomplished by Order in Council, and that a Governor who thinks it necessary that that a Provincial Act should be disallowed must find Ministers who will take the responsibility of advising its disallowance; while Ministers who think it necessary that a Provincial Act should be disallowed, must resign unless they can secure the assent of the Governor to its disallowance—Ministers being in every case responsible to Parliament for the course taken.

Lord Carnarvon suggests that the question is one in respect of which it is more in accordance with the spirit of the constitution that a rigid rule of action should not be established.

But the undersigned ventures to submit that the question involves simply the application to a plain statute of the well-settled rules of construction, and the application to a plain case of the fundamental principle of the constitution.

It is to the spirit as well as to the letter of the constitution that Council have appealed, and grave would be their responsibility were they to agree that either spirit or letter contemplates a rule of action so lax as to justify or even to render possible the violation of its fundamental principle.

Lord Carnarvon refers to a correspondence (annexed to his despatch) with an Australian colony upon the subject of the exercise of the Prerogative of Pardon, and suggests that the rule there propounded is applicable to the present case.

It seems needless to complicate the question in hand by any extended discussion of the views expressed in that correspondence, which will come more fitly under review in connection with another despatch now under the consideration of Council.

Were the undersigned to assume (without admitting) the accuracy, as applied to Canada, of the propositions there advanced, he would yet observe that whether sound or unsound they are founded upon one main consideration, which is supposed to involve exceptional treatment of the question, namely, that "the Governor to whom personally the Queen delegates a very high prerogative (that of pardon) cannot in any way be relieved from the duty of judging for himself in every case in which that prerogative is proposed to be exercised; and this the more, since it may be invoked in cases 'in which matters of Imperial interest or policy or the 'interest of other countries or colonies are involved.'"

It is argued that this consideration authorizes and indeed requires the Governor to act in the exercise of that particular prerogative in some manner and to some extent differently from the mode in which he is ordinarily to act, and investing him with exceptional power, necessarily diminishes *pro tanto* the responsibility of his Ministers;—

But however this may be, the consideration referred to does not apply to the case in hand.

There is here no question of a high prerogative of Her Majesty delegated by Her, under special commission to Her confidential officer and capable of being used by that delegate in matters which may involve Imperial or foreign interests.

The power here is not vested in and consequently could not be delegated by Her Majesty.

The power here,—a power the exercise of which affects Provincial and Canadian interests, is by an Act of Imperial Parliament vested in the Governor in Council, and the undersigned maintains with confidence that to the exercise of a power so vested it is impossible to apply the principle propounded as applicable to the case of the Prerogative of Pardon. Nor is it possible to deal with this power on principles different from those which apply to the exercise of the other powers of Government conferred in like terms by the same statute: Thus in effect the discussion involves the whole question of responsible Government, and if the rule proposed by Lord Carnarvon is conceded, it would be impossible to resist its application to our entire system.

That rule is, that "The Governor General after having had recourse to the advice of his Ministers, whom the Parliament holds answerable for advising him as to all public acts (though not in all cases for the acts themselves), may properly be required to give his own individual decision as to allowance or disallowance."

Lord Carnarvon proceeds to say, that the constitutional remedy for any prolonged difference of opinion between the Governor General and his advisers would be the same in this as in any other case of a similar nature, and that, holding as he does, the opinion that the Constitution of Canada does not contemplate any interference with Provincial Legislation on a subject within the competence of the Local Legislature, by the Dominion Parliament, or as a consequence by the Dominion Ministers, he assumes that those Ministers would not feel themselves justified in retiring from the administration of public affairs on account of the course taken by the Governor General on such a subject,—it being one for which the Dominion Parliament cannot hold themselves responsible, though it may demand to know what advice they gave.

The undersigned ventures to submit that the plan proposed by Lord Carnarvon is not in accordance with the Constitution; that His Excellency's Ministers (whose recommendation is essential to action) are responsible not merely for the advice given but also for the action taken; that the Canadian Parliament has the right to call them to account, not merely for what is proposed but for what is done;—in a word that what is done is practically *their* doing.

The importance to the people of the advice given by Ministers, is in precise proportion to its effectiveness. So long as the course pursued is dependent on the advice given, responsibility for the advice is responsibility for the action, and is therefore valuable; but it is the action which is really material; and to concede that there may be action contrary to advice would be to destroy the value of responsibility for the

advice—to deprive the people of their constitutional security for the administration, according to their wishes, of their own affairs—to yield up the substance, retaining only the shadow of responsible Government.

The undersigned agrees with the view of Lord Carnarvon that, if it be the right and the duty of the Governor to act in any case contrary to the advice of his Ministers, they cannot be held responsible for his action, and should not feel themselves justified on account of it in retiring from the administration of public affairs. But these are results which render it difficult to come to the conclusion that any such right or duty can properly devolve upon the Governor; because they shew that his action would be an exercise of power for which the free people over whom he rules could find no man whom they could call to account.

The undersigned suggests that Lord Carnarvon should be informed that while Council concur in his view that His Excellency's correct appreciation of public feeling, and the thorough understanding which exist between His Excellency and his advisers are of themselves sufficient to render improbable any serious difference of opinion on the subject of the disallowance of a Provincial Statute, and while they highly appreciate the great consideration shewn by Lord Carnarvon in explaining in so clear a manner his conception of the principle applicable to the question under discussion, it appears to them to be essential to the good administration of affairs, and to the maintenance of the proper relations between the Governor General, the Ministers and the Parliament, that there should be a correct understanding as to their relative rights and duties, and that for the reasons given in this report, they remain of the opinion that no action can be taken on the question whether a Provincial Statute should be disallowed save by and with the advice of His Excellency's Ministers, who are, and of right ought to be, responsible to Parliament for such action.

(Signed) EDWARD BLAKE.

(Canada, No. 145.)

The Earl of Carnarvon to the Governor General.

DOWNING STREET, 1st June, 1876.

MY LORD,—I have the honor to acknowledge the receipt of Your Lordship's despatch, No. 96, of the 6th of April, enclosing a report of the Committee of the Privy Council concerning a report by the Minister of Justice on the question of Ministerial responsibility in connection with the disallowance of Provincial Acts.

2. This question is, I admit, by no means free from difficulty, and as I observed in my despatch of the 5th of November, 1875, could, if any practical necessity for an authoritative decision of it should arise, I apprehend, only be finally decided by an appeal to the Judicial Committee of the Privy Council from a Colonial judgment on the construction of the British North America Act. As, however, no such necessity exists, or at all events is urgent, at the present moment, I think there may be advantage in my inviting your Ministers to consider a view of the question to which my attention has been directed; it being understood that I am not now pressing this view in opposition to that of your Government.

3. It has been suggested that the language of that Act, which was very carefully chosen for the purpose of preventing doubts on constitutional points, does not sustain the opinion that the power and responsibility of the Dominion Government are as complete with respect to the specially reserved subjects of Provincial Legislation, as to other questions.

4. In Section 10 and 13 the distinction between "the Governor General" and "the Governor General in Council" is carefully drawn, and this distinction is closely observed throughout the Act. It may, therefore, be urged that if "the Governor General in Council" had been intended in Section 90, that expression would have been

used, especially as the object of the section was to declare in what manner the powers which, after much negotiation, had been reserved to the Provincial Legislatures were to be exercised.

5. It is further suggested that if the Dominion Legislature or those members of it who, for the time being, are selected as the advisers of the Governor General, could be said to have the power of controlling the enactment, or operation, of Provincial Acts, the consequence would be a virtual repeal of the Section of the "British North America Act, 1867," which gives the exclusive right of legislation in certain matters to the Provincial Legislatures.

6. I regret that the records of this Department do not show (and I do not sufficiently trust my own recollection on the subject) what was the precise intention of the provision requiring that the Governor General should assent to or disallow Provincial Acts. But it would seem not improbable that the intention may have been to entrust this function to an authority in Canada not directly representing that majority of the Dominion Parliament from whose jurisdiction these particular questions had been accepted. I should be glad to have the opinion of your Ministers on this point.

7. Even if, however, there were nothing to be said in answer to the general proposition of the able and careful memorandum prepared by your Minister of Justice, I should still be inclined to doubt whether, practically, the logical consequences should or would be so closely adhered to as to involve the resignation of Ministers, at all events in the large class of cases to which he has referred as not raising serious questions.

I have, &c.,

(Signed) CARNARVON,

To the Governor General,
&c., &c., &c.

(No. 49.)

The Deputy of the Governor General to the Earl of Carnarvon.

OTTAWA, 20th September, 1876.

MY LORD,—Adverting to the correspondence noted in the margin, I have the honor to transmit herewith a copy of a Report of a Committee of the Privy Council expressing their concurrence in a memo. by the Minister of Justice on the question of Ministerial responsibility in connection with the disallowance of Provincial Acts of Parliament.

I have, etc.,

(Signed) W. B. RICHARDS,
Deputy Governor.

The EARL of CARNARVON,
&c., &c., &c.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 19th September, 1876.

The Committee of the Privy Council have had under consideration the despatch of the Right Hon. H. M. Secretary of State for the Colonies, No. 145, of the 1st June, 1876, in answer to that of His Excellency the Governor General of the 6th of April, upon the question of Ministerial responsibility in connection with the disallowance of Provincial Acts.

They have also had before them the Report hereunto annexed from the Hon. the Minister of Justice, to whom the said despatch was referred, and they respectfully

submit their concurrence therein, and advise that a copy thereof, and of this Minute, be transmitted for the consideration of Her Majesty's Government.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

DEPARTMENT OF JUSTICE,
6th September, 1876.

Upon the despatch of the Earl of Carnarvon to His Excellency of 1st June 1876, in reply to that of His Excellency of 6th April, upon the question of Ministerial responsibility in connection with the disallowance of Provincial Acts referred to the undersigned, he begs to report as follows:—

It appears difficult to see how the question could be brought by appeal to the Judicial Committee of the Privy Council from a Colonial judgment on the construction of the Act, unless some provincial Act were attempted to be disallowed by the Governor acting independently and not through the agency of Ministers, in which case it is possible that the issue might arise between individuals as to whether the Act was in effect disallowed.

This statement of the only process by which a judgment of a Colonial Court appealable to the Judicial Committee could be obtained, would seem to show that, practically, the question can not be settled in that way.

With reference to the views suggested to His Lordship, and which he invites His Excellency's Ministers to consider, the undersigned will not here repeat several of the arguments in his former report which appear to him to bear upon these suggestions. He refers to that report, to which he would add the following observations:—

Upon the suggestion that if the Governor General in Council had been intended in section 90, that expression would have been used, it is to be observed that the phraseology of that section was apparently adopted for the sake of brevity, with the view of avoiding a repetition, *mutatis mutandis*, of the clauses to which it refers; and there does not appear to the undersigned to be any reason to conclude that the enactment, substituting the words "The Governor General" for the words "The Queen," can be held in the particular case in which the latter words are followed by the words "in Council," to mean that the words "in Council" are to be eliminated from the clause as applied to the Provinces. It may be added that the other, which is the grammatical construction, appears also to accord with the general intention of the clause.

It is suggested that if a Canadian Minister had the power of controlling the enactment or operation of Provincial Acts the consequence would be a virtual repeal of the section of the British North America Act, giving the exclusive right of legislation in certain matters to Provincial Legislatures, and it is suggested as not improbable that the intention may have been to entrust the functions of disallowance to an authority in Canada not directly representing the majority of the Canadian Parliament from whose jurisdiction these questions had been excepted. The undersigned may observe that this, through professing to be an argument *ab inconveniente* against a particular construction, is in strictness rather an argument for a change in the existing law than for the adoption of the proposed construction of that law. But the undersigned cannot agree to the propositions advanced.

These arguments occur to him. The Parliament of Canada is composed of representatives of the seven Provinces, each of which has in its provincial character, like political rights. Ministers, whose tenure of office depends upon their retaining the confidence of a Parliament so composed, are not likely to abuse a power, the exercise of which would obviously be jealously watched by representatives from all the Provinces, since each is alike interested in the maintenance of Provincial rights,

and therefore in the principles upon which the power of disallowance is exercised. For the same reason any abuse by Ministers of this power would be quickly followed by the application of the constitutional remedy by Parliament. The experience of nearly ten years during which this power has been exercised, does not indicate that the apprehended evils will follow. The objection taken would apply to the power given to the Queen in Council to disallow Canadian laws, whereby, to follow the same line of argument, power is given to an authority directly representing the majority of the British Parliament to control the enactment or operation of Canadian Acts affecting subjects the rights of legislating on which has been vested in the Canadian Parliament to the practical exclusion of the British Parliament. But there is in the mode for which we contend a much greater check on the exercise by the Governor in Council of the power of disallowing Provincial Acts, than exists upon the exercise by the Queen in Council of the like power with reference to Canadian Acts, since the advisers of the Crown are not in the latter, as they are in the former case, responsible to the Canadians.

Without at all times asserting that the system is perfect, and waiving the question whether there should be any power of disallowance of local enactments, it may be observed that the plan contended for by the Canadian Government appears to be at any rate better than the proposed alternative. If, under that alternative, the Governor should act against the advice of Ministers he must act either on his own unaided judgment, or upon the counsel of others, not his constitutional advisers, or upon instructions from the Colonial Office.

Which of these plans should be adopted? The first may be said to be impossible. The Governor must have some assistance in such matters. The second supposes an unconstitutional plan of secret counsellors which cannot be sustained. The third would place the disallowance of Provincial Acts in the hands of the Secretary of State for the Colonies or the law advisers of the Crown in England, which cannot possibly have been intended by the framers of the clause.

In none of these plans is there any responsibility to the Canadian people for the Governor's action, nor, as the undersigned ventures to affirm, any likelihood that he will dispose of the important and difficult questions to be solved as prudently and correctly as under the advice of his responsible Ministers, while the existence of the suggested power would be calculated to do mischief as weakening the great principle of responsible Government in the general, and in the particular as lessening the responsibility of Minister for action which, notwithstanding their diminished accountability they would be likely still largely to determine.

(Signed) EDWARD BLAKE.

The Earl of Carnarvon to the Governor General.

No. 318.

DOWNING STREET, 31st October, 1876.

MY LORD,—I have the honor to acknowledge the receipt of the Deputy Governor's despatch, No. 49, of the 20th September, enclosing a report of the Privy Council with a memorandum by the Minister of Justice, in answer to certain points which were discussed in my despatch, No. 145, of the 1st June, relating to the question of ministerial responsibility in connection with the disallowance of Provincial Acts.

2. I do full justice to the force of Mr. Blake's argument that, as the Canadian Parliament is composed of representatives from the several Provinces of the Dominion, any undue interference by Ministers with the power of provincial legislation would be jealously watched; and it is also true that, through the Ministers being responsible to the Canadian people, a very important check is imposed on the exercise of the power of disallowing Provincial Acts. On the other hand, I should feel much difficulty in modifying the opinion which I expressed in my despatch of the

1st June, respecting the interpretation to be attached to the words "Governor General" in Section 90 of the "British North America Act, 1867," as it still appears to me that the terms "Governor General" and "Governor General in Council" are, throughout that Act, as distinct from one another as "The Queen" and "The Queen in Council" are. I am bound, however, to state that such construction of the Act has had the support of high authorities in this country, and whilst, therefore, I feel justified in inclining to the view which I have expressed, it is one upon which, for the same reason, I could not be prepared to insist strongly. I am, moreover, hardly satisfied that Mr. Blake has fully established his argument in regard to the courses which are open to the Governor in case he acts contrary to the advice of his Ministers.

3. Mr. Blake contends, with much force, that after having received such advice, it is impossible for him to act on his own unaided judgment; but as to this, I would observe that in the case suggested, his judgment would not, in fact, have been unaided. Having had recourse to the advice of his Ministers, and having fully heard them, the Governor General would be thoroughly instructed as to the merits of the case, and would then be competent to judge of the course which it would be advisable for him to take; he would be acting *under* the advice of his Ministers, notwithstanding that he might not feel himself able to act *according* to that advice. I think this view of the position deserves consideration, though I should not wish to be understood as now laying down any definite rule on a subject with respect to which you are aware that I incline to think it more in accordance with the true spirit of the constitution, that no unyielding rule should be maintained.

4. But, although I may be unable to agree entirely in Mr. Blake's conclusion (and I need hardly say that my sense of his great ability and experience causes me to differ from him, even in a limited degree, with much reluctance), there can be no doubt that the attention which the whole question has received has been of much value, and I am glad to be able to agree with Mr. Blake that the experience of the past ten years does not indicate the probability of any grave difficulty occurring.

I have, &c.,

(Signed) CARNARVON.

The Governor General,
&c., &c., &c.,

(No. 258.)

The Governor General to the Earl of Carnarvon.

OTTAWA, 25th November, 1876.

MY LORD,—Adverting to Your Lordship's despatch, No. 318, Oct 31st, and to previous correspondence upon the question of Ministerial responsibility, in connection with the disallowance of Provincial Acts, I have the honor of transmitting herewith a copy of a further order of my Privy Council, embodying a report of the Minister of Justice upon the subject.

I have, &c.,

(Signed) DUFFERIN.

The EARL OF CARNARVON,
&c., &c., &c.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 21st November, 1876.

The Committee of Council have had under consideration the despatch of the Right Hon. the Earl of Carnarvon, of 31st October, 1876, No. 318, referring to the memorandum of the Honorable the Minister of Justice, of 6th September, upon the subject of the disallowance of Provincial Acts.

The Honorable the Minister of Justice, to whom this despatch has been referred, reports as follows:

"Lord Carnarvon referring to the argument, that it is impossible for the Governor to act against the advice of his Ministers on his own unaided judgment, observes, that in the case suggested the Governor's judgment would not, in fact, have been unaided; that having had recourse to the advice of his Ministers and having fully heard them he would be thoroughly instructed as to the merits of the case, and would then be competent to judge of the course which it would be advisable for him to take; and that he would be acting *under* the advice of his Ministers notwithstanding that he might not feel himself able to act according to that advice.

"The undersigned ventures to suggest that it can hardly be assumed that the Governor is aided by his Ministers' advice in coming to a conclusion adverse to that advice; it seems to him that, in the case put, the Governor is acting rather *against* than *under* the advice of his Ministers; and that his judgment may, without impropriety, be called unaided, since his conclusion is based, not on his Minister's views, which he overrules, but on opposite views evolved by himself alone.

"The undersigned, who is very sensible of the kindness of Lord Carnarvon's language, has thought it due to His Lordship to make this statement of the sense in which the phrase was used.

"It still appears to him that, even apart from the constitutional question, the practical difficulty is insuperable; but his main position throughout has been that, under the letter and the spirit of the Constitution, Ministers must be responsible for the Governor's action—a position obviously untouched by the criticism to which he has referred.

"While the undersigned is unable to alter his conclusions, he does not think that he can usefully add to, or reiterate, his arguments; nor, indeed, does he understand Lord Carnarvon to intend a prolongation of the correspondence.

"He regrets that the discussion has not resulted in an agreement, but he ventures to hope that it has, at any rate, decreased the probability of future difficulty on a question of very grave importance."

The Committee recommend that a copy of this Minute, which embodies the Report of the Minister of Justice, in which they concur, be transmitted to Her Majesty's Secretary of State for the Colonies.

Certified.

(No. 6.)

The Earl of Carnarvon to the Governor General.

DOWNING STREET, 4th January, 1877.

MY LORD, —I have the honor to acknowledge the receipt of your despatch, No. 258, of the 21st of November, enclosing a copy of a further Order of the Privy Council of Canada, in reply to my despatch, No. 318, of 31st October, upon the question of Ministerial responsibility in connection with the disallowance of Provincial Acts.

I have, &c.,

(Signed) CARNARVON.

The Governor General,
&c., &c., &c.

(No. 90.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 7th March, 1877;—For Returns showing in detail the cost of the erection of the Lighthouse at the Harbour of Refuge at Rondeau, under contract awarded by tender; the tender received, and from whom; whether the lowest tender was accepted; the amount paid for extras in constructing breakwater on the lake side opposite the lighthouse, and whether such extras were done by tender publicly advertised for; also the name of the contractor for oil supplied to said Lighthouse, the cost per gallon supplied; together with loss involved by the fire which occurred last fall in said Lighthouse, and the correspondence relating thereto, whether from the Lighthouse keeper or the Government Inspector.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 15th March, 1877.

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

(No. 91.)

SUPPLEMENTARY RETURN

To an ORDER of the HOUSE OF COMMONS, dated 29th March, 1876;—For the correspondence between the Government and the Censitaires of the Seigniory Nicolas Rioux, in the County of Rimouski, in the matter of the tax which they pay to the Seigniors, instead of statute days' labor (*les journées de Corvée.*)

By Command.

R. W. SCOTT,
Secretary of State

DEPARTMENT OF SECRETARY OF STATE,
OTTAWA, 14th March, 1877.

(No. 92.)

R E T U R N

Under 31st Vic., cap. 73, sec. 6, shewing the average number of Dominion Police employed during each month of the year, ended 31st December, 1876; the cost of pay and travelling expenses expended in respect thereof.

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

(No. 93.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 12th March, 1877;—For copies of all instructions issued from the Inland Revenue Department to its Officers throughout the Dominion, both by letter and telegraph, as to what time the additional duty on malt was to take effect.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 15th March, 1877.

(No. 93.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 2nd April, 1877;—For a monthly Return of the malt taken out of bond each month, from 1st July, 1876, to 28th February, 1877.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 6th April, 1877.

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

(No. 94.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 12th March, 1877 ;--For copies of all correspondence between the Government and the Tobique Indians, or any person on their behalf, relating to the appointment of a resident agent at that place.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 15th March, 1877.

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

(No. 95.)

R E T U R N

To an ADDRESS of the HOUSE OF COMMONS, dated 19th February, 1877 ;—

For a clear and complete statement of the property and business (assets and liabilities) of a Company bearing the name of "Le Crédit Foncier du Bas Canada," incorporated under chapter 102 of the Statutes of Canada, 36 Vic. (1873), and, in particular :—

1. The amount of the subscribed capital.
2. The amount of this capital paid in.
3. The amount of Bonds in circulation.
4. The amount invested and secured by hypothecs.
5. The value of the real property hypothecated.
6. The amount of capital held as deposits from the time when the Company commenced business up to 1st January, 1877.

The said statement not to include the assets, debts, rights, actions privileges and hypothecs which the said "Crédit Foncier du Bas Canada" may have acquired from any Building Society or Societies, established under chapter 69 of the Consolidated Statutes of Lower Canada, or resulting from any union or amalgamation between the "Crédit Foncier du Bas Canada" and any Company or Companies established under the last cited Act.

A separate and distinct, clear and complete statement of the property and business (assets and liabilities) of any such Company or Companies so acquired and possessed by the said "Credit Foncier," to be made in like manner, in the form and manner first above mentioned, up to 1st January, 1877.

Further, copies of the various statements duly made and certified by the said "Credit Foncier du Bas Canada," since it commenced business up to 1st January last.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 19th March, 1877.

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

(No. 96.)

R E T U R N

To an ADDRESS of the HOUSE OF COMMONS, dated 7th March, 1877;—For copies of all papers or correspondence, if any, in regard to placing the Dominion of Canada in as favourable a position as any foreign country under the provisions of the Postal Union made at Berne on the 9th October, 1874.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 19th March, 1877.

(No. 96.)

S U P P L E M E N T A R Y R E T U R N

To an ADDRESS of the HOUSE OF COMMONS, dated 7th March, 1877;—For copies of all papers or correspondence, if any, in regard to placing the Dominion of Canada in as favourable a position as any Foreign Country under the provisions of the Postal Union made at Berne on the 9th October, 1874.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 28th April, 1877.

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

(No. 97.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 1st March, 1877 ;—For a Return showing all amounts carried over by Orders in Council at the end of the financial year, under the authority of chapter 2 of the Acts of last Session, with copies of the Orders in Council, and a statement of the amounts of such lapsed balances remaining unexpended at the end of three months from that date ; together with a statement of all amounts carried forward by Orders in Council, from 1st July, 1867, showing the sums actually expended in each case, and the Parliamentary authority sanctioning the same.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 14th March, 1877.

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

(No. 98.)

RETURN

To an ADDRESS of the SENATE dated 20th February, 1877 ;—1st. The number of passages made by the Steamship *Northern Light* between Georgetown in Prince Edward Island and Pictou or Pictou Island in Nova Scotia and, back.

2nd. The number of mails carried by the said Steamship.

3rd. The number of passengers carried by her on each passage.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 17th April, 1877.

(No. 98.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 1st March, 1877 ;—For a Return showing the total amount of cost of steamer *Northern Light* also an account of any and all expenditure in connection with the said steamer, down to the 31st January last.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 12th March, 1877.

(No. 98.)

R E T U R N

To an ORDER of the HOUSE OF COMMONS, dated 16th February, 1877;—For copies of contract with Mr. Sewell, for building the Steamer “Northern Light;” the Report of the Inspector and Government Agent, telegrams and all other documents connected with the building of said steamer. Also, correspondence between the Department at Ottawa and the Agent at Charlottetown, Prince Edward Island, and the number of trips made up to date.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 18th April, 1877.

(No. 99.)

R E T U R N

To an ADDRESS of the HOUSE OF COMMONS, dated 15th February, 1877;—For copies of all correspondence between the Government of Canada and Her Majesty's Government, in relation to legislation affecting Merchant Shipping; also, copies of all instructions given to Mr. Wm. Smith, Deputy of the Minister of Marine and Fisheries on his recent mission to England in connection with the above subject, together with all correspondence relating thereto had between the said Deputy and Her Majesty's Government, or any of the officials thereof; also, all correspondence had in relation to such mission, between the Minister of Marine and Fisheries and the said Deputy, with the report of the said Deputy in relation to such mission.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 19th March, 1877.

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

RETURN

To an Address of the HOUSE OF COMMONS, dated 7th March, 1877; For copies of all Correspondence between the Government of Canada, the Imperial Government, and any other Governments, or persons on the subject of the duty imposed on Canadian ships sold in France; also copies of such portions of recent Commercial Treaties between the United Kingdom and France, as permit the sale in France of ships registered in the United Kingdom on more favorable terms than ships registered in Canada.

By command.

(Signed)

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 19th March, 1877.

CONTENTS.

- No. 1.—Copy translation of letter, dated 22nd January, 1875 : Mr. N. Rosa, Quebec, to the Hon. Mr. Fournier, Minister of Justice, on the injustice of France taxing Dominion Vessels, sold in the French market, forty francs a ton, while vessels built in Britain are charged only two francs a ton.
- 2.—Copy Report to Council, dated 1st February, 1875, by the Minister of Marine on above subject.
- 3.—Copy of Report approved by a Committee in Council, dated 4th February 1875.
- 4.—Copy Despatch, dated 22nd May, 1875 : The Earl of Carnarvon to the Officer administering the Government of Canada, enclosing reply received from the Foreign Office that Her Majesty's Ambassador at Paris had been instructed to represent the matter to the French Government. (One enclosure.)
- 5.—Copy Despatch, dated 23rd June, 1875 : The Earl of Carnarvon to the Administrator transmitting copy of the note addressed by the British Ambassador at Paris, to the French Minister for Foreign Affairs, that Canadian vessels might be admitted to registry in France on the same terms as vessels imported into that country from Great Britain ; also transmitting copy of reply from the French Minister that French Government cannot assent to the Canadian Government's request.
- 6.—Copy Letter, dated 23rd October, 1875 : Mr. Rosa to the Premier, on the subject already brought under the attention of the Minister of Marine.
- 7.—Copy Letter, dated 2nd November, 1875 : The Deputy Minister of Marine to Mr. Rosa conveying decision of French Government.
- 8.—Copy Translation of Letter, dated 25th February, 1876 : Mr. Rosa to the Minister of Marine, asking if vessels built here could proceed to England for registry under Governor's pass.
- 9.—Copy Letter, dated 4th March, 1876 : The Deputy Minister of Marine to Mr. Rosa, that new vessels can proceed to England without being registered if they are built for some person in the United Kingdom.
- 10.—Copy Despatch, dated 15th August, 1876 : The Earl of Carnarvon to the Earl of Dufferin, transmitting copy of a further correspondence with the Foreign Office on the application of the Canadian Government that Canadian vessels might be admitted to registry in France on the same terms as vessels from the United Kingdom. (Two enclosures.)
- 11.—Copy Despatch, dated 9th November, 1876 : The Earl of Carnarvon to the Earl of Dufferin, transmitting extract from a note addressed to Her Majesty's Ambassador at Paris, containing the answer of the French Government to the further representations respecting the admission of Canadian vessels to registry in France. (One enclosure.)

(Translation.)

No. 1.

QUEBEC, 22nd January, 1875.

HONOURABLE SIR,—I hope to be excused if I take the liberty of writing you these few lines on a subject, which, if it could be brought about, would do much for our old Quebec.

After the war of 1871 in France, the Government imposed a tax of 40 francs (about \$7.69) per ton on our vessels, when before that it was only 2 francs (38½ cents.)

I had gone to that country about that time and petitioned, as a British subject, British vessels only paying 2 francs as before.

I was told that this country was a separate Dominion.

I have been building for the French market three, four and five vessels every year. It is now impossible for me to do so, notwithstanding my having received orders for four vessels. We cannot compete when burdened by such a heavy tax.

I would humbly suggest that negotiations be begun with the French Government respecting our vessels. It would be of great service to commerce, not only for Quebec but for all other shipbuilding ports.

I hope, sir, you will be kind enough to take this matter into consideration and communicate with your honourable colleagues.

I am, &c.,

(Signed) N. ROSA.

Hon. T. FOURNIER,
Minister of Justice, Ottawa.

No. 2.

OTTAWA, 1st February, 1875.

The undersigned has the honor to report to Council that his attention has lately been directed to the fact that Canadian vessels offered for sale in the French market are subjected to much higher rates of duty than vessels of the United Kingdom; the duty imposed on Canadian vessels being, as he understands, at the rate of forty francs per ton, while British vessels are subject to a tax of only two francs per ton.

The undersigned recommends that the subject be brought under the notice of Her Majesty's Government through the usual channel, with a view of ascertaining whether Canadian ships, which are also British ships, cannot be admitted to registry in France as French ships on the same terms as British ships.

The undersigned also recommends that the French Government should be informed that French ships can be admitted to registry in Canada as British ships free of any duty.

Respectfully submitted.

(Signed) A. J. SMITH,
Minister of Marine and Fisheries.

No. 3.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 4th February, 1875.

On a memorandum dated 1st February, 1875, from the Honorable the Minister of Marine and Fisheries, reporting that his attention has lately been directed to the fact that Canadian vessels offered for sale in the French market, are subjected to much higher rates of duty than vessels of the United Kingdom, the duty imposed on

Canadian vessels being, as he understands, at the rate of forty francs per ton, while British vessels are subject to a tax of only two francs per ton, and recommending that the subject be brought under the notice of H.M. Government, through the usual channel, with a view of ascertaining whether Canadian ships, which are also British ships, cannot be admitted to registry in France as French ships on the same terms as British ships.

The Minister also recommends that the French Government be informed that French ships can be admitted to register in Canada as British ships, free of duty.

The Committee concur in the foregoing recommendations of the Minister of Marine and Fisheries, and submit the same for your Excellency's approval.

Certified.

(Signed) W. A. HIMSWORTH.

To the Honorable
The Minister of Marine and Fisheries,
Ottawa.

—
No. 6.

The Earl of Carnarvon to the Administrator of the Government.

DOWNING STREET, 22nd May, 1875.

SIR,—I communicated to the Secretary of State for Foreign Affairs the Earl of Dufferin's despatch (No. 24), of the 8th of February, with the report of the Privy Council which accompanied it, relative to the higher rates of duty charged on Canadian vessels offered for sale in French ports than that which is levied upon vessels of the United Kingdom. I enclose, for your information and for that of your Government, a copy of the answer which has been received from the Foreign Office.

I have, &c.,

(Signed) CARNARVON.

To the Officer administering
The Government of Canada.

—
Foreign Office to the Colonial Office.

FOREIGN OFFICE, 18th May, 1875.

SIR,—I have laid before the Earl of Derby your letter, with the enclosures, of the 10th instant, relative to the higher rates of duty charged on Canadian vessels offered for sale in French ports than that which is levied upon vessels of the United Kingdom, and I am directed by His Lordship to request that you will acquaint the Earl of Carnarvon that Lord Derby will instruct Her Majesty's Ambassador at Paris to make a representation on this subject to the French Government, with the view of ascertaining whether Canadian ships, which are in fact English ships, cannot be admitted to registry in France as British ships, on the same terms as English vessels, pointing out at the same time that French vessels can be admitted to registry in Canada, as British vessels, free of duty.

I am, &c.,

(Signed) TENTERDEN.

The Under Secretary of State,
Colonial Office.

No. 7.

The Earl of Carnarvon to the Administrator.

(Canada—No. 150.)

DOWNING STREET, 23rd June, 1875.

SIR,—With reference to my despatch, No. 119, of the 22nd May, I transmit to you a copy of the note which the British Ambassador at Paris addressed to the French Minister for Foreign Affairs, recommending to the attention and favourable consideration of the French Government the application of the Canadian Government that Canadian vessels might be permitted to register in France on the same terms as vessels imported into that country from Great Britain.

I also enclose a copy of the reply which Lord Lyons has received, from which you will learn that the French Government cannot assent to the request made by the Government of the Dominion.

I have, &c.,

(Signed) CARNARVON.

The Officer administering
The Government of Canada.

Lord Lyons to the Duc Decazes.

PARIS, May 26th, 1875.

M. LE MINISTRE,—The Government of the Dominion of Canada have represented to Her Majesty's Government that Canadian vessels offered for sale in France are subjected to much higher rates of duty than vessels from Great Britain, and have expressed a desire that the French Government may be induced to admit such Canadian vessels to registry in France on the same terms as vessels imported into this country from the United Kingdom.

The Government of the Dominion have also pointed out that French ships can be registered as British ships in Canada free of duty.

In pursuance of instructions which I have received from Her Majesty's principal Secretary of State for Foreign Affairs, I have the honour to recommend this matter to the attention and favourable consideration of Your Excellency.

I have, &c.,

(Signed) LYONS.

DUC DECAZES.

(Translation.)

PARIS, 5th June, 1875.

MY LORD,—Your Excellency has done me the honor to favor me on the 26th ultimo with a request of the Government of the Dominion of Canada, having for its object to obtain, under the title of reciprocity, that vessels of Canadian construction might be admitted on the same terms as vessels imported from England.

This question has quite recently, in consequence of a direct complaint from some Canadian shipbuilders, been the object of a thorough examination on the part of my department and that of Agriculture and Commerce, and it has been recognized that the request addressed to us encountered objections that would not permit us to grant it.

The Minister of Agriculture and Commerce has observed that it did not depend on his administration to extend to Canadian (manufactures) productions the benefit of conventional taxes without the stipulations of the tariff inserted in the treaties; the Government cannot in fact authorize the Customs Department to apply anything

but the general tariff, which could not be modified except by a law; now the measure of which we speak would raise loud complaints on the part of the French ship-builders, and would have no chance to be adopted by the national Assembly at a moment when it is most particularly occupied with the means to protect the interests of the industry of the naval constructors.

I doubt not but Your Excellency will appreciate the validity of these considerations, which I beg you to be kind enough to bring to the knowledge of the Canadian Government,

Accept, etc.,

(Signed) DECAZES.

His Excellency Lord LYONS,
etc., etc.

— — —
No. 8.

QUEBEC, 23rd October, 1875.

HONORABLE SIR,—On the 9th March last I took the liberty to write to the Honorable Minister of Marine in regard to the duty of forty francs for ton of measurement on our vessels in the French markets. The hon. gentleman replied to me that he would occupy himself with the subject and that these duties ought to disappear, that our vessels should be put on the same footing as those of the mother country (England) which pays but two francs a ton. When, after the war in France, they imposed forty francs instead of two, I was at Marseilles, and wrote a petition asking that we should be left on the same footing as England, that we were English subjects, and I was answered that we were Dominion people.

It is to be regretted that such duties should exist on our vessels, for this paralyzes one of the finest branches of our industries. Before these duties, I, myself alone, built three or four vessels every year on order from French houses, and that since 1866. Since these imposts I have built but one, and if I built this it was due to my having sent to my friend the answer to my letter of 9th March that I had addressed to the Honourable Minister of Marine and Fisheries.

To-day I have two new orders but cannot execute them on account of those duties, and how many others would not come if they disappeared.

Consequently, honorable sir, from the high position you occupy, it is my opinion that if you have thus far done nothing to make the dues disappear, or at least so put us on an equal footing with the mother country, it has been because you were not informed of it, and that after receipt of the present you will do your best to obtain the abolition of these duties which press upon the fine industry of ship-building.

I have the honor, etc.,

(Signed) N. ROSA.

Honorable A. MACKENZIE,
Prime Minister, Dominion of Canada.

— — —
No. 9.

OTTAWA, 2nd November, 1875.

SIR.—Referring to your letter of the 23rd ultimo, addressed to the Hon. Mr Mackenzie, and transferred to this department, in further reference to the imposition of duties by the French Government on Canadian vessels intended for the French market, I beg to inform you that Her Majesty's Government brought the application of the Canadian Government—that Canadian vessels might be admitted to registry

in France on the same terms as vessels imported from Great Britain—under the consideration of the French Government, but were informed that grave objections existed towards making such a concession, that Canadian productions could not receive the benefit of the treaty regulations, and that they must be classed under the general tariff, which could not be modified except by law, and that to extend by statute to Canadian vessels the privilege desired, would call forth loud complaints on the part of French shipbuilders, and that there would be no probability of the National Assembly passing such a measure, more especially as at the present time they are considering the best means to protect the interests of their own shipbuilders

I am, Sir,

Your obedient servant,

(Signed) WM. SMITH,
Deputy Minister of Marine, &c.

N. ROSA, Esq.,
Shipbuilder, Quebec. }

No. 10.

(Translation.)

QUEBEC, 25th February, 1876.

HON. SIR,—I humbly beg pardon if I once more pray you to kindly endeavour to get the duties reduced that are now put on our vessels in France. These duties, as you know, are of forty francs a ton registered, whilst they are but two francs on vessels from the mother country.

I have received, even last week, three orders, which makes five within a month, but they all tell me that if for changing the flag the expense exceeded the sum of two francs, I should be obliged to pay the difference. You perceive that it is impossible to build under similar conditions.

For this reason, I pray you kindly to interest yourself in this matter; it would bring much benefit to Canada.

If, in spite of (just) cause, you cannot succeed in having these duties diminished, please to inform me if we can do what we used to do formerly, viz.: take a pass (as it was called) from the Governor in Council, in order to take the registry of the vessel in England, in the name of the person or persons who had bought or were to buy.

In such case, an order from France might be executed here, and we should have the vessel registered in England in the name of a friend; this would save us the sum of forty francs per ton, for the vessel would be registered as English and not as Canadian, as the French Government call our ships.

I dare hope you will be good enough to send an answer to this last suggestion.

I have, etc ,

(Signed) N. ROSA.

Hon. Minister
of Marine and Fisheries,
Ottawa.

No. 11.

OTTAWA, 4th March, 1876.

SIR,—I have to acknowledge receipt of your letter of the 25th ultimo, in further reference to the imposition of duty on Canadian vessels by the French Government, and in reply beg to refer you to my letter of the 2nd November last, informing you

of the reasons why the Government of France could not admit Canadian vessels to register in France on the same terms as vessels imported from Great Britain.

With reference to your enquiry as to whether new vessels could proceed to England for registry under a Governor's pass, I have to inform you that a new vessel can proceed to England without being registered if she is built for some person in the United Kingdom.

I am, Sir,

Your most obedient servant,

(Signed) Wm. SMITH,
Deputy Minister of Marine, &c.

N. ROSA, Esq.,
Shipbuilder, Quebec.

No. 12.

The Earl of Carnarvon to the Earl of Dufferin.

DOWNING STREET, 15th August, 1876.

MY LORD,—With reference to my despatch, No. 150, of the 23rd June, 1875, respecting the application of your Government that Canadian vessels might be admitted to registry in France on the same terms as vessels from the United Kingdom, I have the honor to transmit, for your information and for that of your Government, copies of a further correspondence of the subject which has passed with the Foreign Office.

I have, &c.,

(Signed) CARNARVON.

Governor General the Right Honorable
The Earl of DUFFERIN, K. P., G.C.M.G., K.C.B.,
&c., &c., &c.

The Colonial Office to the Foreign Office.

DOWNING STREET, 29th July, 1876.

SIR,—I am directed by the Earl of Carnarvon to request that you will state to the Earl of Derby that His Lordship's attention has again been called to the fact that Canadian vessels offered for sale in France are subjected to a higher rate of duty than vessels belonging to the United Kingdom.

Having regard to the fact that Canadian vessels are British vessels, and are subject to the same laws and restrictions as vessels of this country, Lord Carnarvon cannot but think that the restriction upon their sale in France ought to be removed, and he would be glad to be informed whether in Lord Derby's opinion there is any prospect of inducing the French Government to reconsider the decision arrived at in the matter last year.

The recent debates in Parliament on the Merchant Shipping Bill have brought prominently the fact that Canadian vessels are absolutely and entirely British vessels, and there would seem to be no justification for subjecting them to a higher tax on transfer in France than is imposed on other British ships.

I am, &c.,

(Signed) W. R. MALCOLM,

The Under Secretary of State,
Foreign Office.

The Foreign Office to the Colonial Office.

FOREIGN OFFICE, 5th August, 1876.

SIR,—I have laid before the Earl of Derby your letter of the 29th ultimo respecting the differential treatment to which Canadian vessels are subjected in French ports, and I am now directed by His Lordship to state to you, for the information of the Earl of Carnarvon, that he will forward a copy of the same to Her Majesty's Ambassador at Paris, with instructions to take an early opportunity of bringing this question once more before the French Government, with a view of inducing them to reconsider their decision not to place Canadian vessels on the same footing as those of Great Britain.

I am, &c.,

(Signed) JULIAN PAUNCEFOTE.

The Under Secretary of State,
Colonial Office.

—
No. 13.

The Earl of Carnarvon to the Earl of Dufferin.

DOWNING STREET, 9th November, 1876.

MY LORD.—With reference to my despatch (No. 221) of the 15th August, respecting the admission of Canadian vessels to registry in France on the same terms as vessels from the United Kingdom, I have the honor to transmit to you for your information and for that of your Government, an extract from a note addressed to Her Majesty's Ambassador at Paris by the Duc Decazes, containing the answer of the French Government to the further representations made to them upon this subject.

I have, &c ,

(Signed) CARNARVON.

Governor General
The Right Honorable
The Earl of DUFFERIN, K.P., G.C.M.G., K.C.B

(Translation)

EXTRACT from a note from the Duc Decazes to Lord Lyons, dated Paris, 19th August, 1876 :

“MONSIEUR L'AMBASSADEUR,—I have received the letter which Your Excellency did me the honor of writing to me on the 8th of this month, with regard to the duties imposed upon sea-going ships of Canadian build.

It would seem, from the tenor of this new communication, that Her Majesty's Government has not seized exactly the motives which do not permit us to authorize the granting of French registers to the above mentioned ships, on their paying the same dues as those applicable to ships built in England. Your Excellency calls our attention truly to the fact that Canadian vessels, being absolutely and entirely British ships, the Queen's Government sees no reason to burden them, as they are on being imported into France, with heavier dues than those imposed upon other English ships.

I beg Your Excellency to remember that we have never contested the English nationality of Canadian ships, any more than those of ships belonging to other British colonies.

That is not the question; it lies simply in this: Is the conventional Tariff which protects English produce imported from Great Britain into France equally applicable to English Colonies? Now, a doubt has never even arisen with regard to this question; it has always been well understood that the Treaties of 1860, and that of the 23rd of July, 1873, which revived them, only stipulated for the Kingdom of Great Britain and Ireland, to the exclusion of English Colonies.

The conventional tariff being, therefore, only applicable to the United Kingdom, the Government of Her Britannic Majesty will therefore recognize, as already stated in my letter of the 5th June last, that the French Administration could not extend its working and benefits to Canadian produce, without being so authorized by a law, which, in the present circumstances, as I have already stated, would have no chance of being adopted by the legislative power.

(No. 101.)

RETURN

To an ADDRESS of the HOUSE OF COMMONS, dated 2nd March, 1876 ;--For a Statement showing what steps have been taken by the Government touching the opening up of steam communication in the winter season between Prince Edward Island and the mainland, in accordance with the terms of union between Prince Edward Island and the Dominion of Canada ; also, all correspondence, copies of contracts with different parties, with the view of effecting the same.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 28th February, 1877.

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

(No. 102.)

REPORT

OF THE

CANADIAN COMMISSION

AT THE

INTERNATIONAL EXHIBITION,

AT PHILADELPHIA, 1876.

[*In accordance with the recommendation of the Joint Committee on Printing the above Report is not re-printed in Sessional Papers.*]

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 19th February, 1877; For a Return setting forth, as nearly as the Officers of the Government can do so, the amount of the Revenue paid by each Province of the Dominion, and the expenditures made therein on Dominion account during the past five years, viz: 1872, 1873, 1874, 1875 and 1876 respectively; the Return to show further, the contributions and receipts, per capita in each Province, to and from the Public Exchequer.

By Command,

(Signed)

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 14th March, 1877.

OTTAWA, March 7th, 1877.

SIR,—I have the honour to enclose a return of the receipts and expenditure of Consolidated Fund since Confederation, classified according to Provinces. There are two addresses upon this subject—one of last session asks for the amount for Nova Scotia and New Brunswick annually since Confederation, and for British Columbia and Manitoba since they joined this Dominion. The one of this session asks for the distribution amongst all the Provinces, year by year, since 1872. The required information is given approximately by the two returns which I now enclose.

The first is a copy of a return which I made to an address in 1874; it was presented by the Minister of Finance, and laid upon the table in the House, but no record of it can be found. I have, however, my own rough draft of which I now send a copy together with the report which accompanied it. The address to which it was a return did not ask for the statement to be made year by year, but for the whole six years since Confederation. This return, therefore, does not strictly comply with the requirements of either of the two present addresses which ask for the returns from year to year. I have not preserved my rough notes as to the annual details which were blocked together for the six years; but if the House thinks the returns insufficient, the annual distribution can be made. The second return gives the distributions for the years 1874, 1875 and 1876 separately.

As to the proportion of the receipts and expenditure, per head, of the population, in the first return I took the population by the census of 1871, which was just the middle of the term over which the distribution extended. Upon the same principle I have taken the average receipts and expenditure of the three last years, and I have made the calculation, per head, upon the population, as it would have stood January 1st, 1875, which is the middle of the second term, upon the assumption that from January, 1871, to January, 1875, the population had increased at the same annual rate at which it increased from 1861 to 1871. This, of course, only applies to the Provinces for which we have census returns. I have estimated the population of Manitoba at that date at 25,000, and of British Columbia at 50,000.

Such a large portion of the receipts and expenditure cannot be distributed between Ontario and Quebec, and between Nova Scotia and New Brunswick, and so much of the expenditure especially can only be dealt with as in joint accounts of the whole Dominion, that I have thought it advisable to show separately the rate, per head, of which are clearly the receipts and expenditure of each Province, adding to it what is in joint account.

Your obedient servant,
(Signed) JOHN LANGTON,
Auditor.

The Hon. R. W. Scott,
Secretary of State.

RATES, PER HEAD, OF THE POPULATION.

Receipts.

Ontario	4.52	6.94	7.20
Ontario and Quebec.....	2.42		
Quebec	2.18	4.60	4.86
Nova Scotia.....	4.13	5.37	5.63
Nova Scotia and New Branswick ...	4.24		
New Brunswick.....	5.30	6.54	6.80
Manitoba		7.17	7.43
British Columbia.....		9.17	10.43
Prince Edward Island		3.78	4.04

Expenditure.

Ontario.....	1.53	3.56	5.39
Ontario and Quebec.....	2.03		
Quebec	1.52	3.55	5.38
Nova Scotia.....	4.30	6.51	8.24
Nova Scotia and New Brunswick...	2.21		
New Brunswick.....	5.06	7.27	9.10
Manitoba		8.92	10.75
British Columbia.....		12.30	14.13
Prince Edward Island.....		6.15	7.98
If Ontario and Quebec are taken together			
Receipts.....	6.23		
Expenditure.....	5.38		

In obedience to the Address of the House of Commons of May 19th, I have prepared a statement of the receipts and expenditure of Consolidated Fund during the six years since Confederation, classified under the several Provinces; but in doing so, I feel bound to submit that no safe conclusion can be based upon the results therein given. As between Ontario and Quebec conjointly, compared with the other Provinces, the statement can, I think, be relied upon as approximately correct, although even in this case difficult questions arise as to how particular services are to be treated, upon which there will be differences of opinion; but as between Ontario and Quebec, I hold that it is impossible to make any distribution which can be at all depended upon. I feel quite certain that no two people, working independently, would make the same distribution; and so doubtful are some of the points, that I even question whether the same person, after an interval of a few months, if he had not access to his old notes, would arrive at the same result as before. Taking only two items, the most important ones on the two sides of the account, the charges arising from Public Debt and the receipts from Customs, there are no data upon which to found the distribution. No decision has yet been come to as to how the debt is to be divided between Ontario

and Quebec, and although it is known that a large part of the duties collected a Montreal are in effect paid by Ontario, there are no data in existence by which the proportion can be even approximately ascertained. The same remark, to a minor extent, applies to the revenue from Excise. The principal Public Works are for the use of both Provinces, and the Post Office Department has as yet always kept its revenue and expenditure in Ontario and Quebec as a whole, as has also been done by the Department of Inland Revenue with regard to stamps. But these revenues from 80 per cent. of all the receipts, and the public debt and the collection of the above revenues from 50 per cent. of the expenditure of Ontario and Quebec. The revenues indeed, and their collection, may, for the most part, be divided between the Provinces in which the receipts and payments occurred, but, for the reasons stated, such a division leads to no useful conclusion. Then there are other important items on both sides, which can only be treated as on joint account, and be divided amongst the Provinces according to population; as amongst the receipts, interest on investments, and premium and discount, and in the expenditure, Civil Government, Legislation, the census and a large part of Militia and Public Works. If these are excluded, there remain only a few insignificant items in the receipts, and a somewhat larger portion of the expenditure about which there can be no doubt; almost the only important items amongst the latter being Administration of Justice and the Subsidies. I submit the statement therefore with great doubt as to any useful conclusions being based upon it, and I append an explanation of the principles upon which I have made the distribution.

The most important item in the expenditure is the Public Debt. It would not have done to take each year the outstanding securities of each Province, as they are being redeemed or converted into other securities. I have therefore taken 5 per cent. upon the net debt with which each Province was authorized to enter the Union. If the actual net debt exceeded this, the interest on the excess was deducted from the Subsidy, or if it fell short of it, the interest was added to the Subsidy. Taking, therefore, the charges on the Debt and the Subsidies together, I have charged to joint account the balance not charged against the individual Provinces. The Province of New Brunswick forms an exception to this rule, as by the British North America Act it was not to receive as an addition to its Subsidy, the interest on the amount by which its actual debt fell short of that authorized, and as a matter of fact, pending certain unsettled claims, it has not had deducted from its Subsidy the interest on the amount by which its actual debt in the latter years exceeded that authorized. In this case, therefore, I have charged it each year with interest on the actual debt as it stood at the beginning of the year. This method is at any rate not unjust to the Maritime Provinces, as they are only charged 5 per cent. on the debt, whereas, the debt which the Dominion took over, bore a higher rate of interest than that of Ontario and Quebec. A further advantage arises from this method of dealing with this subject: that it disposes of the question of how interest on investments is to be dealt with. As these were taken into account in ascertaining the net debt, the interest accruing from them belongs to the joint account, and the undivided Provinces are only credited with the interest on such investments as were not taken into account in determining the net debt.

Of the remaining items of expenditure, the only ones which seem to require any explanation are the following:—

Emigration.—As between Ontario and Quebec. I have only charged against each the sums specially granted last year; all other expenses of emigration and quarantine I have charged against Ontario and Quebec conjointly, and the European agencies in all the years on joint account of all the Provinces.

Pensions.—As between Ontario and Quebec. I have only charged against each the pensions since Confederation, leaving the old ones against Ontario and Quebec conjointly, and those arising out of the Fenian invasion since Confederation, and the Superannuation allowances I have charged on joint account.

Militia.—I have divided the expenditure as far as possible amongst the Provinces,

but all stores, and expenses arising out of the protection of the frontier, I have charged on joint account.

Public Works.—It is impossible to divide the revenue received from canals between Ontario and Quebec. Not only would it be absurd to look upon the tolls on the Cornwall Canal as payable to Ontario and those on the Beauharnois Canal to Quebec; but in practice, the tolls are payable anywhere. The collections at Montreal include tolls accrued on the Welland Canal, as well as those on the Lachine Canal; and those at Port Dalhousie include the tolls on the St. Lawrence Canals. Even the Chambly Canal, which might more properly be considered a local work, must be similarly treated, as the tolls on lumber sent through it may be paid at Ottawa. It is true that there must be traffic on the Chambly Canal, in which Ontario has no interest and many vessels pass the Welland Canal which do not take advantage of the St. Lawrence Canals, but there is no means of distinguishing such traffic. If then the revenues from these works must be treated as belonging to Ontario and Quebec, conjointly, the expenditure both for maintenance and construction must be similarly dealt with, and of the revenue-yielding works there remain only the Burlington Bay and Rideau Canals and the Newcastle District Works to be taken on account of Ontario, and the St. Maurice and Sagueny Slides on account of Quebec. Other Public Works I have charged to the Province in which they are situated, except the expenditure on the Public Buildings, Ottawa, which, like Civil Government and Legislation, I have treated as on joint account.

Lighthouses and Coast Service.—For the same reason I have charged all the lighthouses in the late Province of Canada to Ontario and Quebec conjointly.

Ocean and River Steam Service.—I have charged the subsidy to the Allan Line and tug service on the St. Lawrence to Ontario and Quebec conjointly, and that to the Inman Line and the steamers plying between the Maritime Provinces to Nova Scotia and New Brunswick, conjointly, and all the rest to joint account.

Miscellaneous.—There is little under this head that can be divided except the grants to Indians, and here I have drawn a distinction between British Columbia and Manitoba. In the former case I have charged the grants to Indians to the Province, and the much larger amount in the latter case to joint account—not only because a great part of that grant was not to the Indians of Manitoba but of the North-West generally, but also because the lands there, of which these grants of land may be considered the purchase money, belong to the Dominion.

North-West.—Under this head, I have included the cost of the expeditionary force, transport service and most of the expenses for organizing and taking possession of the new territory, and I have charged them to joint account.

The only item amongst the receipts, respecting which further explanation seems necessary, is that of Customs. It is quite clear that the whole of the revenue at the port of Montreal, more than half of the whole revenue of the late Province of Canada, cannot be credited to Quebec alone. In the absence of any other means of distributing it, I have credited it to Ontario and Quebec conjointly, to be divided according to population. There is no doubt that there ought to be some rectification of a similar kind between Nova Scotia and New Brunswick, as a considerable portion of the revenue of the port of St. John arises from articles consumed in Nova Scotia, but I have no means of estimating the amount. It must, however, be borne in mind that, as between those two Provinces, the receipts of Nova Scotia ought to be to some extent increased from this cause, and its expenditure somewhat decreased on account of lighthouse service charged against it, but from much of which New Brunswick derives an almost equal benefit.

It remains only for me to state that in distributing the amounts on joint account, I have done so according to the population by the census of 1871, which occurred just in the middle of the period in question. In the case of Manitoba and British Columbia, I have no data for the actual population, and I have taken it at the amount estimated for subsidy; and as this, in the latter case at least, is no doubt much above the actual population, British Columbia will be to some extent overcharged.

Besides the receipts and expenditure of Consolidated Fund, I have given the

expenditure during the six years upon Public Works chargeable to Capital, other than these charged against the debts of the Province, and the cost of the purchase and organization of the North-West, charged to Capital.

I may mention that during the six years, there have been several entries in the Consolidated Fund Statement (No. 2 of the Public Accounts) rectifying the charges on the Consolidated Fund as previously published, and notably a large amount of expenditures on Public Works charged to Capital in 1870, but afterwards transferred to Consolidated Fund, but I have taken no notice of these changes in this Statement, taking the figures as they stand in the Public Accounts as annually published.

From the whole statement the following results may be given, taking Ontario and Quebec together :—

CONSOLIDATED FUND:		Receipts.	Expenditure.	Receipts.	
Ontario and Quebec	83,497,186.53	70,212,961.79	13,284,224.74		
Nova Scotia.....	10,528,261.33	12,893,564.95	.....	2,365,303.62	
New Brunswick....	9,542,788.51	9,625,932.14	.....	83,143.63	
Manitoba.....	121,122.18	346,761.21	.....	225,639.03	
British Columbia..	753,814.05	1,177,665.01	.....	423,850.96	
	<u>104,443,172.60</u>	<u>94,252,885.10</u>	<u>13,284,224.74</u>	<u>3,097,937.24</u>	
Total excess of receipts.....				10,186,287.50	

On taking Consolidated Fund and Capital together :

			Expenditure in excess.
Ontario and Quebec.....	83,531,940.73	85,897,160.46	2,365,219.73
Nova Scotia.....	10,539,563.26	15,694,912.75	5,155,349.49
New Brunswick.....	9,560,474.09	11,373,932.21	1,813,458.12
Manitoba.....	121,122.18	401,810.31	280,688.13
British Columbia.....	753,814.05	1,371,956.26	618,142.21
	<u>104,506,914.31</u>	<u>114,739,771.99</u>	<u>10,232,857.68</u>

The average annual receipts and expenditures of Consolidated Fund, per head, are:—

	Receipts.	Expenditure.
Ontario and Quebec	\$4.96	\$4.16
Nova Scotia.....	4.52	5.54
New Brunswick.....	5.67	5.62
Manitoba	2.38	6.80
British Columbia.....	6.28	9.81
Dominion	4.95	4.46

As between Ontario and Quebec, according to my statement, the receipts and expenditure of Consolidated Fund, would be:—

	Receipts.	Expenditure.	Receipts.	
Ontario.....	55,251,758.43	40,095,756.19	15,155,002.24	
Quebec	28,245,428.10	30,117,205.60	.....	1,871,777.50
Together	<u>83,497,186.53</u>	<u>70,212,961.79</u>	<u>13,282,224.74</u>	
Average, per head :—				
" " " " " "	Ontario.....	\$5.68	\$4.12	
" " " " " "	Quebec.....	3.95	4.21	

Or including Capital expenditure :—

Ontario.....	55,279,883.43	49,137,842.95	6,142,040.48
Quebec.....	28,252,057.30	36,759,317.51	..... 8,507,260.21
Together.	<u>83,531,940.73</u>	<u>85,897,160.46</u>	<u>2,365,219.73</u>

But if I had taken the receipts and expenditure simply according to the Pro-

ince in which they occurred, the proportion would have been reversed, and the account of Consolidated Fund would have stood :—

Ontario.....	39,916,588.26	39,370,793.48	525,794.78
Quebec.....	43,580,598.27	30,822,168.31	12,758,429.96
Together.....	83,497,186.53	70,212,961.79	13,284,224.74
Or including Capital Expenditure :—			
Ontario.....	39,944,713.26	48,503,560.50	8,558,847.24
Quebec.....	43,587,227.47	37,393,599.96	6,193,627.51
Together	83,531,940.73	85,897,160.44	2,365,219.73
February, 1874.		(Signed)	JOHN SIMPSON, Auditor.

CUSTOM HOUSE,
MONTREAL, 9th August, 1876.

SIR,—I have the honour to enclose a copy of statement of an approximate value of goods entered at the Port of Montreal for duty, and the percentage of such goods sold in Ontario, with the amount of dutiable value.

The values given as entered at the Customs, were obtained in most cases from the bonds; in some instances, however, these could not be got correctly, and were supplied by the merchants themselves.

With regard to the percentage, the dry goods, hardware and crockery merchants supplied it, after considerable trouble from their books, and may be relied on as fairly accurate.

As to groceries, I cannot speak so confidently, as a very large amount of that business is done through brokers, who sell to houses who do not import, but are still large distributors in Ontario. The grocery figures I obtained from the best sources, but they would require to be used with care. I think, however, there can be little doubt that between forty and fifty per cent. of groceries paying duty at this port are sent to Ontario.

(Signed) JOHN GORDON.

J. JOHNSON, Esq.,
Commissioner of Customs, Ottawa.

STATEMENT showing the Value of Goods Imported by the Principal Merchants at the Port of Montreal, during the Year ended 31st December, 1875, and the Approximate Value and Percentage of such Goods sold to Parties residing in Ontario, in each line of business; and on the Totals, the Values in all cases being same as that upon which Duties were Assessed.

Nature of Business.	Value of Imports, being Amount Entered at Customs.	Percentage of Goods sold in Ontario.	Amount of Goods Sold in Ontario at Dutiable Value	Duty Collected on Goods Sold to Ontario.
Dry goods.....	\$ 11,200,000	About 51	\$ 5,720,167	\$ 993,821
China, earthen and glassware	287,000	do 69	198,536	34,743
Iron and hardware	3,070,201	do 62½	1,913,759	205,767
Groceries and liquor	4,823,376	do 43½	2,090,160	830,336
Total of foregoing detail	19,380,577		9,922,622	2,064,667
All other lines at average of above	4,928,090		2,513,325	287,524
Grand total paying duty, 1875.....	24,308,667	do 51½	12,435,947	2,352,191

STATEMENT of Customs Duties Collected in the Provinces of Ontario and Quebec during each Year, from 1868 to 1876, inclusive.

Year.	Duty Collected for Trade and Navigation Returns.		Amount of Duties in	
	Ontario.	Quebec.	Ontario	Quebec
			plus 50 per cent. of the Duties Collected at Montreal.	minus 50 per cent. of the Duties Collected at Montreal.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.
1868	6,800,235 30			
1869	2,090,982 13	4,232,236 79	3,895,109 49	2,428,109 43
1870	2,421,710 80	4,860,859 31	4,485,858 24	2,796,711 87
1871	3,335,662 49	5,951,847 26	5,905,829 49	3,381,680 26
1872	3,867,287 38	6,176,328 99	6,546,637 94	3,496,978 43
1873	4,298,169 32	5,878,003 36	6,803,746 74	3,372,425 94
1874	4,371,624 78	6,617,493 86	7,188,477 72	3,800,640 92
1875	4,811,489 21	6,776,346 25	7,742,512 73	3,845,322 73
1876	4,403,632 13	5,108,827 22	6,549,660 68	2,962,798 67

OTTAWA, 14th March, 1877.

SIR,—Since I sent in to you my returns to the Address of the House for a distribution of the receipts and expenditure amongst the several Provinces, I have received from the Customs Department a statement, a copy of which I enclose, from which it is estimated that the Customs revenue received at Montreal, arises very nearly in equal proportions from goods consumed in Ontario and Quebec. If I had divided the Customs revenue at Montreal in my return equally between the two Provinces, instead of according to population, it would have made the following difference in the results of the total revenue:—

1867-73—Ontario,	\$53,184,140 96,	instead of	\$55,251,758 43
Quebec,	30,313,039 59	do	28,245,423 10
1873-74—Ontario,	12,194,201 97	do	12,670,225 00
Quebec,	6,772,342 27	do	6,296,319 24
1874-75—Ontario,	12,323,668 30	do	12,819,756 26
Quebec,	6,654,812 34	do	6,158,714 38
1875-76—Ontario,	11,382,193 30	do	11,745,420 92
Quebec,	5,794,050 86	do	5,430,823 34

And the rate, per head, of the population would have been—

1867 to 1873—Ontario,	\$5 47,	instead of	\$5 68
Quebec,	4 40	do	3 95
1874 to 1876—Ontario,	6 95	do	7 20
Quebec,	5 23	do	4 86

Your obedient servant,

(Signed)

JOHN SIMPSON,

Auditor.

R. W. SCOTT.

REVENUES, 1867 TO 1873.

	Ontario.	Quebec.	Ontario and Quebec.	Nova Scotia.	New Brunswick.	Nova Scotia and New Brunswick.	Manitoba.	British Columbia.	Joint.	Total.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Customs	18,005,537 79	4,367,353 55	27,086,448 94	7,025,096 85	6,515,478 27	7,025,096 85	111,068 19	657,749 89	17,006 37	63,768,723 48
Excise	14,322,009 42	6,843,924 53	3,025,712 93	764,612 28	869,783 56	764,612 28	17,181 07	22,824,517 23	265,154 80	22,824,517 23
Post Office	224,928 55	75,757 23	2,931,239 95	287,305 00	180,388 88	287,305 00	14,704 03	3,773,235 64	29,406 36	6,559,710 88
Public Works	850,220 28	.....	842,600 93	1,456,096 35	1,099,780 98	1,456,096 35	39,043 20	6,559,710 88	.....	960,371 57
Stamps	.....	.....	.....	54,573 39	55,205 46	54,573 39	372 44	.....	.....	2,821,283 03
Interest on Investments	.....	.....	.....	.....	.....	.....	.....	.....	.....	341,064 67
Ordinance Lands	.....	.....	.....	.....	.....	.....	.....	.....	.....	133,223 38
Casual	251 00	17,186 67	341,064 67	2,827 15	3 00	2,827 15	.....	.....	.....	791,711 04
Premiums	.....	.....	.....	.....	.....	.....	.....	.....	.....	95,802 34
Banks	48,537 89	12,830 01	.....	11,126 68	23,307 76	11,126 68	.....	.....	.....	206,697 16
Fines, &c.	87,659 84	73,287 23	736 22	26,151 72	18,338 29	26,151 72	42 05	88 00	393 81	132,940 61
River Police	.....	132,940 61	.....	.....	.....	.....	.....	.....	.....	200,150 68
Marine Hospitals	.....	112,318 10	.....	.....	.....	.....	.....	.....	.....	170,812 43
Emigration	.....	168,404 54	.....	39,758 39	47,571 71	39,758 39	.....	.....	.....	66,803 49
Steamboats, &c.	30,989 08	26,563 50	.....	2,148 39	259 50	2,148 39	.....	.....	.....	82,968 68
Fisheries	27,068 76	30,510 65	.....	19,306 84	5,126 38	19,306 84	151 00	236 19	.....	416,550 09
Customs	.....	.....	.....	.....	.....	.....	.....	.....	.....	119,642 39
Callers	.....	.....	.....	.....	.....	.....	.....	.....	.....	170,812 43
Militia	.....	.....	.....	1,388 76	8,897 45	1,388 76	.....	.....	.....	64,855 90
Penitentiaries	.....	.....	.....	13,345 43	94,761 81	13,345 43	.....	.....	.....	157,441 69
Sundry	.....	.....	.....	23,699 01	29,126 27	23,699 01	.....	.....	.....	58,670 44
Superannuation	1,230 60	9,991 74	.....	.....	.....	.....	.....	.....	.....	26,239 45
Transport, N. W.	.....	.....	.....	.....	.....	.....	.....	.....	.....	732,018 05
Lands, N. W.	.....	.....	.....	.....	.....	.....	.....	.....	.....	65,104,443 172 60
Seigniorial Indemnity	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total	32,748,212 93	11,702,673 82	36,192,595 93	9,729,647 63	8,954,651 65	9,729,647 63	111,623 68	732,018 05	3,568,290 65	104,443,172 60
Ontario, Quebec, Nova Scotia and New Brunswick	20,858,870 50	15,333,725 43	.....	405,113 50	298,344 76	405,113 50	.....	.....	.....	.....
Joint	53,607,063 43	27,036,399 25	.....	10,134,761 13	9,252,996 41	10,134,761 13	9,498 50	21,796 00	.....	.....
	1,644,676 00	1,209,028 85	.....	393,500 20	289,792 10	393,500 20	.....	.....	.....	.....
	55,251,768 43	28,245,428 10	.....	10,528,261 33	9,542,788 51	10,528,261 33	121,122 18	753,814 05	.....	.....

PAYMENTS CONSOLIDATED FUND, 1867 TO 1873.

	Ontario.		Quebec.		Ontario and Quebec.		Nova Scotia.		New Brunswick.		Nova Scotia and New Brunswick.		Manitoba.		British Columbia.		Joint.		Total.	
	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.
Charges on Debt.....																				
Subsidies.....	7,181,236	80	5,755,516	80	18,750,000	00	2,756,026	80	2,138,454	42	70,813	50	168,620	00	9,038,516	29	50,835,714	81		
Civil Government.....	48,999	78	49,000	00	.....		2,539,939	80	1,941,790	40	130,800	00	366,000	00	3,602,701	44	3,830,797	91		
Justice.....	909,195	78	626,269	50	.....		45,220	75	45,977	08	22,807	69	16,091	24	22,923	34	1,970,932	48		
Police.....	.....		155,711	15	.....		151,931	83	177,922	55	15,542	09	67,197	39	115,923	93	271,634	68		
Penitentiaries.....	.....		.....		1,068,312	02	81,264	62	187,000	51	.....		.....		49,575	83	1,886,152	98		
Legislation.....	.....		.....		.....		.....		.....		.....		.....		.....		2,749,834	06		
Scientific Institutions.....	.....		.....		.....		.....		3,944	91	.....		.....		.....		217,278	07		
Arts, Agriculture and Statistics.....	.....		18,400	00	.....		.....		.....		.....		.....		.....		.....
Emigration.....	25,000	00	4,590	00	.....		32,688	34	39,036	67	.....		5,000	00	439,500	88	476,779	22		
Marine Hospital.....	2,000	00	130,586	83	322,711	51	39,656	60	41,448	44	.....		3,434	81	214,864	57	603,604	16		
Pensions.....	15,660	52	15,536	86	200,233	67	32,538	57	44,659	88	.....		.....		2,170	49	229,865	64		
Militia.....	1,892,234	98	1,325,875	65	41,185	29	396,708	66	305,898	47	.....		2,501	50	17,969	05	147,449	67		
Public Works.....	651,451	45	911,252	17	298,262	59	232,941	82	295,077	78	198,676	08	10,274	15	3,043,220	78	7,008,154	00		
Ocean and River.....	.....		.....		1,325,500	00	.....		.....		.....		.....		24,556	31	3,546,973	81		
Light-houses.....	.....		.....		981,415	93	497,442	57	193,253	05	319,291	62	.....		1,155	83	472,413	82		
Fisheries.....	44,632	55	48,630	91	408,136	24	39,118	68	38,053	93	.....		.....		28,378	12	55,596	96		
Gullers.....	13,133	66	14,783	51	6,733	32	.....		.....		.....		.....		.....		243,481	29		
Steamboat Inspection.....	500	00	9,892	50	22,000	00	13,960	00	13,200	00	6,000	00	.....		.....		18,540	39		
Miscellaneous.....	995,618	62	517,204	75	553,993	23	544,972	75	402,646	34	.....		.....		21,876	49	622,267	80		
Customs.....	440,920	70	151,957	45	15,910	93	44,395	44	37,821	17	.....		18,157	29	41,542	56	1,800	00		
Excise.....	331,087	48	121,971	78	1,685,804	80	1,430,999	48	828,854	46	101,892	60	.....		1,285	77	57,731	55		
Public Works.....	.....		.....		3,796,891	41	571,699	21	428,575	91	.....		.....		67,859	44	5,463,470	04		
Post Office.....	41,803	34	51,391	07	18,706	62	20,340	35	14,459	53	.....		.....		96,768	04	21,702	27		
Minor Revenues.....	.....		.....		.....		.....		.....		.....		.....		.....		.....
North-West.....	.....		.....		.....		.....		.....		.....		.....		.....		.....
Total.....	12,624,058	64	9,922,270	93	29,495,867	29	9,503,494	71	7,129,327	04	153,5860	30	284,288	61	1,022,829	51	22,738,898	07	94,266,885	10
Ontario, Quebec, Nova Scotia and New Brunswick.....	16,999,337	29	12,496,520	00	.....		884,484	70	651,375	60	.....		.....		.....		.....		.....
Joint.....	29,623,395	93	22,418,790	93	.....		10,387,979	41	7,780,702	64	.....		.....		.....		.....		.....
Public Works—Capital.....	10,472,360	26	7,698,414	67	.....		2,505,585	54	1,845,229	50	.....		63,472	60	154,835	50	.....		.....
	40,095,756	19	30,117,205	60		12,893,564	95	9,625,932	14	
	6,622	01		657,164	25	616,815	78	139,170	67	186,933	82	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
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	1874.					EXPEN
	Ontario.	Quebec.	Ontario and Quebec.	Nova Scotia.	New Brunswick.	
	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Debt			3,650,304 44	536,581 30	403,834 00	
Subsidy.....	1,196,872 80	959,252 80		452,938 00	491,475 20	
Civil Government.....	9,999 96	9,999 96		8,903 22	9,000 00	
Justice.....	182,831 17	142,491 23		31,904 21	36,624 76	
Police.....		38,897 52	15,886 52			
Penitentiaries.....			305,629 88	22,783 61	42,297 80	
Legislation.....						
Scientific Institutions.....	5,315 90	9,868 89	33,560 03		1,869 56	
Arts, Agriculture and Sta- tistics.....		935 00		5,830 00		
Census						
Marine Hospitals.....	1,000 00	20,456 45	10,757 70	20,487 85	11,587 58	
Pensions.....	4,464 26	7,657 52	20,397 21	7,055 04	1,339 20	
Superannuation.....						
Emigration.....	25,000 00	12,000 00	111,408 06	16,633 43	15,634 81	
Militia.....	337,403 04	238,093 44	11,446 22	60,113 36	45,189 76	
Dominion Forces, N.-W.....						
Mounted Police.....						
Public Works and Build- ings.....	330,636 19	243,744 04	62,372 58	137,429 86	172,688 63	
Ocean and River Service.....						
Lighthouses.....			245,205 57	158,367 37	91,347 98	
Fisheries.....	8,969 06	9,265 31		10,685 13	7,351 17	
Steamboat Inspection.....	3,200 00	2,700 00				
Cullers.....			82,886 43			
Surveys Dominion Lands.....						
Boundary Surveys.....						
Organization of N.-W.....						
Indians.....			4,800 00	3,300 00	3,200 00	
Miscellaneous.....						
Customs.....	281,121 24	94,450 70	108,853 89	108,836 42	86,908 21	
Excise.....	113,454 29	36,793 67		9,973 24	8,462 83	
Public Works.....	59,952 48	72,649 45	376,771 90	2,284 50		
Post Office.....			1,016,002 05	162,973 87	104,746 26	
Minor Revenue.....	3,373 30	1,791 20	806 22	1,950 48	853 83	
	2,563,594 59	1,901,047 18	6,057,088 70	1,758,930 89	1,534,411 58	
Ontario and Quebec, Nova Scotia and New Brun- swic.....	3,541,994 30	2,515,144 40		1,070,154 24	776,021 00	
Joint and North-West.....	2,867,556 30	2,036,261 30		689,030 00	500,937 00	
	8,973,095 19	6,452,452 88		3,518,115 13	2,813,369 58	
Public Works, Capital.....			1,189,591 91			

D I T U R E.

1874.

Nova Scotia and New Brunswick.	Manitoba.	North-West.	British Columbia	Prince Edward Island.	Joint.	Total
\$ cts.	\$ cts.	\$ cts.	cts.	\$ cts.	\$ cts.	\$ cts.
	27,572 35		97,314 20	235,052 50		
	43,600 00		183,000 00	150,216 80	1,827,783 91	10,255,798 30
	9,000 00	999 98	9,000 00	6,814 06	819,968 35	883,685 53
	11,777 30		42,717 10	10,691 72		459,037 49
	1,603 50					56,387 54
			15,864 45		8,976 02	395,551 76
					784,048 15	784,048 15
					47,200 00	97,814 38
					12,326 97	19,091 97
					39,470 34	39,470 34
			1,231 12	941 83		66,462 53
			2,595 56		12,945 05	56,453 84
					64,442 84	64,442 84
	5,216 29		10,050 41	1,437 58	121,192 29	318,572 87
	759 50		3,426 35	5,311 62	420,538 08	1,122,282 27
		209,169 42				209,169 42
		199,599 14				199,599 14
	16,574 18	429,668 30	47,631 65	69,200 00	316,055 60	1,826,001 03
					407,700 43	407,700 43
			30,566 90	3,357 71	8,212 10	537,057 63
				405 62	39,670 82	76,247 11
1,000 00					3,391 58	10,291 58
		282,696 28				82,886 43
					81,723 60	282,696 28
		12,729 91				81,723 60
		105,143 31	29,000 00	625 00		12,729 91
					102,160 20	146,068 31
	10,423 74		19,634 47	17,400 69		102,160 20
	4,328 25		6,137 00	2,442 07	19,649 55	727,629 36
1,847,175 24	13,006 57		29,021 19	1,824 96		201,240 90
			68,686 67	21,855 06		2,389,679 72
			393 00		7,897 38	1,387,270 48
						17,065 41
1,848,175 24	143,861 68	1,240,006 34	596,270 07	527,577 22	5,145,353 26	23,316,316 75
	41,685 00		83,370 00	166,520 00		
	185,546 68		679,640 07	694,097 22		23,316,316 75
201,255 84					3,863,850 47	5,254,698 22

	1875.				EXPEN
	Ontario.	Quebec.	Ontario and Quebec.	Nova Scotia.	New Brunswick.
	\$ cts.	cts.	\$ cts.	\$ cts.	\$ cts.
Debt			3,650,304 44	536,581 30	403,834 00
Subsidy	1,196,872 80	959,252 80		452,938 00	491,475 20
Civil Government.....	9,838 67	9,999 96		9,000 00	9,000 00
Justice	199,076 45	153,406 71		32,449 12	36,699 45
Police		37,887 50	16,183 56		
Penitentiaries			235,766 36	23,286 96	42,765 06
Legislation					
Scientific Institutions.....	5,300 00	3,400 00			850 00
Arts, Agriculture and Sta- tistics		779 00		5,579 26	
Census					
Marine Hospitals.....		21,994 75	7,949 51	12,487 90	11,154 75
Pensions.....	933 31	14,666 28	19,141 08	8,052 27	2,133 24
Superannuation					
Emigration			36,708 50	7,679 22	5,068 14
Militia	242,020 29	251,356 17	1,203 74	62,473 84	68,835 08
Dominion Forces (North- West)					
Mounted Police					
Public Works and Build- ings	455,425 15	225,929 91	25,200 00	142,270 33	153,675 01
Ocean and River Service.....					
Lighthouses			223,240 83	150,843 04	68,902 02
Fisheries	8,388 81	9,808 34		12,265 86	7,373 75
Steamboat Inspection	4,000 00	3,200 00			
Cullers			81,956 33		
Surveys Dominion Lands.....					
Boundary Surveys					
Organization of North- West					
Indians.....			3,050 00	4,500 00	4,500 00
Miscellaneous					
Customs	217,051 48	96,769 89	102,773 04	100,712 49	94,716 86
Excise	110,957 60	37,619 29		10,624 30	8,549 82
Public Works.....	54,116 86	65,103 56	396,747 40	1,449 35	
Post Office.....			1,101,480 42	163,407 25	135,314 67
Minor Revenue.....	4,367 22	6,763 32		4,735 28	1,835 82
Total	2,508,348 64	1,897,937 48	5,901,705 21	1,741,335 83	1,546,682 87
Ontario and Quebec, Nova Scotia and New Bruns- wick	3,451,082 21	2,450,623 00		887,308 76	645,088 70
Joint and North-West.....	3,236,530 20	2,298,269 80		777,688 90	565,393 00
	9,195,961 05	6,646,830 28		3,406,333 49	2,757,164 57
Public Works, Capital.....	9,310 85	2,415 00	1,703,083 55	20 97	

DITURE.

1875.

Nova Scotia and New Brunswick.	Manitoba.	North-West.	British Columbia.	Prince Edward Island.	Joint.	Total.
\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
27,572 35			97,314 20	235,052 50		
43,600 00			183,000 00	150,216 80	2,696,711 83	11,124,726 22
9,000 00		1,000 00	9,000 00	4,991 97	847,435 13	909,265 73
14,949 84			42,991 74	15,077 75	2,754 02	497,405 08
492 00						54,563 06
19,761 60			8,036 25		7,977 32	337,593 55
					572,273 41	572,273 41
					84,279 76	93,829 76
					5,577 50	11,935 76
					18,392 18	18,392 18
			3,881 81	1,553 15		59,021 93
			4,579 35	1,312 47	12,838 58	63,656 58
					77,298 25	77,298 25
2,621 65			500 00	1,148 78	249,044 39	302,770 63
1,177 00			10,417 54	5,580 98	370,879 20	1,013,943 84
		133,227 10				133,227 10
		333,583 90				333,583 90
45,982 34	80,384 09	29,320 91	59,243 60	3,060 89	536,583 41	1,757,075 64
					453,472 29	453,472 29
	288 65		24,782 79	12,102 55	10,385 35	490,256 58
					27,999 73	66,584 68
1,400 00			336 31		3,263 50	12,199 81
		185,218 92				81,956 33
					121,741 66	185,218 92
						121,741 66
		25,702 75				25,702 75
		156,449 59	25,000 00	2,000 00		195,499 59
		6,794 35			75,382 96	82,177 31
12,039 50			19,056 37	22,727 01	16,827 01	682,673 65
3,998 21			5,318 40	3,056 08	19,130 02	199,253 72
1,485,015 12			37,774 21	51,291 28	48,075 61	2,139,573 39
	16,488 42		70,055 58	34,114 87		1,520,861 21
	24 20		126 00	132 37	77,352 27	95,336 48
1,532,397 46	232,397 51	871,297 52	601,414 15	543,878 99	6,335,675 38	23,713,071 04
	47,048 40		94,096 80	187,945 80		
	279,445 91		695,510 95	731,824 79		23,713,071 04
781,081 63				46,086 63	4,381,186 70	6,923,185 83

1876.

EXPEN

	Ontario.	Quebec.	Ontario and Quebec.	Nova Scotia.	New Brunswick.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Debt.....			3,650,304 44	536,581 30	403,834 00
Subsidy.....	1,196,872 80	959,252 80		452,938 00	491,475 20
Civil Government.....	9,999 96	9,999 96		9,000 00	9,000 00
Justice.....	198,996 14	151,445 57		34,099 64	36,849 14
Police.....			13,367 00		
Penitentiaries.....			209,972 04	26,772 33	37,110 88
Legislation.....					
Scientific Institutions.....	5,300 00	2,900 00			847 72
Arts, Agriculture and Statistics.....		822 00		6,108 15	
Census.....					
Marine Hospitals.....		23,781 60	7,079 58	15,999 97	9,196 00
Pensions.....		16,866 24	18,053 68	6,391 64	2,133 24
Superannuation.....					
Emigration.....	10,037 42	23,520 31		6,095 61	4,824 28
Militia.....	328,588 94	223,693 32	16,813 28	56,918 43	56,906 36
Dominion Forces, N.-W. Mounted Police.....					
Public Works and Build- ings.....	600,889 62	124,735 31	97,261 18	179,058 83	102,720 61
Ocean and River Service... Lighthouses.....			218,466 99	180,616 62	82,921 95
Fisheries.....	12,815 73	14,282 65		14,655 76	10,080 37
Steamboat Inspection.....	4,000 00	3,200 00			
Insurance Inspection.....					
Cullers.....			66,596 95		
Surveys Dominion Lands... Boundary Surveys.....					
Settlers' Relief.....					
Organization of N.-W. Indians.....	11,000 00	2,200 00	1,600 00	4,500 00	4,500 00
Miscellaneous.....					
Customs.....	226,874 45	94,010 42	117,275 43	105,098 99	93,457 90
Excise.....	116,149 37	39,250 31		10,730 18	8,265 29
Public Works.....	49,102 61	77,072 89	378,770 03	641 55	
Post Office.....			1,195,242 20	178,494 68	132,055 41
Minor Revenue.....	21,833 69	14,261 47	5,183 91	4,754 68	4,582 66
	2,792,460 73	1,781,294 85	5,995,986 71	1,829,456 36	1,490,761 01
Ontario and Quebec, Nova Scotia and New Bruns- wick.....	3,506,215 00	2,489,771 71		789,698 62	574,124 90
Joint and North-West.....	3,345,615 00	2,375,730 00		803,900 00	584,449 00
	9,644,290 73	6,646,796 56		3,423,054 98	2,649,334 91
Public Works, Capital.....	2,163 96		2,375,444 50	11,125 00	

DIURE.

1876.

Nova Scotia and New Brunswick.	Manitoba.	North-West.	British Columbia.	Prince Edward Island.	Joint.	Total.
\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
.....	.....	.....	97,314 20	235,052 50	.....	7,432,003 94
.....	90,000 00	.....	183,000 00	150,216 80	2,675,517 05	3,690,355 15
.....	9,000 00	1,000 00	9,000 00	6,999 96	777,995 51	841,995 39
.....	13,884 84	16,624 02	40,527 85	15,199 91	36,464 09	544,091 20
.....	60 73	.....	.....	.....	.....	13,427 73
.....	24,996 75	.....	8,548 35	.....	4,614 96	312,015 31
.....	.....	.....	.....	.....	627,230 67	627,230 67
.....	.....	.....	.....	.....	88,007 60	97,055 32
.....	.....	.....	.....	.....	60,622 01	67,552 16
.....	.....	.....	.....	.....	10,191 05	10,191 05
.....	.....	.....	3,408 33	1,506 09	.....	60,971 57
.....	.....	.....	4,345 52	.....	62,410 72	110,201 04
.....	.....	.....	.....	.....	101,627 16	101,627 16
.....	11,811 51	96,431 72	.....	849 44	232,275 07	385,845 36
.....	591 00	.....	4,783 62	8,799 57	281,435 89	978,530 41
.....	.....	81,916 53	.....	.....	.....	81,916 53
.....	.....	369,518 39	.....	.....	.....	369,518 39
85,225 73	101,594 47	130,265 66	112,311 77	29,976 97	384,901 67	1,948,941 82
.....	.....	.....	.....	.....	546,529 96	546,529 96
.....	.....	.....	28,185 95	26,168 13	9,488 98	545,848 62
.....	.....	.....	.....	461 02	55,888 20	108,183 73
1,400 00	.....	.....	1,175 00	.....	3,306 86	18,081 86
.....	.....	.....	.....	.....	8,032 91	8,032 91
.....	.....	212,841 27	.....	.....	.....	66,596 95
.....	.....	.....	.....	.....	134,105 18	212,841 27
.....	83,405 80	.....	.....	.....	.....	134,105 18
.....	.....	.....	.....	.....	.....	83,405 80
.....	.....	225,525 00	25,000 00	2,000 00	.....	276,325 00
.....	.....	4,282 47	.....	.....	86,026 20	90,308 67
.....	12,165 40	824 35	23,323 40	25 548 76	22,429 50	721,008 60
.....	4,253 64	.....	6,208 23	3,829 60	29,673 19	218,359 81
1,277,197 79	.....	.....	39,835 87	221,877 09	.....	2,044,497 83
.....	15,916 43	.....	60,295 46	40,822 92	.....	1,622,827 10
.....	404 90	.....	.....	54 55	71,872 76	122,948 62
1,363,823 52	368,085 47	1,139,229 41	647,263 55	769,363 31	6,310,647 19	24,488,372 11
.....
.....	48,634 00	.....	97,268 20	194,280 40	.....	.....
.....	416,719 47	.....	744,531 75	963,643 71	.....	24,488,372 11
109,440 68	.....	.....	.....	42,546 10	4,613,398 25	7,154,118 69

	1874.			REV	
	Ontario.	Quebec.	Ontario and Quebec.	Nova Scotia.	New Brunswick.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Customs	4,332,425 54	983,287 02	5,599,845 26	1,397,703 12	1,390,315 06
Excise	3,413,568 13	1,726,103 96	.....	193,785 67	217,693 21
Post Office .....	.....	.....	938,255 53	76,900 73	59,066 93
Public Works	23,124 41	41,625 98	539,162 40	563 86	1,887 50
Bill Stamps .....	.....	.....	189,905 53	9,917 47	8,895 09
Interest on Investments ..	.....	.....	.....	.....	.....
Casual and Sundries Ac-	.....	.....	.....	.....	.....
counts	509 41	1,401 78	3,240 07	975 00	.....
Ordnance Lands .....	.....	.....	214,384 30	.....	.....
Bank Imposts .....	.....	.....	.....	1,236 14	2,710 59
Fisheries	4,386 75	8,523 54	.....	123 94	978 60
Fines and Forfeitures.....	4,175 91	5,271 36	.....	2,679 40	1,381 17
Premium and Discount .....	.....	.....	.....	.....	.....
Mariners' Fund .....	.....	19,292 75	.....	11,166 94	9,780 84
Marine Hospitals .....	.....	.....	4,350 75	.....	.....
Harbour Police .....	.....	28,650 39	.....	.....	.....
Steamboat Inspect'n Fund	8,861 09	4,198 70	.....	467 71	1,346 60
Lighthouses, &c.....	.....	.....	.....	.....	.....
Harbour Dues .....	.....	417 00	.....	.....	2,352 90
Cullers' Fees .....	.....	.....	92,771 93	.....	.....
Militia .....	.....	.....	.....	.....	.....
Penitentiaries .....	.....	.....	68,400 29	7,690 47	18,976 14
Superannuation .....	.....	.....	.....	.....	.....
Lands, N.W. ....	.....	.....	.....	.....	.....
Dominion Steamers, B.C.	.....	.....	.....	.....	.....
Sales of Public Works.....	.....	10,000 00	.....	.....	.....
Transport of Emigrants .....	.....	.....	.....	.....	.....
Boundary Survey .....	.....	.....	.....	.....	.....
Canada Gazette .....	.....	.....	.....	.....	.....
	7,787,051 24	2,828,772 48	7,650,316 06	1,703,210 45	1,715,384 63
Ontario and Quebec, Nova	.....	.....	.....	.....	.....
Scotia and New Bruns-	4,473,605 06	3,176,711 00	.....	517,325 47	376,104 70
wick	409,568 70	290,835 78	.....	98,413 90	71,548 10
Joint and North West .....	.....	.....	.....	.....	.....
	12,670,225 00	6,296,319 24	.....	2,318,949 82	2,163,037 43

ENUE.

1874.

Nova Scotia and New Brunswick.	Manitoba.	North West.	British Columbia.	Prince Edward Island.	Joint.	Total.
\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
.....	66,464 92	.....	335,787 29	219,364 43	.....	14,325,192 64
.....	4,246 33	.....	10,674 84	28,831 70	.....	5,594,903 84
.....	733 82	.....	9,747 96	10,959 94	44,308 24	1,139,973 15
893,430 17	.....	.....	10,120 72	.....	.....	1,509,915 04
.....	370 60	.....	.....	.....	610,863 00	209,088 69
.....	.....	.....	.....	.....	.....	610,863 00
.....	.....	.....	2,356 50	.....	68,454 63	76,937 39
.....	.....	.....	.....	.....	.....	214,384 30
.....	.....	.....	.....	.....	.....	3,946 73
.....	.....	.....	.....	.....	.....	14,012 83
.....	.....	.....	788 20	.....	.....	14,296 04
.....	.....	.....	.....	.....	4,968 18	4,968 18
.....	.....	.....	975 42	516 86	.....	41,732 81
.....	.....	.....	.....	.....	.....	4,350 75
.....	.....	.....	.....	.....	.....	28,650 39
.....	.....	.....	65 27	165 75	.....	15,106 12
.....	.....	.....	.....	.....	4,577 76	4,577 76
.....	.....	.....	295 40	.....	.....	3,065 30
.....	.....	.....	.....	.....	.....	92,771 93
.....	.....	.....	.....	.....	42,756 85	42,756 85
.....	.....	.....	.....	.....	.....	95,066 90
.....	.....	.....	.....	.....	34,620 18	34,620 18
.....	.....	29,980 80	.....	.....	.....	29,980 80
.....	.....	.....	12,449 20	.....	.....	12,449 20
.....	.....	.....	.....	.....	.....	10,000 00
.....	.....	24,485 03	.....	.....	.....	24,485 03
.....	.....	.....	.....	.....	45,831 28	45,831 28
.....	.....	.....	.....	.....	1,165 41	1,165 41
893,430 17	71,815 67	54,465 83	383,261 80	259,838 68	857,545 53	24,265,092 54
.....
.....	5,953 70	.....	11,907 50	23,783 70	.....	.....
.....
.....	77,769 37	.....	395,169 30	283,622 38	.....	24,205,092 54

1875.

REV

	Ontario.	Quebec.	Ontario and Quebec.	Nova Scotia.	New Brunswick.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Customs	4,838,766 39	911,748 09	5,838,263 52	1,493,832 72	1,359,037 48
Excise	2,958,348 49	1,628,648 31		206,218 51	217,312 32
Post Office			946,412 72	79,762 45	57,742 92
Public Works	13,102 06	39,205 47	463,593 69	624 12	1,938 33
Bill Stamps			221,517 08	10,048 69	11,897 62
Interest on Investments					
Casual and Sundries Ac- counts			2,541 25	3,489 80	103 00
Ordnance Lands			45,016 93		
Bank Imposts				915 52	2,891 38
Fisheries	4,478 05	8,904 85		551 00	830 30
Fines and Forfeitures	6,663 58	4,594 73		7,137 63	1,665 01
Premium and Discount					
Mariners' Fund		18,354 29		9,859 04	7,622 00
Marine Hospitals			2,772 67		
Harbour Police			25,620 09		
Steamboat Inspect'n Fund	9,439 27	4,137 04		486 07	1,196 60
Lighthouses, &c.				2,543 93	14 40
Harbour Improvements		448 00			2,902 10
Cullers' Fees			78,966 22		
Militia					
Penitentiaries			71,218 84	8,497 02	17,055 76
Superannuation					
Lands, N. W.					
Dominion Steamers, B. C.					
Transport of Emigrants					
<i>Canada Gazette</i>					
Ontario and Quebec, Nova Scotia and New Bruns- wick	7,830,797 84	2,616,040 78	7,695,923 01	1,823,966 50	1,682,209 22
Joint and North-West.....	4,500,269 01	3,195,654 00		509,499 00	370,414 11
	488,689 41	347,019 60		117,424 70	85,369 70
	12,819,756 26	6,158,714 38		2,450,890 20	2,137,993 03

ENUE.

1875.

Nova Scotia and New Brunswick.	Manitoba.	North West.	British Columbia.	Prince Edward Island.	Joint.	Total.
\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
	171,493 03	6,765 48	414,331 89	316,772 96		15,351,011 56
	7,971 53		11,136 01	40,052 04		5,069,687 21
	3,612 13		10,899 33	14,087 65	42,814 89	1,155,332 09
879,913 11			9,489 18	24,493 99		1,432,359 95
	716 80					244,180 19
					840,886 65	840,886 65
		7,659 93	246 70	22 31	63,362 21	77,425 20
						45,016 93
						3,806 90
						14,764 20
	153 07			208 09		20,422 11
					13,415 29	13,415 29
			1,379 89	442 90		37,658 12
						2,772 67
						25,620 09
			600 44	284 83		16,144 25
					1,947 68	4,506 01
						3,350 10
						78,966 22
					12,137 13	12,137 13
	301 28					97,072 90
					36,678 71	36,678 71
		27,641 15				27,641 15
			2,975 12			2,975 12
		33,744 27				33,744 27
					1,140 02	1,140 02
879,913 11	184,247 84	75,810 83	451,058 56	396,364 77	1,012,382 58	24,648,715 04
	7,103 90		14,207 80	28,378 30		
	191,351 74		465,266 36	424,743 07		

1876.

REV

	Ontario.	Quebec.	Ontario and Quebec.	Nova Scotia.	New Brunswick.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Customs.....	4,416,790 10	816,052 73	4,271,413 36	1,230,270 44	1,045,502 98
Excise.....	3,289,321 13	1,696,529 03		252,955 34	240,517 72
Post Office.....			902,357 71	72,546 13	54,575 31
Public Works.....	13,590 06	39,395 81	418,329 71	710 47	1,810 00
Bill Stamps.....			208,120 45	8,863 66	9,354 67
Interest on Investments.....					
Casual and Sundry Ac- counts.....	1,566 48	251 99	25,234 62	2,253 62	1,965 00
Ordnance Lands.....			51,350 80		
Bank Imposts.....					2,207 07
Fisheries.....	4,640 21	6,437 00		403 00	2,030 91
Fines and Forfeitures.....	5,628 55	4,376 65		1,948 55	2,413 44
Premium and Discount.....					
Mariners' Fund.....		18,979 78		10,417 54	9,045 62
Marine Hospitals.....			3,047 67		
Harbour Police.....			26,499 09		
Steamboat Inspection Fund.....	8,029 59	3,617 68		651 76	847 54
Lighthouses, &c.....				1,254 30	
Harbour Improvements.....		614 40		5,053 42	3,032 20
Cullers' Fees.....			57,125 57		
Militia.....					
Penitentiaries.....			67,054 69	9,205 92	19,148 19
Superannuation.....					
Land, North-West.....					
Dominion Steamers, British Columbia.....					
Transport of Emigrants, 1875.....					
Canada Gazette.....					
Military College.....			3,600 00		
Minor Revenue.....					
	7,739,566 12	2,586,255 07	6,034,133 67	1,596,534 15	1,392,450 65
Ontario and Quebec, Nova Scotia and New Bruns- wick.....	3,528,521 30	2,505,612 37		508,435 82	369,641 70
Joint and North-West.....	477,333 50	338,955 80		114,695 97	83,385 80
	11,745,420 92	5,430,823 24		2,219,665 94	1,845,478 15

ENUE.

1876.

Nova Scotia and New Brunswick.	Manitoba.	North-West.	British Columbia.	Prince Edward Island.	Joint.	Total.
\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
.....	253,351 86	8,743 48	488,246 74	293,466 25	.....	12,823,837 94
.....	19,716 14	.....	14,671 40	49,776 36	.....	5,563,487 12
.....	7,897 02	.....	12,725 30	12,865 50	39,573 35	1,102,540 32
878,077 52	.....	.....	9,257 08	118,060 96	.....	1,479,231 61
.....	751 18	.....	.....	.....	.....	227,089 96
.....	.....	.....	.....	.....	798,905 95	798,905 95
.....	.....	.....	466 75	.....	88,027 30	119,765 76
.....	.....	.....	.....	.....	.....	51,350 80
.....	.....	.....	60 00	.....	.....	2,207 07
.....	130 00	2,244 50	.....	94 70	.....	13,571 12
.....	.....	.....	2,349 96	714 16	32,635 60	16,836 39
.....	.....	.....	.....	.....	.....	32,635 60
.....	.....	.....	405 87	216 43	.....	41,507 06
.....	.....	.....	.....	.....	.....	3,047 67
.....	.....	.....	.....	.....	.....	26,499 09
.....	.....	.....	.....	.....	.....	13,768 87
.....	.....	.....	.....	.....	2,260 74	3,515 04
.....	.....	.....	.....	.....	.....	8,700 02
.....	.....	.....	.....	.....	.....	57,125 57
.....	.....	.....	.....	.....	24,344 73	24,344 73
.....	.....	.....	.....	.....	.....	95,408 80
.....	.....	.....	.....	.....	38,476 00	38,476 00
.....	.....	8,545 94	.....	.....	.....	8,545 94
.....	.....	.....	12,439 84	.....	.....	12,439 84
.....	.....	.....	.....	.....	16,417 28	16,417 28
.....	.....	.....	.....	.....	828 80	828 80
.....	.....	.....	.....	.....	.....	3,600 00
.....	.....	.....	.....	.....	1,902 70	1,902 70
878,077 52	281,846 20	19,533 92	540,622 94	475,194 35	1,043,372 45	22,587,587 05
.....
.....	6,938 80	.....	13,877 70	27,718 80	.....	.....
.....	288,785 00	.....	554,500 64	502,913 16	.....	22,587,587 05

RETURN

TO AN ADDRESS OF THE HOUSE OF COMMONS, dated 12th February, 1877 ;
For copies of all correspondence between the Dominion, United
States and Imperial Governments respecting the navigation of
American Canals and Rivers ; also any correspondence between the
Government and business firms or individuals respecting the same.

By Command.

(Signed) R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 19th March, 1877.

GOVERNOR GENERAL'S OFFICE,
23rd February, 1877.

SIR,—In compliance with the request contained in your order of reference on
an Address from the House of Commons, returned herewith, I am directed by His
Excellency the Governor General to transmit the accompanying copy of a corres-
pondence respecting the navigation of American Canals.

I have the honour to be, Sir,
Your most obedient servant,

(Signed) E. G. P. LITTLETON,
Governor-General's Secretary.

The Honorable
The Secretary of State for Canada.

(No. 10.)

Sir E. Thornton to the Earl of Dufferin.

WASHINGTON, 10th April, 1876.

MY LORD,—With reference to Your Excellency's despatch No. 15, of the 8th
instant, I have the honour to inform you that about a month ago I called Mr. Fish's
attention to the Act of Congress of 26th September, 1850, which empowers the
Secretary of the Treasury to allow vessels laden with the products of Canada, &c.,
to land or unlade at any port or place within any collection district which he may
designate.

After consideration of this Act, I understand from Mr. Fish that he addressed a letter to the Secretary of the Treasury, suggesting to him to avail himself of the power granted by it, and to designate Albany and Troy as two places at which vessels coming from Canada might discharge cargo.

On the 6th instant I asked Mr. Fish whether he had received any answer to the above communication; he replied in the negative.

Mr. Bristow is now absent from Washington in Kentucky.

I have, &c.,

(Signed)

EDWARD THORNTON.

His Excellency

The Right Honourable

The Earl of DUFFERIN, K.P., K.C.B.,

&c., &c.

(No. 13.)

Sir E. Thornton to the Earl of Dufferin.

WASHINGTON, 4th May, 1876.

MY LORD,—I have the honour to enclose, for Your Excellency's information, copy of a note and of its enclosure, which I received this morning from Mr. Fish, and of my answer to that note.

I shall, of course, communicate to Your Excellency Mr. Fish's reply as soon as I shall receive it.

I have, &c.,

(Signed)

EDWARD THORNTON.

His Excellency

The Earl of DUFFERIN, K. P., K.C.B.,

&c., &c., &c.

Mr. Fish to Sir E. Thornton.

DEPARTMENT OF STATE,

WASHINGTON, 3rd May, 1876.

SIR,—Referring to previous correspondence in reference to the privileges to be accorded to Canadian vessels in the use of the canals in the United States, and particularly in the State of New York, I have the honour to inform you that the attention of the Secretary of the Treasury having been called to the question, a reply was received from that office upon the 5th of April, stating that a prior letter of October 10th, but which is supposed to be an error for a letter of October 9th, a copy of which was transmitted to you under date of November 24th, 1875, concedes to Canadian vessels the privilege of passing to the southern terminus of the Champlain Canal, and that, if desired, instructions would be issued to the proper Customs officers to lend their aid thereto upon the same terms as are accorded to vessels of the United States, but suggesting that some further communication should be made on your part to that end.

I had supposed that this information had been communicated to you, but it appears that it was intended to confer with you on the question by reason of the suggestion that some further expression of your wishes should be made known.

I have now the honour to enclose you a copy of this letter of the Secretary of the Treasury, bearing date the 5th of April, and to express my regret that delay has occurred in conveying this information to you.

I have, &c.,

(Signed) HAMILTON FISH.

The Right Honourable
Sir E. THORNTON, K. C. B.,
&c., &c., &c.

Mr. Conant to Mr. Fish.

TREASURY DEPARTMENT,
5th April, 1876.

SIR,—I have the honour to acknowledge the receipt of your letter of the 11th ultimo, further in regard to the right under the Treaty of Washington, or existing United States laws, of Canadian vessels to pass through the Champlain Canal, laden with products of the Dominion of Canada, to the southern terminus of the Canal, or to points beyond.

Without considering the question now presented as to the applicability of Section 3,129, of the Revised Statutes to the case, I have the honour to call your attention to the letter of this Department to you, of the 10th of October last, in which the following language was used:—"The purpose of the stipulation (in Article 27 of the Treaty of Washington) was, in my view, to grant the free use of such canal, only in so far as they might facilitate communication between ports and places lying on the lakes and rivers in question, and not as they furnished communication between ports and places not lying on those lakes and rivers. The use of the Champlain Canal, in this view, could be granted to Canadian vessels destined with cargoes to the southern terminus of the canal, or to ports or places on Lakes Erie and Ontario."

In your letter of the 11th ultimo, you state that you understood Sir Edward Thornton to say that it is not sought on the part of Canadian vessels to obtain the right to navigate the Hudson River, but only to pass to the terminus of the canal at tide water.

It will be seen that the letter of this Department, of October 10th, concedes the right of Canadian vessels to pass to the terminus of the Champlain Canal, and if desired, instructions will be given to the proper Customs officers to lend their aid thereto, upon the same terms as are now accorded to the vessels of the United States.

The Department prefers to receive a further communication from Sir Edward Thornton upon this subject before giving such instructions.

I have, &c.,

(Signed) CHAS. F. CONANT,
Acting Secretary.

The Honourable
HAMILTON FISH,
Secretary of State.

Sir E. Thornton to Mr. Fish.

WASHINGTON, 4th May, 1876.

SIR,—I have the honour to acknowledge the receipt of your note of yesterday's date, transmitting copy of a letter of the Secretary of the Treasury, relative to the navigation of the canals of the State of New York by Canadian vessels. In this

letter Mr. Bristow states, "that the letter of this Department of 10th October, "concedes the right of Canadian vessels to pass the southern terminus of the Champlain Canal, and, if desired, instructions will be given to the proper Customs Officers "to lend their aid thereto, upon the same terms as are now accorded to vessels of the "United States."

I presume that the City of Albany may be considered to be the "southern terminus of the Champlain Canal," and that Canadian vessels will be allowed to proceed to Albany by Lake Champlain and the Champlain Canal, on the same terms as are now accorded to vessels of the United States.

Neither can I doubt, from the tenor of the letter of the 5th ult., addressed to you by the Secretary of the Treasury, that Canadian vessels may enter the Erie Canal at Buffalo, and the Oswego Canal at the place of that name, and proceed in like manner to Albany by those Canals.

I shall feel much obliged if you will inform me whether the conclusions which I have arrived at are correct.

I have, &c.,

(Signed) EDWARD THORNTON.

The Right Hon.

HAMILTON FISH,
&c., &c.

DEPARTMENT OF STATE,

WASHINGTON, 7th June, 1876.

SIR,—Referring to previous correspondence upon the subject of navigation of the canals of the United States by Canadian vessels under Article XXVII of the Treaty of Washington, I have now the honour to inform you, that I am informed by the Secretary of the Treasury that instructions have been issued to the Collector of Customs at Plattsburgh, New York, to allow Canadian barges and other vessels laden with import goods to pass that port on a clearance to Albany, or to any port intermediate between Plattsburgh and Albany, under such conditions and regulations as would govern the navigation of American barges or vessels coming from Canada under the 3,102 of the Revised Statutes, or under such regulations as would apply to foreign vessels generally when importing foreign cargoes under Section 4,347 of the Revised Statutes, but without regard to the several provisions in this section which apply especially to imported goods transported in bond. I am further informed that the Collector has been instructed to allow free transit to all return cargoes shown by the manifests of Canadian vessels to be destined for Canada.

It is further stated that instructions similar in tenor and object to those addressed to the Collector at Plattsburgh, will be given to the Collectors of Customs at Buffalo and Oswego, New York and Burlington, Vermont, and that the Surveyor of Customs at Albany and Deputy Collector at Troy, New York, will be notified of these orders.

I have, &c.,

(Signed) HAMILTON FISH.

The Right Hon.

SIR E. THORNTON, K.C.B.

(No. 25.)

WASHINGTON, 8th June, 1876.

MY LORD,—I have the honour to enclose copy of a note which I have received from Mr. Fish, with regard to the navigation of the canals in the State of New York by Canadian vessels.

I shall be glad to hear that your Excellency considers the orders given on the subject to be satisfactory, as they appear to me to be.

I have, &c.,

(Signed) EDWARD THORNTON.

His Excellency the
EARL OF DUFFERIN, K.P.

(Canada—Secret.)

The Earl of Carnarvon to the Earl of Dufferin.

DOWNING STREET, 1st June, 1876.

MY LORD,—With reference to my despatch, marked "secret" of the 11th of May, I have the honour to transmit to you a copy of a despatch received through the Foreign Office from Sir E. Thornton, enclosing copies of a correspondence with Mr. Fish in regard to the navigation of United States canals by Canadian vessels.

I have, &c.,

(Signed) CARNARVON.

Governor General,
The Right Hon.
The EARL OF DUFFERIN, K.P., G.C.M.G., K.C.B.,
&c., &c., &c.

(No. 128.)

Sir E. Thornton to the Earl of Derby.

WASHINGTON, May 8th, 1876.

MY LORD,—I have the honour to enclose copy of a note, and of its enclosures, which I have received from Mr. Fish, relative to the navigation of the canals in the State of New York by Canadian vessels. In this note, Mr. Fish transmits me copy of a communication from the Treasury Department of which, though the language is obscure, the substance seems to be that Canadian vessels may pass to the southern terminus of the Champlain Canal.

During my interview with Mr. Fish, on the 4th instant, I pointed out to him that I did not quite understand what the Champlain Canal signified, nor where was its southern terminus, and that I thought that if it was really intended to comply with the terms of the Treaty of 1871, it would be desirable to express that intention in clearer words.

Mr. Fish replied that he considered that the Champlain Canal signified the canal leading from the southern extremity of Lake Champlain, and connecting it with Troy and Albany, and that Albany was the southern terminus of that canal. This canal is generally called the Whitehall Canal.

I further asked whether Canadian vessels would be able to navigate the Erie Canal which begins at Buffalo from Lake Erie, and the Oswego Canal which enters from Lake Ontario at Oswego and connects with the Erie Canal, and to proceed through these canals to Albany.

Mr. Fish answered that he understood that Canadian vessels could certainly navigate those canals. But upon my saying that I was not satisfied that this could be inferred from the contents of the communication from the Treasury Department, he suggested that I should address him a note, expressing my views upon the subject.

In accordance with this suggestion, I addressed to Mr. Fish the note, of which I have the honour to enclose a copy, but to which I have not as yet received an answer; I have also forwarded copies of the two notes to the Governor General of Canada,

I have, &c.,

(Signed) EDWARD THORNTON.

The EARL OF DERBY,
&c., &c., &c.

(No. 22.)

The Earl of Dufferin to Sir E. Thornton.

OTTAWA, 9th May, 1876.

SIR,—I have the honour to acknowledge the receipt of your despatch, No. 13, May 4th, transmitting, for my information, copies of correspondence which has passed between Mr. Fish and yourself relative to the navigation of the canals of the United States by Canadian vessels.

I have, &c.,

(Signed) DUFFERIN.

The Right Hon.
Sir E. THORNTON, K.C.B.,
&c., &c., &c.

OTTAWA, June, 1876.

SIR,—Referring to a discussion which took place in the House of Commons during the late session, and to conversations since that time. I beg to say that I took occasion to call your attention to the unjust charges imposed by the United States Customs Department upon Canadian vessels navigating Lake Champlain, as well as the refusal to Canadians of the use of their canals, and, in common with other members, urged the Government to continue their efforts to obtain for Canada fair treatment.

Your answer at the time was, that correspondence was then going on in reference to both questions, but, so far, without better prospect of success. I then urged that, should they persist in this course, the Canadian Government ought to retaliate by imposing the same charges and restrictions upon United States vessels navigating our waters as they impose upon Canadian vessels navigating theirs, and that we should refuse to allow their vessels the privilege of navigating Canadian waters except so far as bound to do so by treaty obligations.

Since that and within a few days, a return, which was asked for at the time, has been published, giving the correspondence down to the close of the session, which, I will do the Government the justice to say, has been vigorous on their part and does them every credit. It is, moreover, interesting, inasmuch as it furnishes another illustration (if any were necessary) of the extraordinary propensity which seems

inherent in the American statesman to evade in every possible way the fulfilment of their treaty, or other obligations, whenever and wherever the people of Canada appear to be in the remotest degree concerned.

It is now generally understood that, since the correspondence above mentioned was published, the Government has, in pressing our claims, succeeded in obtaining permission for Canadian vessels to pass through the Champlain Canal to Albany; *but has been met with a positive refusal to allow Canadian vessels to pass into and down the Hudson River with goods in bond or otherwise.*

No doubt, the United States will claim that in doing this they have made a great concession, and that we poor Canucks ought to be very grateful to them; but the fact is it will be no boon to Canadians, for the following reasons:—*First*, that Albany is not now, as it was a few years ago, the destination of most of our staple product, lumber. Latterly, retailers and consumers of lumber come direct to us from places further south than Albany, down along the Hudson to New York, Brooklyn, Jersey and many other places. They want their lumber shipped at mill upon the vessel that will land it at their docks without transshipment, which now, as before, can only be done by American boats. *Second*, it is of no advantage to Canadian vessels to be allowed to go to Albany, for the simple reason that no return freights can be had there; whereas, if allowed to pass down the Hudson, freights of merchandize can always be had from New York to Montreal or Ottawa, or else coal from the great coal shipping point, Rondout, below Albany.

It will therefore be seen that if Canadian forwarders contract to deliver lumber in Troy or Albany it will be much cheaper for them to tranship to American vessels at Whitehall than to pass through the canal to Albany and then be obliged to return light. On the other hand, the American can load his vessel as heretofore at Ottawa or elsewhere in Canada and proceed on his voyage to Albany or further south with a certainty before him that he can obtain return of freight either of merchandise or coal, the Canadian meantime may tie up his boat and quietly amuse himself by looking on, as they are doing at this moment; for to-day I believe there are not less than 150 American boats this side of the Grenville Canal, loading lumber, a business which Canadians ought to be placed in a position to compete for upon at least an equal footing with the Americans.

I am led to believe, and hope it is true, that you intend soon to impose the same Customs charges upon American vessels entering Canada as they do upon ours going out; but my opinion is that justice will never be obtained by this means alone. I hold that in justice to the Canadian people, the Government ought at once to give notice that from and after the opening of navigation in 1877, no American vessels will be allowed to navigate the Richelieu and Ottawa Rivers. So far as I can see, the Treaty of Washington gives them no right to navigate these rivers. Article 26 of the said Treaty gives to the citizens of the United States the "navigation of the St. Lawrence ascending and descending from the 45th parallel of north latitude where it ceases to form the boundary between the two countries, from, to, and into the sea;" and in Article 27 it provides "that the Government of Her Britannic Majesty engage to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence and other Canals in the Dominion on terms of equality with the inhabitants of the Dominion." Nothing is said about the rivers Ottawa or Richelieu, and so far as I know there is no other treaty that gives them the right. Under the provisions of this Treaty American citizens would have the right to navigate the Rideau Canal from Kingston to Ottawa, but not to pass out of the Canal into the Ottawa River; likewise they can ascend from the St. Lawrence into the St. Ouris lock, near Sorel; but no right is given them to pass into the Richelieu River above the lock.

There may be some law or treaty in the way of doing this that I am not aware of, but if not, I maintain that it is clearly the duty of the Government to close these rivers to American citizens until such time as the Hudson River is opened to Canadians; and notwithstanding it may cause some inconvenience to ourselves for a time, the people of this country will certainly give their approval to this policy.

I beg you will pardon me for the liberty I take in addressing you at this time, the importance of the subject in any case will be considered a sufficient excuse.

I am, Sir,
Your obedient servant,

(Signed) J. M. CURRIER.

To the Hon. ISAAC BURPEE,
Minister of Customs, &c.

(No. 176.)

The Earl of Dufferin to the Earl of Carnarvon.

OTTAWA, 13th June, 1876.

MY LORD,—Referring to my despatch, No. 92, April 6th, and to previous correspondence relating to the navigation of United States Canals by Canadian vessels, under the Treaty of Washington, I have the honour to transmit herewith for your Lordship's information, copies of further communications and enclosures from Her Majesty's Minister at Washington, on this subject.

Your Lordship will observe from the enclosure in Sir E. Thornton's last despatch, that Mr. Fish states that he has been informed by the Secretary of the Treasury, that instructions have been issued by the United States Customs authorities, to permit the free navigation of the Canals of the State of New York, to Canadian vessels, on the same terms and conditions as are accorded to United States vessels.

I have, &c.,

(Signed) DUFFERIN.

The Right Hon.,
The EARL OF CARNARVON,
&c., &c., &c.

(No. 186.)

The Earl of Carnarvon to the Earl of Dufferin.

DOWNING STREET, 6th July, 1876.

MY LORD,—I have the honour to acknowledge the receipt of your Lordship's despatch, No. 176, of the 13th of June, enclosing further papers relating to the navigation of United States Canals by Canadian vessels.

I should be glad to receive a copy of the answer which you may return to Sir E. Thornton, in reply to his despatch of the 8th of June.

I have the honour to be, My Lord,
Your Lordship's most obedient humble servant,

(Signed) CARNARVON.

The Right Hon.
The EARL OF DUFFERIN, K.P., G.C.M.G., K.C.B.

(No. 36.)

The Earl of Dufferin to Sir Edward Thornton.

OTTAWA, 26th July, 1876.

SIR,—I have much pleasure in communicating to you a copy of an approved report of a Committee of the Privy Council of Canada, expressing their best acknowledgments to you, for the able services which you have uniformly rendered to this Government, in the numerous representations which you have made to the United States authorities on behalf of the Dominion.

Your recent exertions to obtain from the United States Government, a due recognition of our rights under the Treaty of Washington, to the navigation of the Canals, crowned as they have been by such satisfactory results, is a fresh proof of the tact, zeal, and ability, with which you invariably address yourself to the protection of Canadian interests.

As requested by my Council, I propose to forward by the next mail, a duplicate of this minute, for the information of Her Majesty's Government.

I have, &c.,

(Signed) DUFFERIN.

To the Right Hon.

SIR EDWARD THORNTON, K.C.B.,
&c., &c., &c.

COPY of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 21st July, 1876.

The Committee of Council have had under consideration a memorandum dated 3rd July, 1876, from the Honourable the Minister of Customs, calling the attention of Your Excellency in Council to the numerous and varied representations which have been made by the Government of Canada, through Sir Edward Thornton, Her Majesty's Minister at Washington, to the Government of the United States, respecting the interpretations given to the Treaty of Washington, and the practical working of the same by the United States officials, with special reference to the navigation by Canadian vessels of the canals in the United States contiguous to the boundary, and to the labour imposed on the British Minister in attending to the voluminous correspondence on this subject, as well as to the prompt, careful and zealous manner in which he has uniformly attended to all other claims of Canada, in placing them before the authorities of the United States, as also to the interest he has manifested by his endeavours to secure for Canada other rights provided for by said treaty.

The Committee concur in the report of the Minister of Customs, and recommend that proper acknowledgment be made by Your Excellency, on behalf of the Canadian Government, of Sir Edward Thornton's services, and that a copy of this minute, when approved, be transmitted to the Secretary of State for the Colonies.

Certified.

W. A. HIMSWORTH,
Clerk Privy Council.

(No. 207.)

The Earl of Dufferin to the Earl of Carnarvon.

OTTAWA, 27th July, 1876.

MY LORD,—In obedience to the instructions contained in Your Lordship's despatch, No 186, of July 6th, I have the honour of enclosing a copy of a despatch which I have addressed to Sir E. Thornton, transmitting a copy of an approved Order of the Privy Council, expressing the acknowledgments of my responsible advisers for the able services which he has rendered to this Government in his official capacity at Washington.

I have, &c.,

(Signed) DUFFERIN.

The EARL OF CARNARVON.

(No. 42.)

Sir E. Thornton to the Earl of Dufferin.

WASHINGTON, 31st July, 1876.

MY LORD,—I have the honour to acknowledge the receipt of Your Excellency's despatch, No. 36, of the 26th instant, and beg to offer you my best thanks for the approved Report of a Committee of the Privy Council of Canada, relative to the services which I may have been able to render in this country to Your Excellency's Government.

I shall feel much obliged if Your Excellency will cause my acknowledgments to be tendered to the Committee for the flattering expression of opinion on their part, and I beg to assure you at the same time of my particular gratification that the solution which has been arrived at relative to the navigation of the Canals has been considered satisfactory by the Government of the Dominion.

I have the honour to be, my Lord,
Your Excellency's most obedient humble servant,

(Signed) EDWARD THORNTON.

The Right Hon.

The Earl of DUFFERIN, K.P., G.C.M.G., K.C.B.,
&c., &c.

(226.)

The Earl of Carnarvon to the Earl of Dufferin.

DOWNING STREET, 18th August, 1876.

MY LORD,—I have received your despatch, No. 207, of the 27th of July, in which you enclose a despatch addressed to Sir E. Thornton, forwarding to him an approved Order of the Privy Council, expressing the acknowledgments of your advisers for the able services which he has, on numerous occasions, rendered to the Canadian Government in his official capacity at Washington.

I regret that the papers recently laid before the Imperial Government, relating to the navigation of the United States canals, were presented previous to the receipt

of your despatch, now under acknowledgment, otherwise it would have given me pleasure to have laid before Parliament in that paper, this well-deserved recognition of Sir E. Thornton's services.

I have the honour to be,
My Lord,
Your Lordship's most obedient, humble servant,
(Signed) CARNARVON.

Governor-General

The Right Hon.

THE EARL OF DUFFERIN, K.P.G., C.M.G., K.C.B.
&c., &c., &c.

(No. 249.)

The Earl of Carnarvon to the Earl of Dufferin,

DOWNING STREET, 9th September, 1876,

SIR,—With reference to my despatch, No. 226, of the 18th ultimo, I have the honour to transmit to you a copy of a letter from the Foreign Office, expressing the Earl of Derby's satisfaction at the appreciation shown by the Canadian Government of Sir Edward Thornton's services.

I have the honor to be,
Sir,
Your most obedient, humble servant,
(Signed) CARNARVON.

The Officer administering
The Government of Canada.

The Foreign Office to the Colonial Office.

FOREIGN OFFICE, 1st September, 1876.

SIR.—I am directed by the Earl of Derby to acknowledge the receipt of your letter of the 22nd ultimo, together with its enclosures, and I am to request you to express to the Earl of Carnarvon Lord Derby's satisfaction at the appreciation shown by the Canadian Administration, of Sir E. Thornton's services.

I am, &c.,
(Signed) JULIAN PARENCEFOTE.

The Under-Secretary of State,
Colonial Office.

(Secret—No. 43.)

The Earl of Dufferin to Sir Edward Thornton.

OTTAWA, 17th November, 1876.

SIR,—I have the honour to transmit to you, herewith, for your information, a copy of a memorandum prepared by the Minister of Customs on the question of the treatment of bonded goods at Island Pond, by United States authorities, and of the rights of Canadians in reference to the navigation of United States canals.

I have, &c.,
(Signed) DUFFERIN.

The Right Hon.

SIR E. THORNTON, K.C.B.,
&c., &c., &c.

MEMORANDUM respecting the present position of the question of inspection of goods in transit, by the United States Customs' Officers at Island Pond, and the use of United States canals by Canadian vessels.

Since the termination of correspondence with reference to the treatment of transit goods at Island Pond, no further complaints have been received by this department.

The one question in the case, requiring adjustment, was the distinction made by the United States Customs, between goods transported by railway to Portland, and other ports, for home consumption, and those intended for exportation. The latter being subjected to entry and examination at Island Pond, while the former were permitted to pass on under seal, without entry to destination.

This question was one in which the interests of the railways and commercial community of Portland, Me., were principally concerned and the complaints emanated chiefly from these sources.

One issue of the controversy respecting the use of the United States canals by Canadian vessels, was for the concession of Canadian rights, to enter and navigate the Champlain, Erie and Oswego canals, on the same terms and conditions as vessels of the United States, that right being conceded, as communicated by Sir Edward Thornton, to His Excellency the Governor General, by despatch of 4th May last; there have been no complaints received or filed in this department on that point. This appears to answer the enquiries of Sir Edward Thornton respecting the use of the canals proper.

There remains, however, yet unsettled, the other question of the right of Canadian vessels with cargo, to load in a Canadian port for New York, or other ports on the Hudson River, which right is persistently denied, and, in consequence of which any merchandise, transported in a Canadian bottom, can only be taken as far as Albany, and be there entered at the customs and transhipped into a United States vessel for transportation to its destination. This question involved the larger one of the right of Canada to the free navigation of the Hudson River, which appears by the Washington Treaty to be conceded in the use of the canals.

The canals beforementioned, in connection with the Hudson River, constitute a great marine highway between Canadian ports on the St. Lawrence and great lakes, and United States ports on the said Hudson River and the seaboard, and the cutting off of any one link or section renders the remainder nearly, if not quite practically useless.

On the other hand, since the Washington Treaty, Canada has permitted United States vessels the free use of her canals and rivers uninterrupted. A case in point and similar to the Hudson is the Ottawa River and Grenville Canal, where United States vessels have enjoyed all the privileges that Canadian vessels have.

In a letter of the Hon. Secretary of the Treasury, under date of 15th September, 1875, communicated to His Excellency the Governor General by Sir Edward Thornton, under date 26th November, following, the right of Canadian vessels to pass the southern terminus of the canals at Albany into the Hudson River, in prosecution of a voyage from a Canadian port to the Port of New York, or any other port on the said river, is positively denied, and has not been since conceded. The concluding sentence of the said letter, reads, "this department does not feel authorized to recognize the right of Canadian vessels to transport cargoes in bond from Canada to New York."

R E T U R N

TO AN ORDER of the HOUSE OF COMMONS, dated 7th March, 1877;—For a Return of the quantities and value of the Coal imported into the Dominion of Canada for the six months ending 31st December, 1876; distinguishing the various kinds, as, say, Anthracite, Bituminous and Lignite; the countries and ports of the same whence brought; the Provinces and Ports of the Dominion where entered.

By Command,

(Signed) R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 19th March, 1877.

STATEMENT of the Quantity and Value of Coal Imported into the Dominion for the Six Months ending the 31st December, 1876, distinguishing the Various Kinds and showing the Countries whence Imported and the Ports and Provinces where Entered.

PROVINCE OF ONTARIO.

WHERE IMPORTED.	WHENCE IMPORTED.	DESCRIPTION OF COAL IMPORTED.						TOTAL.	
		Anthracite.		Bituminous.		Lignite.		Quantity.	Value.
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.		
Ports.	Countries.	Tons.	\$	Tons.	\$	Tons.	\$	Tons.	\$
Amherstburg.....	United States.....	4,343	19,504	2,929	8,338	.....	.....	2,929	8,338
Bellefleur.....	do	588	2,704	56	255	.....	.....	4,543	20,369
Branford.....	do	326	2,677	1,173	5,143	.....	.....	1,731	7,820
Brockville.....	do	5,842	1,513	18,383	51,363	.....	.....	18,709	52,876
Burwell.....	do	127	22,124	.....	.....	.....	.....	5,842	22,124
Chatham.....	do	1,671	408	.....	.....	27	127	154	535
Chippawa.....	do	588	7,757	.....	.....	.....	.....	1,671	7,757
Clifton.....	do	21,684	2,704	9,756	33,614	83	149	3,108	3,108
Cobourg.....	do	2,457	115,699	9,756	33,614	1,900	5,894	33,340	155,497
Colborne.....	do	350	10,794	9,756	3,152	.....	.....	3,383	13,946
Collingwood.....	do	132	1,301	6,126	18,321	.....	.....	6,446	19,622
Cornwall.....	do	.....	400	.....	.....	.....	.....	132	400
Cramahoe.....	do	36	157	1,591	7,510	.....	.....	1,591	7,510
Darlington.....	do	2,149	9,490	.....	.....	139	647	175	804
Dover.....	do	934	3,605	1,985	4,701	.....	.....	2,149	9,490
Dundas.....	do	687	2,781	.....	.....	.....	.....	2,619	8,306
Dunville.....	do	44	216	123	560	.....	.....	697	2,781
Elgin.....	do	14	87	.....	.....	25	109	192	585
Fort Erie.....	do	23,205	123,292	10,542	52,710	.....	.....	14	87
Galt.....	do	161	8,162	.....	.....	246	1,052	33,993	177,034
Gananoque.....	do	1,726	8,162	130	598	.....	.....	53	250
Goderich.....	do	1,014	3,777	3,856	9,794	.....	.....	1,856	8,760
Guelph.....	do	1,196	6,280	359	1,518	.....	.....	4,670	13,571
Hamilton.....	do	21,108	67,107	11,177	39,980	121	633	1,676	8,431
Hope.....	do	2,178	12,155	1,510	6,303	.....	.....	32,285	107,087
Kincardine.....	do	525	2,201	274	758	.....	.....	4,288	18,458
Kingston.....	do	11,776	56,118	1,973	7,179	.....	.....	799	2,959
.....	do	.....	.....	.....	.....	.....	.....	13,749	63,297

Kingsville.....	2	12	671	2,872	9	45	11	57
London.....	1,519	7,834	.....	.....	342	1,871	2,532	12,577
Morrisburg.....	829	6,352	.....	.....	.....	.....	829	5,352
Napanee.....	576	2,785	.....	.....	540	2,650	1,116	5,435
Newcastle.....	708	2,940	310	696	50	218	1,068	3,854
Niagara.....	424	2,448	.....	.....	.....	.....	424	2,448
Oakville.....	576	2,456	129	356	.....	.....	705	2,812
Oshawa.....	2,156	10,447	.....	.....	.....	.....	2,156	10,447
Ottawa.....	8,495	57,744	60	364	.....	.....	8,555	58,108
Owen Sound.....	.....	.....	.....	.....	282	1,186	282	1,186
Paris.....	327	1,767	.....	.....	.....	.....	327	1,767
Penetanguishene.....	.....	.....	.....	.....	10	43	10	43
Pictou.....	2,075	10,525	.....	.....	.....	.....	2,075	10,525
Prescott.....	2,862	11,522	1,347	5,735	1	3	4,210	17,260
Prince Arthur's Landing.....	188	1,331	539	1,702	7	33	734	3,066
Rowan.....	27	141	.....	.....	.....	.....	27	141
St. Catharines.....	5,307	17,702	3,549	11,753	620	3,449	9,476	32,914
Sarnia.....	400	2,000	8,213	26,275	.....	.....	8,613	28,275
Saugeen.....	10	36	.....	.....	.....	.....	10	36
Stanley.....	.....	.....	10,892	32,576	2,908	24,432	13,800	57,008
Stratford.....	422	2,039	.....	.....	601	2,935	1,023	4,974
Toronto.....	39,509	163,359	100,143	430,042	594	2,447	149,246	595,848
Trenton.....	212	1,027	.....	.....	.....	.....	212	1,027
Wellaceburg.....	.....	.....	.....	.....	124	556	124	556
Whitby.....	4,337	22,937	11,578	33,515	21	115	4,337	22,937
Windsor.....	640	3,752	263	1,120	133	572	12,239	37,382
Woodstock.....	.....	.....	.....	.....	.....	.....	396	1,692
Total, Province Ontario.....	176,882	810,626	219,263	799,678	8,805	49,255	404,950	1,659,559

STATEMENT of the Quantity and Value of Coal Imported into the Dominion for the Six Months ending the 31st December, 1876.—Continued.

PROVINCE OF QUEBEC.

WHERE IMPORTED.	WHENCE IMPORTED.	DESCRIPTION OF COAL IMPORTED.						TOTAL.	
		Anthracite.		Bituminous.		Lignite.		Quantity.	Value.
Ports.	Countries.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
Coaticook	United States	Tons.	\$	Tons.	\$	Tons.	\$	Tons.	480
		.....	.....	.....	.....	50	480	50	
* Dundee	United States .....	.....	.....	.....	.....	3	23	3	23
Gaspé	Great Britain .....	.....	.....	6	28	.....	.....	6	28
Hemmingford	United States	21	173	.....	.....	.....	.....	21	173
Lacolle	United States	11	64	.....	.....	18	131	29	195
Montreal	Great Britain	2,056	8,475	44,046	123,384	3,218	9,350	49,320	141,209
	United States	76,951	321,092	1,378	6,124	3,679	17,069	82,008	344,285
		75,007	329,567	45,424	129,508	6,897	26,419	131,328	485,494
Philippsburgh	United States	143	715	.....	.....	.....	.....	143	715
Potton	United States	1	11	.....	.....	.....	.....	1	11

Quebec	Great Britain	200	389	56,527	136,889	10,823	24,677	67,360	161,955
	United States.....	2,363	12,432					2,363	12,432
		2,563	12,821	56,527	136,889	10,823	24,677	69,713	174,387
Russeltown.....	United States.....					1	6	1	6
St. Johns.....	United States.....	2,878	11,076					2,878	11,076
St. Hyacinthe	United States.....	4,486	19,329					4,486	19,329
Sherbrooke	United States.....	10	70	139	1,068			149	1,138
Sorel.....	United States.....	2,305	11,865					2,305	11,865
Stanstead.....	United States.....					87	459	87	459
Sutton	United States.....					14	95	14	95
Three Rivers.....	Great Britain.....			530	1,257			530	1,257
	United States.....	603	4,182					603	4,182
		603	4,182	530	1,257			1,133	5,439
	Total.....	92,028	389,873	102,626	268,750	17,693	52,290	212,347	710,913

STATEMENT of the Quantity and Value of Coal Imported into the Dominion for the Six Months ending the 31st December, 1876.—Continued.

PROVINCE OF NOVA SCOTIA.

WHERE IMPORTED.		DESCRIPTION OF COAL IMPORTED.											
WHENCE IMPORTED.		Anthracite.			Bituminous.			Lignite.			Total.		
Ports.	Countries.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
		Tons.	\$	Tons.	\$	Tons.	\$	Tons.	\$	Tons.	\$	Tons.	\$
Amherst.....	United States.....	3	20									3	20
Annapolis.....	do.....	65	353									65	353
Barrington.....	do.....	11	66									11	66
Bridgetown.....	do.....	7	40									7	40
Cornwallis.....	do.....	15	51									15	51
Digby.....	do.....	54	252									54	252
Guysboro.....	do.....	5	27									5	27
Halifax.....	Great Britain.....	749	2,749									749	2,749
	United States.....	6,314	24,749									6,314	24,749
		7,063	27,498									7,063	27,498
Liverpool.....	do.....	233	1,026									233	1,026
Londonderry.....	do.....	32	97									32	97
Lunenburg.....	do.....	69	314									69	314
Parssboro'.....	do.....	8	20									8	20
Pictou.....	do.....	89	394									89	394
Port Medway.....	do.....	1	6									1	6
Shelburne.....	do.....	34	159									34	159
Truro.....	do.....												
Weymouth.....	do.....	50	208									50	208
Windsor.....	do.....	500	2,033									500	2,033
Yarmouth.....	do.....	1,750	6,480									1,750	6,480
Grand Total.....		9,979	39,044					52	238			10,031	39,282

STATEMENT of the Quantity and Value of Coal Imported into the Dominion for the Six Months ending the 31st December, 1876.—Continued.

PROVINCE OF NEW BRUNSWICK.

WHERE IMPORTED.	WHENCE IMPORTED.	DESCRIPTION OF COAL IMPORTED.								Total.	
		Anthracite.		Bituminous.		Lignite.		Quantity.	Value.		
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.				
Ports.	Countries.	Tons.	\$	Tons.	\$	Tons.	\$	Tons.	\$	Tons.	\$
Chatham.....	Great Britain.....	65	382	300	1,026	.....	.....	300	1,026	300	1,026
	United States.....	65	382	300	1,026	.....	.....	65	382	365	1,408
Fredericton.....	United States.....	152	750	.....	.....	.....	.....	152	750	152	750
Newcastle.....	Great Britain.....	8	44	110	453	.....	.....	110	453	110	453
	United States.....	8	44	110	453	.....	.....	8	44	118	497
Sackville.....	United States.....	394	1,665	.....	.....	.....	.....	394	1,665	394	1,665
St. Andrews.....	United States.....	380	1,874	.....	.....	.....	.....	380	1,874	380	1,874
St. Stephens.....	United States.....	789	2,536	260	1,301	.....	.....	260	1,301	1,049	3,837

STATEMENT of the Quantity and Value of Coal Imported into the Dominion for the Six Months ending the 31st December, 1876.—Continued.

PROVINCE OF NEW BRUNSWICK.—Continued.

WHERE IMPORTED.	WHENCE IMPORTED.	DESCRIPTION OF COAL IMPORTED.						TOTAL.	
		Anthracite.		Bituminous.		Lignite.		Quantity.	Value.
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.		
	Countries.	Tons.	\$	Tons.	\$	Tons.	\$	Tons.	\$
St. John	Great Britain.....	12,645	54,576	1,475	5,714	3,812	12,940	3,812	12,940
	United States.....							14,120	60,290
Campobello.....	United States.....	346	1,169						
Total, New Brunswick.....		14,779	62,996	2,145	8,494	3,812	12,940	20,736	84,430
<i>Ports and Provinces.</i>									
Manitoba.....	United States.....	202	1,416			98	693	300	2,109
British Columbia.....	Great Britain.....					108	551	108	551
	United States.....					38	483	38	483
	Total.....					146	1,034	146	1,034
Prince Edward Island.....	Great Britain.....			142	327			142	327
	United States.....	524	1,940					524	1,940
	Total.....	524	1,940	142	327			666	2,267

STATEMENT of the Quantity and Value of Coal Imported into the Dominion for the Six Months ending the 31st December, 1876--Continued.

RECAPITULATION.

WHERE IMPORTED.	WHENCE IMPORTED.	DESCRIPTION OF COAL IMPORTED.								TOTAL.	
		Anthracite.		Bituminous.		Lignite.		Quantity.	Value.	Quantity.	Value.
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.				
Provinces.	Countries.	Tons.	\$	Tons.	\$	Tons.	\$	Tons.	\$	Tons.	\$
Ontario.....	.....	176,882	810,626	219,263	799,678	8,805	49,255	404,950	1,659,559		
Quebec.....	.....	92,028	389,873	102,626	268,750	17,693	52,296	212,347	710,913		
Nova Scotia.....	.....	9,979	39,044	.....	.....	62	238	10,031	39,282		
New Brunswick.....	.....	14,779	62,996	2,145	8,494	3,812	12,940	20,736	84,430		
Manitoba.....	.....	202	1,416	.....	.....	98	693	300	2,109		
British Columbia.....	.....	.....	.....	.....	.....	146	1,034	146	1,034		
Prince Edward Island.....	.....	524	1,940	142	327	.....	.....	666	2,267		
	Total.....	294,394	1,305,895	324,176	1,077,249	30,606	116,450	649,176	2,499,594		
By Countries.....	Great Britain.....	3,005	11,613	101,661	263,364	17,761	47,518	122,427	322,495		
	United States.....	291,389	1,294,282	222,515	813,885	12,845	68,932	526,749	2,177,099		
	Total.....	294,394	1,305,895	324,176	1,077,249	30,606	116,450	649,176	2,499,594		

(Signed)

J. JOHNSON,
Commissioner of Customs.

CUSTOMS DEPARTMENT,
OTTAWA, 16th March, 1877.

(No 106.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 7th March, 1877 ;--For copies of correspondence between the Minister of Public Works and the officer in charge of the dredging improvements and deepening of the Horse Shoe Bar Channel at the entrance of the Miramichi River ; with a statement showing the total amount of dredging originally contemplated,—the quantity of material removed from said Bar in the respective seasons that the dredge has been at work ; the length, breadth and depth of the excavations removed, with the length of the work yet to be excavated, and the probable period of its completion, with a statement of the depth of water proposed to be obtained in said channel by such improvement.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 22nd March, 1877.

(No 107.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 5th March, 1877 ;--For copies of reports and plan of " Arichat West Breakwater," in the County of Richmond, Nova Scotia.

By Command.

R. W. SCOTT,

Secretary of State

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 15th March, 1877.

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

(No. 108.)

RETURN

To an OREER of the HOUSE OF COMMONS, dated 5th March, 1877;—For copies of all Orders in Council, Rules and Regulations made in relation to the Smelt Fisheries in the Harbor of Bathurst, together with all correspondence between the Department of Marine and Fisheries, and other officers of the Department; also, with all persons interested in said Fisheries.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 21st March, 1877.

(No. 109.)

RETURN

To an ADDRESS of the HOUSE OF COMMONS, dated 1st March, 1877;—For copy of Returns from Pilotage Authorities of Cape Breton for 1876, showing the names of all Pilots, and the amount paid to each; also, the amount paid to the Secretaries of the different Pilotage Authorities from Pilotage Funds in such District.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 21st March, 1877.

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

(No. 110)

R E T U R N

To an ORDER of the HOUSE OF COMMONS, dated 10th April, 1876;— For copies of all correspondence between the Government and the Lieut.-Governors of the different Provinces, regarding the relative jurisdiction of the Dominion and Provincial Parliaments over the manufacture and sale of intoxicating liquors; together with all the decisions of the Courts in the Provinces bearing upon this matter.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE.

OTTAWA, 19th March, 1877.

(No. 111.)

R E T U R N

To an ORDER of the HOUSE OF COMMONS, dated 12th March, 1877;— For copies of Return of the Harbor Master for the Port of Little Glace Bay, N.S., for the year ending 31st Dec., 1876, showing the amounts of fees collected; the names of all vessels from which fees were collected; also, any correspondence in relation to the office of Harbor Master for the Port of Little Glace Bay, N.S.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 20th March, 1877.

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

(No. 112.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 7th March, 1877;—For a Statement showing the extent and character of the Works carried on in the improvement of the Toronto Harbor during the past year, together with all correspondence and plans having reference to the best method or methods of permanently securing the harbor against damage, and deepening it so as to admit vessels of largest tonnage navigating the upper lakes, with any estimates which may have been made of the cost of such improvements.

By Command.

R. W. SCOTT,
*Secretary of State.*DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 23rd March, 1877.

(No. 113.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 12th March, 1877;—For copies of all correspondence between the Government and the Council of the County of Carleton, respecting a Bridge over the By-Wash at Long Island.

By Command.

R. W. SCOTT,
*Secretary of State*DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 23rd March, 1877.

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

(No. 114.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 12th March, 1877;—For copies of all correspondence between the Department of Public Works and the Engineer in charge of the Culbute Canal, in reference to the petition of Elizabeth Sullivan, of the Township of Pembroke, in the County of Renfrew, praying for compensation for damages alleged to have been sustained by her through the construction of a Dam at the said Culbute Canal, together with a copy of the Engineer's Report on the subject-matter of the said petition.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 23rd March, 1877.

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

(No. 115.)

RETURN

To an ADDRESS of the HOUSE OF COMMONS, dated 12th March, 1877 ;---For copies of all Reports and Plans of Port Hood Harbor, in the County of Inverness, made by Engineers under direction of the Dominion Government.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 23rd March, 1877.

(No. 116.)

RETURN

To an ADDRESS of the HOUSE OF COMMONS, dated 12th March, 1877 ;---For copies of all correspondence between the Government and the Council of the County of Carleton respecting a Bridge across the Rideau River at the Village of Wellington.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 23rd March, 1877.

(No. 117.)

R E T U R N

To an ORDER of the HOUSE OF COMMONS, dated 12th March, 1877;—For copies of all Reports made by the **Engineer or Engineers** in charge of Public Works on the improvement of the navigation of the St. John River, New Brunswick, since June, 1871, as well as the amount of dredging done since that date on the Oromocto Shoals (so called) and the state of the navigation at that point.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 23rd March, 1877.

(No. 118.)

R E T U R N

To an ADDRESS of the HOUSE OF COMMONS, dated 19th March, 1877;—For copies of all Orders in Council, and of all correspondence which has taken place since last Session between the Federal and the Quebec Governments, concerning the Judicial Staff of the District of Montreal.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 26th March, 1877.

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

RETURN

To an ADDRESS of the SENATE, dated 23rd February, 1877 ;—For Copies of all correspondence and telegrams that have taken place between The Direct United States Cable Company, The Anglo-American Telegraph Company, and any other Marine or Telegraph Company, and the Government, as well as copies of all Orders in Council affecting the same, since the twenty-first day of March, 1876.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 26th March, 1877.

DOMINION TELEGRAPH COMPANY,
TORONTO, 23rd December, 1876.

SIR,—I have the honour to enclose, for the information of your Government, an extract from the English *Times* newspaper, of the 11th inst., having reference to the attempt now being made by those interested in the Anglo-American Telegraph Company to absorb the Direct United States Cable Company, its franchise and property, with the object of re-establishing, more securely than ever, the absolute control and monopoly of all Transatlantic telegraphy by the former (the Anglo-American) Telegraph Company.

I beg to inclose you a copy of the joint protest which this Company and the Atlantic and Pacific Telegraph Company of the United States have formally served upon the Direct United States Cable Company in reference to this attempt.

The matter is one of such importance to the Canadian public, generally, irrespective of the interests of the Dominion Telegraph Company whom I represent, that I deem it my duty to call your special attention to it.

Both of these Cable Companies are now under the jurisdiction of the Government and Parliament of Canada, and I would venture most respectfully to submit that Canadian interests should not be allowed to be prejudicially dealt with in the manner proposed, but that immediate measures should be taken by the Government to protect the public against any such efforts.

I would also beg to observe that the Direct United States Cable Co. became incorporated under the Marine Electric Telegraph Act of Canada, and that it is an

express condition, not only of that Act but of the letters patent, conferring such incorporation that the Company should be maintained as a separate and independent organization.

I would further beg to point out with respect to the position of the Anglo-American Telegraph Company, that it is only on sufferance that it occupies the shore of Canada, and that the Government and Parliament of the Dominion can exercise their jurisdiction in such a manner as will preserve the country against the injurious consequences of the proposed monopoly, and can make effectual the policy which the Act intended to establish.

I have the honour to be, sir,
Your obedient servant,

(Signed) THOS. SWINYARD,
Managing Director.

The Honorable A. MACKENZIE, M.P.,
Premier.

DOMINION TELEGRAPH COMPANY,
TORONTO, 23rd December, 1876.

SIR,—Since my letter was written to you this morning, I have received the enclosed extract from the "Cable News" of the New York *Herald* of the 21st inst., containing a report of the money article of the London *Times*, criticising the attempt to destroy the independence of the Direct United States Cable Co., and stating that the opposition to it will require to be very vigorous and well organized indeed, if it is to carry the day against the controllers of the "Globe Trust" Company, who, acting together and possessing power over a considerable amount of the Direct Cable Company's capital, can practicably defy any loose rambling attempt to beat them.

This announcement of the London *Times* amply justifies the liberty I have taken in calling your special attention to this important question.

I have the honour to be, sir,
Your obedient servant,

(Signed) THOS. SWINYARD,
Managing Director.

The Hon. A. MACKENZIE,
Premier.

EXECUTIVE OFFICE OF THE ATLANTIC AND PACIFIC TELEGRAPH COMPANY,
NEW YORK, 12th December, 1876.

To the Managing Director of the Direct U. S. Cable Co., G. VON CHAUVEN, Esq., New York City:—

SIR,—We, the undersigned, being the representatives of the Dominion Telegraph Company of Canada, and of the Atlantic and Pacific Telegraph Company of New York, respectfully beg to submit to you the following protest against the action which, it appears from the cable despatch printed in yesterday's New York papers, is about to be taken by the Globe Telegraph and Trust Company, and by a large body of shareholders in your Company, who, with or without the consent of your Board of Directors, are preparing to take measures to bring about the entire destruction of the independence of your Company; and also an agreement with the Anglo-American Telegraph Company, of London, England. Having called upon you yesterday, and requested you to inform us officially what the intention of your Board were with

regard to the movement referred to, you informed us that while you were perfectly convinced, your Directors would be no party to any arrangement which would contravene any of the obligations from time to time undertaken by your Company; you had received no advice from them as to the action they might take, and, therefore, you must decline to give us an authoratative denial of the newspaper statement of the designs attributed to them.

We, therefore, feel that it is our imperative duty, as the representatives of the Dominion Telegraph Company and the Atlantic and Pacific Telegraph Company, respectively, to call your attention to the following clause, contained in the memorandum of association of your Company, namely :

“ That no such amalgamation shall be made with, and no arrangement shall be entered into, by which the Company shall participate in the profits of the existing trans-Atlantic Telegraph Companies, or either of them.”

And to remind you that but for this clause, which so distinctly prohibits any amalgamation with, or any participation in the profits of, the Anglo-American Telegraph Company, and for the repeated pledges of your representatives, that this would be rigidly adhered to by your Company. our Companies would never have consented to enter into the agreement which now exists between the three Companies providing for the exclusive interchange of business between them.

We would further remind that you, upon the faith of these agreements, our Companies have materially remodelled the whole of their working systems, for the purpose of affording the greatest possible facilities to your Company, for the handling of its business.

The numerous extensions of lines, already aggregating an addition of 5,000 miles, and the opening of many telegraphic stations throughout the territories covered by our respective Companies, for the purpose of making the telegraphic system on this continent as universal and perfect as possible, must demonstrate to your Directors the good faith in which our Companies have regarded their obligations to your Company.

The very large outlay this involved would never have been incurred, but for the confidence and belief we had that your Company would, in like manner, faithfully carry out its obligations to our Companies, by maintaining its independence.

Your Directors are acquainted with all the necessary requirements of telegraphic traffic, and must be well aware that any agreement between your Company and the Anglo-American Telegraph Company, providing for a division of gross or net profits, we fixed proportion, would necessarily change the policy of your Company from that of a vigorous and active competitions for trans-Atlantic Cable messages, into one of retrenchment of expenditure, and an indifference to the amount of business collected by transmission over its cables, for any agreement giving your Company a fixed income would naturally make it immaterial whether you transmitted one message or a thousand per diem; but in the case of our Companies, the reduction of business necessarily following any such arrangement would very seriously affect their revenue.

Your Directors cannot, therefore, but see that the proposition to let the two trans-Atlantic Cable Companies divide their profits in a fixed ratio, under a so-called independent existence, would be a delusion, as it would effectually debar the development with our Companies, as contemplated in the agreements entered into with your Company.

Your Directors are also fully aware that the policy which they have followed up to the present, has been to obtain, as soon as circumstances would permit, a second cable for your Company, and it has been with a view to the constantly increasing traffic on your cables, and the great further increase of traffic to be obtained so soon as two cables would be operated by your Company; that many extensions have been made, and are still being made, by our respective Companies.

Under these circumstances, we beg to enter, on behalf of our respective Companies, the most emphatic protest against any action by your Company, whether instigated and carried out by a majority of your shareholders, or taken by the governing body of the Company, which would in any way impair the independence

of your undertaking as defined by your memorandum of association, on which the public in England was invited to subscribe for the capital, on which the public on both sides of the Atlantic, have over and over again, been solicited to patronize your line, on which the Government of the Dominion of Canada was induced to pass an Act of Parliament, affording special facilities to your Company, and on which our Companies having received the repeated pledges of your authorized agents, that the bases of the memorandum of association should not be departed from, have entered into the existing contracts.

We cannot but look upon any such action as that indicated in the cable despatch referred to, printed in the New York papers of yesterday, as a gross breach of faith with us, and we further beg to intimate to you, that it is our intention to take such necessary legal proceedings as may most effectually protect the interest of our respective Companies, and as under the circumstances we may be advised.

We remain, Sir,
Your obedient servant,

For the Dominion Telegraph Company.	{	(Signed)	THOS. N. GIBBS, <i>President.</i>
		"	JOHN SWINYARD, <i>Managing Director.</i>
For the Atlantic and Pacific Telegraph Co.,	{	"	THOS. T. ECKERT, <i>President,</i>
		"	A. B. CHANDLER, <i>Secretary.</i>

OFFICE OF THE MINISTER OF PUBLIC WORKS OF CANADA,
OTTAWA, 29th December, 1876.

SIR,—I have the honour, by request of Mr. Mackenzie, to acknowledge the receipt of your letter to him of the 23rd instant, relative to the purpose attributed to the Anglo-American Telegraph Co. to absorb the Direct United States Cable Co, with copy of a joint protest of the Dominion Telegraph Company and the Atlantic and Pacific Telegraph Company; and, also, of your further letter of the same date, with extract from the cable news of the New York *Herald*.

I have the honour to be, sir,
Your obedient servant,

(Signed) WM. BUCKINGHAM.

THOS. SWINYARD, Esq.,
Managing Director, Dominion Telegraph Co.,
Toronto.

TORONTO, 2nd January, 1877.

By Telegraph to the Hon. A. Mackenzie,

The following is copy of letter and also of Counsel's opinion addressed to you on the 29th ultimo, and not yet delivered owing to the stoppage on the Grand Trunk Railway:

TORONTO, 29th December, 1876.

SIR,—With further reference to my communication of the 23rd inst., I beg permission to enclose you a copy of an opinion given by the Hon. Adams Crooks, Q.C.

I have the honour to be, Sir,

Your obedient servant,

(Signed) THOMAS SWINYARD.

The Hon. A. MACKENZIE, M. P.

January 2nd, 1877.

Re Direct United States Cable Company (Limited) and Anglo-American Telegraph Company.

My opinion has been asked with reference to the legal results in Canada of any agreement between the two Companies for amalgamation or for working under a joint purse arrangement.

1. Any union of the two incorporations would involve: 1.—Firstly, the loss by the Direct Co. of its incorporation and powers in Canada which, by the letters patent, issued under the provision of the Marine Electric Telegraph Act, are expressly subject to the provisions of that Act, Section 16, expressly prohibits the proposed Union. 2.—Secondly, the consequent liability of the Direct Company to an information by the Crown under which its occupation of the Canadian shore, and the exercise of any franchise for cable purposes in Canada could be enjoyed and, as I think, successfully. 3.—Thirdly, the Marine Electric Telegraph Act was predicated on the position of the Anglo-American Company on the shore of Nova Scotia being only on occupation on sufferance.

The Crown could therefore proceed by information to enjoin this in the future, and the legal reasons are strong enough to justify my opinion that such proceedings would be successful.

The special authority conferred by the Act has not taken away or limited this general legal right of the Crown. "11." A joint purse traffic arrangement would involve the like consequences; the 16th section of the Act prohibits, as well the entering into of any agreement with any company such as the Anglo-American, and the 15th section expressly makes any grant of corporate powers conditional upon the Company doing, observing and performing the several provisions thereof.

(Signed) ADAM CROOKS.

TORONTO, 28th December, 1876.

THOS. SWINYARD.

OFFICE OF THE MINISTER OF PUBLIC WORKS OF CANADA,
OTTAWA, 10th January, 1877.

SIR,—In reply to your communication on the subject of the proposed amalgamation of the Cable Telegraph Companies, or what is equivalent thereto, a joint purse arrangement, and your enquiries relative to the course which the Government of Canada will adopt in the premises, I have merely to state that their policy is contained in the Act, cap. 26 of the Statutes of 1875, and that they will resist, by every means in their power, a violation of this law, and the adoption of a course of a contrary nature.

The Direct Cable Company will, as a matter of course, forfeit any rights which they may hold under our Act, should they pursue the course indicated by recent movements, the promoters of which cannot be ignorant of the policy and determination of the Canadian Company in reference thereto.

I am, Sir,

Your obedient servant,

(Signed) A. MACKENZIE.

THOMAS SWINYARD, Esq.,
Managing Director, Dominion Telegraph Co.,
Toronto,

DOMINION TELEGRAPH COMPANY,

TORONTO, 11th January, 1877.

SIR,—I have the honour to acknowledge the receipt this afternoon of your letter of yesterday's date, in response to my communication to you in reference to the proposed arrangement between the Anglo-American and Telegraph Company and the Direct United States Cable Company.

The assurance which you are able to give me of the determination of the Government to resist, by every means in their power, the violation of the Canadian Act of 1875, and the adoption of any course of a contrary nature thereto, together with your announcement that the Direct Cable Company will, as a matter of course, forfeit any right which they may hold under that Act, should they pursue the course indicated by recent movements, is highly satisfactory; and judging from the opinions very generally expressed in the leading newspapers of the country, will, I feel confident, recommend itself to the public at large.

In further justification of my communications to you upon this very important matter, I beg to state that, in answer to a circular recently issued by the Direct Cable Company to its shareholders, in which it is pointed out that one of the objections to Mr. Pender's scheme is, the fact that it would violate the provisions of the Canadian Act of 1875; that gentleman has issued a counter circular, announcing that he has been advised that the Canadian Act referred to is practically inoperative.

This declaration I venture respectfully to suggest, furnishes cause, and, indeed, renders it incumbent for the emphatic expression of the determination of your Government to enforce the provisions of the Act; to be officially and immediately made known to the Direct Cable Company through their chief representative in America, Mr. Lawrence Oliphant, of 16 Broad Street, New York, in order that any other parties may not in the future, rely on Mr. Pender's statement as one which the Canadian Government allowed to pass uncontradicted.

I have the honour to be, Sir,

Your obedient servant,

(Signed) THOS. SWINYARD,
Managing Director.

The Hon. ALEX. MACKENZIE, M.P.,
Premier, &c., &c., Ottawa.

(No. 120.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 7th March, 1877 ;—For a Statement as exact as possible, showing the amount paid by each Steamboat to the Harbor Commissioners of Montreal during the season 1875-'76, for wharfage dues, together with the name and length of such Steamboat.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 28th March, 1877.

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

RETURN

To an ADDRESS of THE SENATE, dated 21st February, 1876 ;—For Copies of all instructions to the Honorable A. MORRIS, Lieutenant-Governor of the North-West Territories ; Also copies of all Orders in Council relative to the said Territories since their organization, and not already published ; Also, copies of all reports and official correspondence between the Lieutenant-Governor and the Dominion Government from the date of his appointment.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 27th March, 1877.

OFFICE OF THE SECRETARY OF STATE FOR THE PROVINCES,
OTTAWA, 3rd December, 1872.

SIR,—I have the honour to acquaint you that His Excellency the Governor General in Council has been pleased to appoint Mr. William T. Urquhart to the office of Clerk of the Council of the North-West Territories.

Mr. Urquhart will proceed to Fort Garry to undertake the duties of his office at an early day.

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

(Signed) JOSEPH HOWE,
Secretary of State for the Provinces.

His Honor ALEXR. MORRIS,
Administrator of the Government, North-West Territories,
Fort Garry.

COPY of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council on the 2nd December, 1872.

On the recommendation of the Honorable the Minister of Justice, the Committee advise that the Honorable Alexander Morris be appointed Lieutenant-Governor of the North-West Territories, *vice* the Honorable Adams G. Archibald, resigned.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

OFFICE OF THE SECRETARY OF STATE FOR THE PROVINCES,
OTTAWA, 2nd January, 1873.

SIR,—I have the honor to enclose, for your information, a copy of an order of the Governor General in Council respecting the appointment pursuant to the provision of the Act 34 Vic., chap. 16, Sec. 3, of a Council to aid you in your capacity as Lieutenant-Governor of the North-West Territories, in the administration of affairs, with such powers as may be from time to time conferred upon them by order of His Excellency in Council.

The gentlemen composing the Council have been notified, severally, of their appointment.

The necessary warrant, appointing the Council, will be forwarded to you when ready.

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

(Signed) JOSEPH HOWE,
Secretary of State for the Provinces.

The Hon. A. MORRIS,
Lieutenant-Governor,
Fort Garry, Manitoba.

OFFICE OF SECRETARY OF STATE FOR THE PROVINCES,
OTTAWA, 17th February, 1873.

SIR,—Adverting to my letter of the 2nd ultimo, I have the honour to transmit to you herewith, a Commission appointing the Hon. Marc Amable Girard and other gentlemen therein named, members of the Council of the North-West Territories, under the provisions of the Act 34 Vic. chap. 16, Sec. 3.

May I request that you will have the goodness to hand the Commissions to Mr. Girard, the first named member of the Council.

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

(Signed) JOSEPH HOWE,
Secretary of State for the Provinces.

The Hon. A. MORRIS,
Lieutenant-Governor,
Fort Garry, Manitoba.

LIST OF ENCLOSURES.

GOVERNMENT HOUSE,

FORT GARRY, 13th March, 1873.

Speech of the Lieutenant-Governor, on occasion of first sitting of Council of the North West, marked.....	A
Reply of Council thereto	B
Act prohibiting the sale of liquors.....	C
“ “ Importation of poisons.....	D
“ authorizing appointment of Magistrates and Coroners.....	E
List of persons appointed to be Justices of the Peace in the North-West Territories.	F
Copy of resolution in reference to the maintenance of peace and order.	G
Address (informal) of Council to Lieutenant-Governor.....	
Lieutenant-Governor's reply thereto.....	
Nine enclosures.	

(Signed) W. T. U.

A.

Honourable Gentlemen of the Council of the North-West:—

I have much pleasure in calling you around me to assist me in the administration of the affairs of the North-West Territories.

The duties which devolve upon you are of a highly important character; a country of vast extent, which is possessed of abundant resources is entrusted to your keeping, a country which although at present but sparsely settled, is destined, I believe, to become the home of thousands of persons, by means of whose industry and energy, that which is now almost a wilderness, will be quickly transformed into a fruitful land, where civilization and the arts of peace will flourish.

It is for us to labour to the utmost of our power, in order to bring about as speedily as possible the settlement of the North-West Territories, and the development of their resources, and at the same time, to adopt such measures as may be necessary to insure the maintenance of peace and order, and the welfare and happiness of all classes of Her Majesty's subjects resident in the Territories.

The scope and nature of your authority are set forth in the Act of the Dominion Parliament whereby the formation of this Council is authorized; and in the Order of His Excellency the Governor General in Council, copies of which will be laid before you.

Among other matters which should claim your immediate attention will be the taking means for ascertaining on what portions of the North-West Territories settlements have been formed, and suggesting to the Dominion Government the propriety of surveying and dealing with the lands in those districts.

It will also be advisable to ascertain the numbers of the various native Tribes with the localities in which they reside, and to suggest measures for concluding satisfactory treaties with them. Means must be devised for the proper administration of justice, the prevention of trade in intoxicating liquors, and the vigorous assertion of the laws in all cases of crime or disorder.

I will also take your counsel as to the most appropriate locality in which the band of Sioux, now resident in Manitoba, should be placed for permanent residence.

I now invite you to enter upon the duties of your office, well assured, as I am, of your sincere desire to assist me loyally and faithfully in the administration of the affairs of the North-West, and in the development of the resources of that mighty region, whose future, I believe, to be so full of promise.

B.

Moved by Hon. D. A. Smith, Seconded by Hon. Mr. Dubuc.

Resolved,—That the Members of the Council of the North-West Territories thank His Excellency the Lieutenant-Governor for his gracious speech.

They appreciate the responsibilities of their position as members of the Council charged with the administration of affairs in a country of such vast extent, which, although at present but sparsely settled, they hope and believe will ere long become the home of thousands of persons, by means of whose industry and energy that which is now almost a wilderness will be quickly transformed into a fruitful land, where civilization and the arts of peace will flourish.

They feel it to be their duty to labour to the utmost of their power, in order to bring about as speedily as possible the settlement of the North-West Territories, and the development of their resources, and at the same time to adopt such measures as may be necessary to insure the maintenance of peace and order, and the welfare and happiness of all classes of Her Majesty's subjects resident in the Territories.

They recognize the importance of the various questions to which their attention has been directed by His Excellency, and desire to deal with them in an intelligent and patriotic manner.

In entering upon the duties of their office, they are animated by a sincere wish to assist the Lieutenant-Governor loyally and faithfully in the administration of the affairs of the North-West, and in the development of the resources of that mighty region, whose future they believe to be so full of promise.

Adopted March 10th, 1873.

(Signed) WILLIAM T. URQUHART,
Clerk of the Council of the North-West Territories.

C.

WHEREAS the giving, selling or bartering to Indians of spirituous liquors is subversive of public order and dangerous to the public peace, and the use or sale of such liquors in the North-West Territories is detrimental not only to the Indian population and to the other residents therein, be it therefore enacted by the Lieutenant-Governor of the North-West Territories, by and with the advice of the Council of the said Territories, as follows:—

1st. The importation by any person or persons whatsoever into any portion of the North-Western Territories, not being within the Province of Manitoba, of any rum, whiskey, or other spirituous liquor whatever, is prohibited; and any person who shall take, carry, send, bring or import or have in his possession at any place within the said Territories, any such liquor as aforesaid, shall forfeit and pay a fine not exceeding £100, and such liquor shall be confiscated, spilled on the ground and destroyed by the officer or person seizing the same.

2nd. It shall be lawful for any Justice of the Peace, Quarantine or Peace Officer, Constable, or other person with or without warrant, and without any form of seizure, to take, confiscate and destroy all and any such spirituous liquors found or being within the Territories aforesaid.

3rd. All fines imposed by this Act shall be recoverable before one Justice of the Peace, upon complaint either oral or in writing, upon the oath of one credible witness, and one half of the penalty imposed shall belong to the complainant and one half to the Government.

4th. Provided, always, that nothing in this Act shall be held to extend to any such liquors on the way by sea or land into Manitoba, or other Province of the Dominion, through the said North-Western Territories.

5th. Provided, always, that wine for sacramental purposes may be introduced into the territories on a permit from the Lieutenant-Governor in favour of any priest, minister or missionary in charge of a recognized missionary station, or of the Bishop or other ecclesiastical authority, and shall not be liable to seizure; and any such wine introduced for such purposes shall, if seized, be released on proof that the same was, *bonâ fide*, brought on for such purposes as aforesaid.

6th. All other enactments inconsistent with the Statute are hereby repealed, except as to any proceedings now pending thereunder.

Passed March 10th, 1873.

(Signed) W. T. URQUHART,
Clerk of the Council, N. W. T.

D.

AN ACT prohibiting the importation of Strychnine or other poisons in the North-West Territories.

The Lieutenant Governor of the North-West Territories by and with the advice and consent of the Council of the North-West Territories, enacts as follows:—

1st. It shall henceforth be unlawful for any person to import or take into the North-West Territories, or into any part thereof, or to have in his possession, any Strychnine or other poison, or to use or cause to be used, the same within the said Territories, either for the purpose of capturing or destroying any animal, or for any other purpose whatever.

2nd. Any person importing or taking into the North-West Territories, or any part thereof any Strychnine or other poison, or having the same in his possession, or using or causing to be used, the same for any purpose whatever shall be subject for the first offence to forfeit the same as well as any animal skin or fur thereby captured or procured; and for any subsequent offence, shall over and above such forfeiture, be subject to a penalty not exceeding five pounds sterling and costs of prosecution, and shall be subject to imprisonment until such penalty and costs are paid.

3rd. Any Justice of the Peace in the North-West Territories, shall either on his own view, or on the evidence of one credible witness, summarily deal with and adjudge upon any offence against this Act.

4th. Provided, however, that the word "poison" as used in this Act, shall not be held to extend to or include any drug or other poison, *bonâ fide* imported as medicine only for the use of sick persons, and the onus of proof that such drug, &c., is so imported for such use only shall lie upon the person in whose possession the same may be found, and in default of such proof the same shall be held to have been imported in violation of this Act.

Passed March 10th, 1873.

(Signed) W. T. URQUHART,
Clerk of the Council, N. W. T.

E.

AN ACT authorizing the appointment of Magistrates and Coroners.

WHEREAS it is necessary to provide for the repression of Crimes and other infractions of the Laws in the North-West Territories, and the immediate appointment of Justices of the Peace is of urgent importance;

Be it therefore enacted by the Lieutenant Governor of the North-West Territories in Council, whenever he shall think fit, appoint such and as many Justices of the Peace and also Coroners for the North-West Territories, as to him shall seem meet and at the time of such appointment to declare whether such Justice and Coroner shall have jurisdiction throughout the whole Territories, or within any particular district or portion thereof to be defined and described in the Commission appointing any such Officer; and such Officer shall thereupon be invested with jurisdiction in the Territories or in any such division thereof, as the case may be.

Passed March 10th, 1873.

(Signed) W. T. URQUHART,
Secretary, N.W.T.

F.

LIST OF PERSONS APPOINTED TO BE JUSTICES OF THE PEACE IN THE NORTH-WEST TERRITORIES.

EXTRACT from Minutes of the Council of the North-West Territories, 10th March, 1873.

The following gentlemen were then appointed Justices of the Peace in the North-West Territories:—

William Murray, of Isle a la Croix.
 R. Hardisty, of Fort Edmonton.
 William McKay, of Fort Pitt.
 B. Mackenzie, of Victoria.
 John Bunn, of Rocky Mountain House.
 Lawrence Clarke, of Carleton.
 William Trail, of Carleton.
 John McKay, of Prince Albert.
 Adam Macbeth, Jun., of Prince Albert.
 ——— Kerr, of Prince Albert.
 Roderick McFarlane, of Athabaska.
 W. L. Hardisty, of Mackenzie River.
 John Fisher, of Lac Qu'Appelle.
 Horace Bélanger, of Cumberland.
 James S. Clusen, of Moose Factory.
 George S. McTavish, of Rupert's House.
 Alexander McDonald, of Albany.
 Colin Rankin, of Abbottville.
 ——— Armit, of North-West Angle.
 ——— Crow, of Fort Francis.
 ——— Pither, of Fort Francis.
 ——— Fortescue, of York Factory.

And all the Members of the Council of the North-West Territories.

Certified.

(Signed) WILLIAM T. URQUHART,
Clerk of the Council, N.W.T.

G.

COPY OF A RESOLUTION PASSED BY THE COUNCIL OF THE NORTH-WEST TERRITORIES, 10th MARCH, 1873.

Resolved, That in the opinion of Council it is necessary that for the maintenance of peace and order in the North-West Territories, a sufficient force of Military and Police, the latter being under military discipline, and either wholly or in part mounted, should without delay be stationed in the Territories.

Certified.

(Signed) WILLIAM T. URQUHART,
Clerk of the Council, N. W. T.

GOVERNMENT HOUSE,
FORT GARRY, March 22nd, 1873.

From His Honor Lieut-Govr. Morris, to the Hon. the Secretary of State.

SIR,—I have the honour to inform you that, finding that a mail was about to leave for several points in the North-West Territories, opportunities for communication with which are rare, I have despatched Commissions as Justices of the Peace to the undermentioned persons, in accordance with the recommendation of the Council of the North-West.

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

(Signed) ALEX. MORRIS.

Joseph Fortescue, Esq., of York Factory.
William Trail, Esq., of Fort Carleton.
Lawrence Clarke, Esq., of Fort Carleton.
Archibald McDonald, Esq., of Fort Ellice.
Richard Hardisty, Esq., of Fort Edmonton.

OFFICE OF THE SECRETARY OF STATE FOR THE PROVINCES,
OTTAWA, 2nd April, 1873.

SIR,—I have the honour to acknowledge the receipt of your despatch (No. 17 N.) of the 22nd inst., reporting that in accordance with the recommendation of the Council of the North-West you had despatched Commissions to the several individuals in the North-West Territories mentioned in your despatch.

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

(Signed) JOSEPH HOWE,
Secretary of State for the Provinces.

His Honor
The Lieutenant-Governor of Manitoba,
Fort Garry, Manitoba.

GOVERNMENT HOUSE,
FORT GARRY, 24th June, 1873.

From His Honor Lieut.-Gov. Morris to the Secretary of State.

SIR,—As I presume that the question of the North-West Council will be under the consideration of the Government, I beg to suggest that an Order in Council should be passed, providing that the ordinary oaths taken by Councillors should be administered to the Members of the North-West Council, as I consider it of importance, for many reasons, that this should be done.

I would also suggest that the quorum of the Council should, for the present, be fixed at five (5), and after its enlargement at seven (7), as it would often be difficult to secure the presence of a larger number.

I would further submit, that out of any appropriation available for the purpose, a sufficient sum should be placed at the disposal of the Council, for defraying incidental expenses and contingencies.

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

(Signed) ALEX. MORRIS,
Lieut.-Governor.

OFFICE OF THE SECRETARY OF STATE FOR CANADA,
OTTAWA, 9th July, 1873.

SIR,—I have the honour to acknowledge the receipt of your despatch (No. 42) of the 24th ultimo, suggesting that an Order in Council be passed, providing for the administering of oaths to the members of the North-West Council, and fixing the quorum of that body; and also submitting that, out of any appropriation available for the purpose, a sufficient sum be placed at the disposal of the Council for defraying incidental expenses and contingencies.

I have to inform you that the subject will receive the consideration of the Government.

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

(Signed) J. C. AIKINS,
Secretary of State for Canada.

His Honor
The Lieutenant Governor of the North-West Territories,
Fort Garry.

GOVERNMENT HOUSE,
FORT GARRY, 18th August, 1873.

From His Honor Lieutenant Governor Morris to the Honorable the Minister of the Interior.

SIR,—Adverting to my despatch of the 24th June (No. 42 N), I desire to point out once more the absolute necessity which exists for a certain sum being placed at the disposal of the North-West Council, out of any appropriation available for the purpose, for defraying incidental expenses and contingencies.

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

(Signed) ALEX. MORRIS,
Lieut.-Governor.

The Honorable
The Minister of the Interior, Ottawa.

GOVERNMENT HOUSE,
FORT GARRY, 28th March, 1873.

From J. C. McKeagney, Administrator, to the Hon. Sir John A. Macdonald, Minister of Justice.

SIR,—I have the honour to inform you, that immediately upon the receipt of your telegram of the 21st instant, authorizing the Lieutenant-Governor to advise the Indians that treaty arrangements would be commenced next summer, the Honorable Pascal Breland was directed to proceed at once to Fort Ellice.

He was instructed to say all he could to reassure the minds of the Sioux in that vicinity, and having obtained all the information possible, as to the actual position of affairs, to return, and if he found any cause for alarm, to send a trusty courier in advance, to report to the authorities here.

Mr. Breland started on Monday last, and is now well on his way to Fort Ellice.

It is probable that on his return it may be highly expedient that I should call a meeting of the North-West Council, but I fear that it would be impossible, for some time to come, to obtain the attendance of six members, the number necessary for a quorum, so many members of the Council being absent from the Province.

The same difficulty, I am afraid, is likely frequently to occur, and under these circumstances, I would venture respectfully to suggest whether the Fourth Section of the Order of the Governor General in Council of the 12th February last could not be amended so as to admit of a smaller number of members of the North-West Council being sufficient to constitute a quorum.

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

(Signed) J. C. McKEAGNEY,
Administrator.

Copy of a Report of a Committee of the Hon. the Privy Council, approved by His Excellency the Governor-General in Council, on the 10th July, 1873.

On a memorandum dated 10th July, 1873, from the Hon. the Minister of the Interior, submitting that it is expedient that a legal adviser be appointed to assist the

Lieutenant-Governor and the Council of the North-West Territories, on all matters in which they may need professional aid, and recommending that the Hon. Henry J. Clarke, now Attorney-General of Manitoba, be appointed such legal adviser, at an annual salary of one thousand dollars (\$1,000), such sum being in lieu of all fees and charges against the Government.

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

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

OTTAWA, 25th August, 1873.

SIR,—I have the honour to inform you that His Excellency the Governor-General in Council has been pleased to appoint the Hon. H. J. Clarke, now Attorney-General of the Province of Manitoba, to be legal adviser to assist the Lieutenant-Governor and the Council of the North-West Territories on all matters in which they may need his professional aid, at a salary of one thousand dollars (\$1,000) per annum, such sum being in lieu of all fees and charges against the Government.

Mr. Clarke has been notified of his appointment.

I have, &c.,
(Signed) E. J. LANGEVIN,

Under Secretary of State for the Provinces.

His Honor

The Lieut.-Governor of the North-West Territories,
Fort Garry.

GOVERNMENT HOUSE,
FORT GARRY, 6th September, 1873.

From His Honor Lieutenant-Governor Morris to the Minister of the Interior.

SIR,—I have the honour to advise you that the Council of the North-West met on the 4th instant; there being present Honorable Messrs. Girard, Smith, Clarke, Breland, Schultz, Fraser, Bannatyne, Hamilton and Dubuc.

The Council appointed Committees to consider various subjects, having first taken the oaths of allegiance and office. I will transmit an account of their proceedings after the close of the Session; the Council having adjourned until Monday, to enable the Committees to make progress.

With regard to the oath taken by the Councillors, I beg to submit that, as the functions of the Council are dual, Executive and Legislative, it is worthy of consideration whether the Oath of Secrecy should not be limited to the Executive functions.

In that event, sessions of the Council could be held for Legislative action, at a different period from those at which matters more peculiarly within the functions of an Executive Councillor would be considered.

I think that it is not desirable, that all the transactions of the Council should be kept exclusively within the knowledge of the Councillors, and believe that such a distinction as I have indicated would contribute to the public interests.

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

(Signed) ALEXANDER MORRIS,
Lieutenant-Governor.

OTTAWA, 6th October, 1873.

SIR,—Referring to your despatch of the 6th ultimo, (No. 66 N.) respecting the expediency of limiting the oath of secrecy taken by members of the Council of the North West Territories, to their executive functions, I have the honour to enclose a certified copy of an order of the Governor-General in Council altering the oath in question in the manner suggested in your despatch.

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

(Signed) E. A. MEREDITH,
Deputy of the Minister of the Interior.

His Honor
The Lieutenant-Governor
of the North-West Territories,
Fort Garry, Manitoba.

GOVERNMENT HOUSE,
FORT GARRY, 20th September, 1873.

SIR,—I have the honour to enclose copies of Acts, Resolutions and Minutes of Council, passed by the Council of the North-West Territories at their recent session, and approved by me.

The Council met on the 4th, and adjourned on the 13th inst.

Be good enough to acknowledge, with as little delay as possible, the receipt of this despatch, with enclosures, and communicate His Excellency's approval of the Acts passed at this and the previous session.

I have the honour to be,
&c., &c., &c.,

(Signed) ALEXR. MORRIS,
Lieut.-Governor.

LIST OF ENCLOSURES.

- A. Resolution in reference to Indian Treaty.
- B. " " Survey of Lands.
- C. " " The Indian Commission.
- D. " " Military force in the North-West.
- E. Act authorizing the appointment of Coroners.
- F. Resolution concerning Importation of Liquor.
- G. " " Administration of Justice.
- H. Minute of Council about Indians.
- I. " " "
- J. Resolution in reference to Collection of Debts.
- K. The Masters and Servants Act.
- L. Resolution in reference to Funds for the Council.
- M. " " Fisheries of the North-West.
- N. " " Thanks to Mr. Fraser.
- O. " " Clerk of Council.
- P. " " Fees of Justices of the Peace, &c.
- Q. " " Expenses of Constables and Witnesses.
- S. " " Criminal Statutes of Canada.
- T. " " Postal Communication.

A.

Resolved, That the Council of the North-West are of opinion, that, in view of the rapid increase of settlement in the North-West Territories, and the present disturbed condition of the Indians, and their anxiety as to the future, it is imperatively necessary that a Treaty should be concluded with the bands of Indians living between the Western boundary of that portion of the Territory in which the Indian title has already been extinguished, and Fort Carleton, or thereabouts.

The Council are of opinion that to defer the negotiation of a Treaty of this nature beyond the earliest time possible in the year 1874 would be attended with unfortunate results.

The Council are also of opinion that the payments to be made to the Indians under the provisions of this Treaty should be in the shape of annuities terminable in twenty-five years.

The Council recommend that such Treaty shall provide that if parties not entitled to participate in the annuities to be paid to any particular tribe are allowed to do so, then a *pro rata* sum shall be deducted from the next annual payment to be made to the tribe by whom this improper payment was permitted to be made.

In the opinion of Council it would be preferable if the payments made to the Indians were made in goods rather than in money; the Council having reason to know, from the experience of the past, that the Indians will greatly profit by obtaining all their goods through the Government Agent, instead of purchasing them from traders with their annuities.

In the settlement of the Reserves and the payment of annuities, a person of mixed blood electing to be called an "Indian" and participating in the benefits of the treaty as such, shall not be entitled to the same privileges enjoyed by other settlers.

That it is, in the opinion of the Council, necessary that the Treaty should provide for the establishment of schools for the education of the Indians, for the purchase of agricultural implements and cattle, and, also, for teaching the Indians the proper mode of cultivating the soil.

Passed, Sept. 8th, 1873.

Certified.

(Signed)

WILLIAM T. URQUHART,
Clerk of the Council.

B.

Resolved, That Council are of opinion that so soon as a Treaty has been concluded with the Indian tribes resident in the country lying between the Western boundary of that portion of the North-West Territories wherein the Indian title has already been extinguished, and Fort Carleton or thereabouts, surveys should be made in those parts of the said country where white or half breed settlements have taken place, or where it may be desirable to form settlements.

Passed, 8th September, 1873.

Certified.

(Signed)

WILLIAM THORNTON URQUHART,
Clerk of the Council.

C.

Resolved, That the Council of the North-West have observed that an Indian Commission has been appointed for the purpose of dealing with the Indians of the North-West, and are of opinion that grave difficulties and complications are likely to arise from the existence of two distinct organizations, the one dealing, of necessity, with, and authorized to legislate with regard to many matters affecting the Indian population, and the other charged with the general control of Indian affairs.

They believe that the best interests of the Dominion would be subserved if a plan were devised for placing the direction of Indian matters under the supervision of this Council, subject to directions from the Honorable the Minister of the Interior.

Passed, 8th September, 1873.

Certified.

(Signed) WILLIAM THORNTON URQUHART,
Clerk of the Council.

D.

Resolved, That while the Council view with satisfaction the action of the Dominion Government in maintaining the existing military force now in Manitoba, and in organizing a body of Mounted Police for service in the North-West and Manitoba, they are strongly of opinion that a still larger military force will be found immediately necessary, to provide for the maintenance of order, the enforcement of the Customs and Civil and Criminal Laws, as well as for the sake of the moral effect which the presence of such a force would have in supporting the civil authorities in the execution of the laws.

The Council are led to this conclusion from the knowledge they possess, that persons professing to be American citizens have established themselves in force within the Territory, and have also proceeded to perpetrate gross outrages upon the native population, as well as upon Her Majesty's subjects generally, including many murders of a most aggravated kind, for which during the present condition of the Territory, and the absence of all law and order there, no redress can be obtained.

The Council are also aware that murders have been committed in various parts of the Territory, by Indians and Half-Breeds, which have been allowed to go unpunished, because there were no means at hand to enforce the law. Such a condition of affairs, if allowed to continue, will effectually prevent the settlement of the country.

In reference to this matter, the Council of the North-West desire to direct the attention of the Dominion Government to the fact that, westward of Manitoba, the district of country known as "Fertile Belt" extends for upwards of 1,200 miles, and that at the present time there is no means of communication with this region except by the ordinary cart or waggon.

The time occupied in travelling from Fort Garry to Fort Edmonton is not, under ordinary circumstances, less than one month, thus showing the impossibility of meeting any emergency promptly without the aid of a resident force.

It must also be remembered that lying northward of and beyond the "Fertile Belt" is a vast district, far more difficult of access at present, the only means of communication with the greater portion of it being by water.

Taking all these facts into consideration, the Council of the North-West are decidedly of the opinion that the military force maintained in Manitoba and the North-West Territories, exclusive of the Mounted Police, should consist of not less than (500) five hundred men.

Certified.

(Signed) WILLIAM THORNTON URQUHART,
Clerk of the Council.

E.

AN ACT authorizing the appointment of Coroners in the North-West Territories.

WHEREAS the immediate appointment of Coroners in the North-West Territories is of urgent importance ; Her Majesty, by and with the advice and consent of the Council of the North-West Territories, enacts as follows :—

1. It shall be lawful for the Lieutenant-Governor in Council, whenever he may think fit, to appoint under the Great Seal, one or more Coroners to serve in the North-West Territories, or any district or subdivision thereof.

Passed, Sept. 8th, 1873.

Certified.

(Signed) WILLIAM THORNTON URQUHART,
Clerk of the Council.

F.

Resolved, That the Council view with satisfaction the provisions of the Dominion Act "to make further provision as to duties of Customs in Manitoba and the North-West Territories," for the prohibition of the importation of spirits into the North-West. They desire to point out, however, that according to the provisions of that Act, spirits or strong waters, &c., in the North-West Territories can be seized and confiscated by constables or officers of the law only, and in view of the absence of such officers, and of the disastrous results likely to ensue from the sale of liquor to the Indians, they desire to suggest that the Act be amended in accordance with the Act passed by the North-West Council, at their last session, and shall give authority to any person to confiscate, spill on the ground, and destroy any liquor, &c., brought into the Territories in contravention of the law.

Passed September 8th, 1873.

(Signed) WILLIAM T. URQUHART,
Clerk of the Council.

G.

Resolved, That the Council feel that the future welfare of the North-West Territory greatly depends upon the prompt and efficient administration of Justice. They are of opinion that the bringing of all prisoners charged with the graver crimes, together with witnesses, etc., from all parts of the Territory into the Province of Manitoba for trial, will, in consequence of the enormous extent of the Territory, be attended with such vast expenses, as will practically lead, in most cases, to a failure of Justice, and render the law of no effect.

Passed 8th September, 1873.

Certified.

(Signed) WILLIAM THORNTON URQUHART,
Clerk of the Council.

H.

EXTRACT from Minutes of Council held at Government House, Fort Garry,
11th September, 1873.

The Lieutenant-Governor informed Council that he had received authority to send a Commissioner to the Western country to see the Indians and give them presents, and His Honor intimated his desire to obtain the benefit of their advice with regard to the matter.

It having appeared, on discussion, that the Honorable Mr. Breland had informed certain tribes of Indians at Coteau and Castor Rivers, that they would be visited this year, as he (Mr. Breland) was authorized to do, Council advised that a messenger be sent at once.

(Signed) WILLIAM THORNTON URQUHART,
Clerk of the Council.

I.

EXTRACT from Minutes of Council held at Government House, Fort Garry,
11th September, 1873.

The Lieutenant-Governor also stated, that although it was a matter not strictly within their province, he wished to consult the Council on another subject, and to profit by the knowledge of Indian character and Indian habits which many members of the Council possessed. He explained that the Saulteux Indians had promised to meet His Honor at the "North-West Angle," but had since changed their minds, and wanted him to meet them at another point. Was it the opinion of Council that he ought to do so?

The Council strongly advised His Honor not to change the place of meeting, as they considered it would be most unwise to do so; an opinion in which the Lieutenant-Governor concurred.

(Signed) WILLIAM THORNTON URQUHART,
Clerk of the Council.

J.

Resolved, That while the Committee on the administration of Justice in the North-West Territories, are expected to submit an Act to Council providing for the collection of debts not exceeding the sum of Two Hundred Dollars (\$200), the Council of the North-West desire to direct the attention of the Dominion Government to the fact that great inconvenience will arise if provision is not made for the collection of sums beyond that amount. This cannot be done until Judges or Stipendiary Magistrates are appointed.

Passed, 11th September, 1873.

Certified.

(Signed) WILLIAM THORNTON URQUHART,
Clerk of the Council.

K.

THE MASTERS AND SERVANTS ACT.

WHEREAS it is necessary to provide for the regulation of contracts between, and other relations of, masters and servants in the North-West Territories, Her Majesty, by and with the advice and consent of the Council of the North-West Territories, enacts as follows:—

Contracts of service to be in writing.

1. Every contract of hire for personal service for a period more than one year, shall be in writing signed by the two parties; and in case one or both of the parties cannot sign his or their names, such contract or agreement shall be duly read in their presence, by a witness who shall attest the same.

Penalties for breach of contract and refractory conduct.

2. Any clerk, or journeyman, or apprentice, or servant, or labourer engaged or bound or hired, either by a written contract or agreement, or by a verbal agreement before one or more witnesses, for any period of time, who is guilty of ill behaviour, drunkenness, refractory conduct, or idleness, or of absenting himself by day or night, without leave from his said service or employment, or from the house or residence of his employer, or who refuses or neglects to perform his just duties, or to obey the lawful commands which may be given him by his master or mistress, or who is guilty of dissipating his master or mistress' property or effects, or of any unlawful act that may affect the interests of his master or mistress, shall be liable upon conviction before any Justice of the Peace, or Stipendiary or Police Magistrate, to a penalty not exceeding twenty dollars, including costs, and in default of payment of said penalty, with or without delay to be imprisoned in the Common Gaol of the Territories wherein he shall be tried for a period not exceeding two calendar months, unless the said penalty, together with the costs of apprehension and conveyance of said delinquent to the Common Gaol where he is condemned to be imprisoned, over and above the amount of fine, including costs to which he shall have been condemned, be sooner paid, or to be imprisoned in the said Common Gaol for a period not exceeding two calendar months; or to be condemned for each such offence to the said penalty, and further to the said imprisonment hereinbefore mentioned, with, in all cases, the costs of suit.

And for Desertion of Service.

3. Any domestic servant, journeyman or labourer engaged by the month, or longer or shorter space of time, or by the piece or job, who deserts or abandons the service or job, or who neglects or refuses to perform the job or work for which he was engaged, before the time agreed upon, or before the completion of his agreement, shall, for each offence of such nature, be liable to like pains and penalties as provided in the next preceding section.

Penalties extend to persons hired in other Provinces and Countries to serve in this Province.

4. Any clerk, or journeyman, or apprentice, or servant, or labourer, engaged, bound or hired, as provided for in the second section of this Act, in any part of the Dominion of Canada, or in any part of the United Kingdom of Great Britain and Ireland, or in any foreign country for any period of time, for services, work or labour to be rendered or performed in the Territories, shall be as fully bound by such agreement as if the same were made and entered into in the Territories, and shall be liable to all the pains and penalties as provided in the second and third sections

of this Act; provided, always, that at the time of entering into such engagement he was clearly engaged to serve in the Territories, or to perform such work, job or contract in the Territories; and provided, also, that nothing in this Act shall prevent any employer from recovering, by due course of law, from any person who shall forfeit his engagement or neglect or refuse to perform his duties as set forth in any such engagement; and as provided for in this Act, repayment of all moneys paid out for passage or other expenses incurred by any employer in bringing up any clerk or journeyman, or apprentice, or domestic servant, or labourer to this Province, and all damages resulting to any employer from ill-behaviour, or neglect, or refusal of any person mentioned in this Act, to fulfil his engagement, or to perform the job, or work, or labour for which he was engaged, in addition to any fine or penalty provided for in this Act.

Harboring Servants.

5. Any person knowingly harboring or concealing any apprentice or servant engaged by written act or agreement, or by a verbal engagement, who has abandoned the service of his master or mistress, or instigating or engaging any apprentice or servant to abandon such, or keeping such apprentice or servant in his or her service after being notified or informed of the fact, verbally or in writing, shall be liable to a penalty not exceeding twenty dollars, or to an imprisonment not exceeding thirty days for each offence, upon conviction before any Justice of the Peace, or Stipendiary or Police Magistrate. Nothing in this Act shall prevent any person offending against this clause of the Act from being pursued in damages by any person interested, over and above the penalties herein set forth.

One month's notice on either side necessary to terminate contract.

6. Any domestic servant, journeyman, labourer, clerk or other person employed or engaged by the month or year, or for any longer period, shall be obliged to give at least one month's notice to his employer of his intention to quit such service, before the expiration of his agreement; and if any such person quits such service without giving such notice, he shall be considered as having deserted from the said service, and be punished accordingly; and every master or mistress, or employer, shall give to any such domestic servant, journeyman, labourer, clerk, or other person in his or her employ, like notice of his or her intention no longer to keep or employ them after the expiration of their time of service, under pain of incurring a penalty of twenty dollars and costs, or an imprisonment not exceeding thirty days for each and every such offence.

Oath of employer evidence in the absence of written proof.

7. In any action for wages by apprentices, guardians or parents, domestics or employes, in the absence of written proof the master or employer may offer his oath as to the condition of the engagement, and as to the fact of the engagement, accompanied by a detailed statement. If the oath be not offered by the master or employer, it may be deferred to him, and is of a decisory nature as regards the subject to which it is limited.

Complaints before whom heard.

8. Any complaint founded upon contravention of any of the provisions of this Act may be heard and determined before any Justice of the Peace, Stipendiary or Police Magistrate, or before any Court of competent jurisdiction, who may, by warrant or summons, require the attendance of the offender before him or them, and upon the offender being brought up under warrant or if summoned, upon proof of the service of such summons, may either, in the absence or presence of the offender, determine such complaint in a summary manner on the oath of one or more credible

witness or witnesses, to be sworn before him or them, and may, if the offender be convicted, sentence such offender to the penalty or imprisonment hereby imposed for the offence, and may commit such offender to gaol accordingly, and levy such penalty by warrant of distress and sale of the offender's goods and chattels.

Disposal of Fines.

9. All pecuniary penalties imposed by this Act shall be handed over to the Treasurer of the North-West Council.

Complaints against Employers.

10. Any of the persons in the employment of another, and having just cause of complaint against his employer or master, or mistress, may, on complaint upon oath to that effect laid before any Justice of the Peace, Police Magistrate, or Court of competent jurisdiction, cause such employer to be summoned and answer to such complaint, and such complaint if well founded shall entitle such complainant to be discharged from his engagement, and the magistrate may order the employer or master to pay such complainant one month's wages over and above the amount thus actually due him, together with costs of prosecution, the same to be levied on the goods and chattels of such employer or master, and in default of sufficient distress may condemn such master or employer to be imprisoned for any time not exceeding two months.

Want of form does not invalidate proceedings.

11. No prosecution, or complaint, or conviction, or any proceedings under this Act shall be considered defective on account of want of form, nor shall any such proceeding be quashed or set aside for want of form, so long as the general provisions of the Act are complied with, and the proceedings taken thereunder carried out in good faith.

Time within which prosecution must be commenced.

12. Prosecutions for offences under this Act shall be commenced within six months after the offence has been committed, and not after, except when it is made clear to the Magistrate that it was rendered impossible to do so in consequence of the absence or concealment of the accused, in which case proceedings may be taken at any time within one year after the offence has been committed.

Short Title.

13. This Act may be cited under the title of "The Masters and Servants Act, 1873."

Certified.

(Signed)

WILLIAM T. URQUHART,
Clerk of the Council.

L.

Resolved, That the Council of the North-West desire to represent to the Dominion Government that they have no funds at their disposal to enable them to enforce any laws of the Dominion or to discharge any obligation or provide for any contingencies which may arise.

They therefore earnestly request that the Dominion Government will place a sum of money, say ten thousand dollars (\$10,000) at the disposal of the Clerk of the Council, for the discharge of such debts, obligations, and charges, as may from time

to time arise, in connection with the proceedings of the Council, and their administration of the affairs of the North-West Territories, so far as lies within their province. Upon this sum being placed at the disposal of the Council, the Council desire that the Clerk of the Council shall act as Treasurer thereof, all vouchers for payments being countersigned by the Lieutenant-Governor.

Passed September 11th, 1873.

Certified.

(Signed) WILLIAM THORNTON URQUHART,
Clerk of the Council.

M.

Resolved, That the Council of the North-West are glad to find, from the report which appears in the last Report of the Minister of Marine and Fisheries, that the attention of the Dominion Government has been directed to the Fisheries of the North-West Territories. They concur in the remark contained in the report in question, to the effect that "the white-fish forms an article of food which is not only exceedingly popular, but is also, for many reasons, remarkably well adapted to the climate and country."

They are of opinion that the time has arrived when steps should be taken with a view to preventing any serious diminution in the supply of white-fish.

That in view of the fact that in certain portions of the North-West Territory, and more especially in the vicinity of Norway House, the inhabitants are entirely dependent upon fish for food, the Council suggest that steps should be taken by the Dominion Government to prevent persons from setting nets or weirs in the main channels of rivers, or at any other points through which fish are in the habit of passing to their spawning grounds in such a manner as to prevent the ingress of the fish, and to enforce such regulations as may, from time to time, appear necessary for the preservation of the fish.

The Council also desire to suggest to the Dominion Government that measures should be adopted to prevent the accumulation of sawdust in rivers and streams in such parts of the North-West Territories wherein saw mills have been or are about to be erected.

Passed, September 11th, 1873.

(Signed) WILLIAM T. URQUHART,
Clerk of the Council.

N.

Resolved, That the Council of the North-West Territories have pleasure in recognizing the services performed by the Rev. Mr. McKay, of Stanley Mission, in printing, translating and publishing in the Cree language the "Masters and Servants Act."

Passed September 11th, 1873.

Certified.

(Signed) WILLIAM T. URQUHART,
Clerk of the Council.

O.

Resolved, That the Council of the North-West have much pleasure in acknowledging the very efficient manner in which Mr. Urquhart, the Clerk of the Council, has discharged the duties of his office, and recommend to the Dominion Government, in view thereof, the high cost of living in Manitoba, and the increase of work which will be entailed by his discharging the duties of Treasurer to the Council, as Council desire, that his salary be increased by the additional sum of four hundred dollars per annum.

Passed, September 11th, 1873.

Certified.

(Signed) WILLIAM T. URQUHART,
Clerk of the Council.

P.

Resolved, Whereas it is of urgent importance that the rate or scale of fees receivable by Justices of the Peace in the North-West Territories, and by their clerks and constables, should legally be regulated; Her Majesty, by and with the advice of the Council of the North-West, enacts that the following shall be the fees in all cases receivable:—

For information and warrant.....	\$1 00
Information and summons.....	1 00
For each copy or summons to be served.....	30
Subpcena	30
Recognizance	75
Certificate of recognizance under the Act respecting estreats.....	75
Information and warrant for surety of the peace for good behaviour.....	1 00
Warrant of commitment for default of surety to keep the peace, &c.....	1 00
Hearing and determining the case.....	1 00
Warrant to levy penalty.....	75
Making up every record of convictions when the same is ordered to be returned to the sessions or on <i>certiorari</i>	3 00
Copy of any other paper connected with any trial, and the minutes of the same, if demanded, every folio of 100 words	
Witnesses fees per day.....	1 50
Ditto mileage.....	15
Bill of costs.....	30
Conviction	1 00
Record of conviction.....	1 00

Constables' Costs.

Service of each summons.....	50
Mileage for service of summons or warrant per mile.....	25
Service of warrant per mile.....	30

Constables' time for arrests, attendance on day of trial, levying upon a distress warrant, and returning the same, shall be paid at the rate of two dollars (\$2) per diem.

Passed, September 13th, 1873.

Certified.

(Signed) WILLIAM THORNTON URQUHART,
Clerk of the Council.

Q.

Resolved, That Council request authority from the Dominion Government to defray, out of any funds placed at their disposal, any reasonable expenses attendant upon constables and witnesses in criminal cases, brought down or coming down from the North-West Territories to Manitoba to attend any trial.

Passed, September 13th, 1873.

Certified.

(Signed) WILLIAM THORNTON URQUHART,
Clerk of the Council.

S.

Resolved, That the Clerk of the Council be directed, and he is hereby directed, to apply for fifty English and fifty French copies of the Criminal Statutes of Canada, and for authority to print and distribute printed forms of summonses, &c., as required by the Statute, for the use of Justices of the Peace in the North-West Territories.

Passed, September 13th, 1873.

Certified.

(Signed) WILLIAM THORNTON URQUHART,
Clerk of the Council.

T.

Resolved, That the fact that there is, at present, no means of postal communication in the North-West Territory is a serious want, which cannot be too soon supplied, and that in order to provide for the wants of those persons already settled there, and promote their safety and comfort, as well as to render the Territory more likely to attract immigration, the Dominion Government should establish a postal service without delay.

Passed, September 13th, 1873.

Certified.

(Signed) WILLIAM T. URQUHART,
Clerk of the Council.

OTTAWA, 2nd October, 1873.

SIR,—I have the honour to acknowledge the receipt this day of your despatch, No. 79 N, of the 20th ultimo, enclosing copies of Acts, Resolutions and Minutes of Council, passed by the Council of the North-West Territories at a Session commenced on the 4th and concluded on the 13th ultimo.

Your despatch and its enclosures will be forthwith submitted for the consideration of the Governor-General in Council, and the decision of His Excellency thereon, when arrived at, will be communicated to you without delay.

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

(Signed) E. A. MEREDITH,
Deputy of the Minister of the Interior.

His Honour

The Lieutenant-Governor of the North-West Territories,
Fort Garry.

OTTAWA, 12th January, 1874.

SIR,—I have the honour to inform you that the Governor-General in Council has been pleased to appoint the Honorable Joseph Royal, Pierre DeLorme, Walter R. Bown, the Honorable James McKay and William Nassau Kennedy, members of the Council to aid you in the administration of the affairs of the North-West Territories, under the provisions of 36 Vic., cap. 5.

The warrants appointing the gentlemen above named are transmitted herewith. That bearing date the 15th December of last year, and recorded on the 2nd instant, was received in this Department to-day. That warrant in question, you will perceive, corrects a mistake made in the previous one, dated 17th November; and it was thought desirable that both warrants should be sent to you at the same time. Hence the delay which has occurred in forwarding the Commission of the 17th November.

The gentlemen named in the warrants have been severally notified of their appointments.

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

(Signed) E. A. MEREDITH,
Deputy of the Minister of the Interior.

His Honour

The Lieutenant-Governor of the North-West Territories,
Fort Garry, Manitoba.

GOVERNMENT HOUSE,
FORT GARRY, 21st November, 1873.

SIR,—I have the honour to inform you that, under the Act of last Session relating to the Administration of Justice in the North-West, Magistrates have begun to send in prisoners for trial in the Province of Manitoba.

There were four cases of this kind at the term of Court of Queen's Bench recently held here. No provision has been made, however, for defraying the cost that may be incurred in the transmission to Manitoba of parties sent down for trial, nor for reimbursing witnesses their travelling expenses.

I was under the necessity of telegraphing the Minister of Justice, yesterday, as there are witnesses now here who have come from a long distance in the interior, and claim to be paid.

I enclose copy of a letter bearing on the subject, addressed by the Attorney-General of Manitoba to the Secretary of the North-West Council.

I trust that instructions will be sent me, without delay, as to how such cases are to be dealt with.

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

(Signed) ALEXR. MORRIS,
Lieut.-Governor.

Hon. The Secretary of State
for Canada.

ATTORNEY GENERAL'S OFFICE,
WINNIPEG, 20th November, 1873.

SIR,—During the late term of Court of Queen's Bench four cases were tried from the North-West Territories, and the witnesses fees and expenses have to be paid immediately. They amount to about \$800. Two of the witnesses are from York Factory, at Hudson's Bay, 800 miles distance.

I have certified the amount of each of their subpoenas, and send them together for payment, as I presume money has been placed in your hands for that purpose in accordance with the resolutions of the Honorable North-West Council to that effect.

I am, &c.,

(Signed) HENRY J. CLARKE.

To W. T. URQUHART, Esq.,
&c., &c., &c.

4th December, 1873.

SIR,—I have the honor to acknowledge the receipt of your despatch (No. 105N) of the 21st ultimo, reporting that under the Act of last Session relating to the administration of justice in the North-West, four prisoners had been sent for trial at the term of the Court of Queen's Bench recently held at Fort Garry, but no provision has been made either for defraying the cost of sending parties to Manitoba for trial or for re-imbursing witnesses their travelling expenses, and requesting that instructions in the premises may be sent to you.

Your despatch and its enclosures will be brought under the early notice of the Governor General in Council.

I am, Sir,
Your obedient servant,

(Signed) E. A. MEREDITH,
Deputy of the Minister of the Interior.

His Honor
The Lieutenant-Governor of the North-West Territories.

GOVERNMENT HOUSE,
FORT GARRY, 25th November, 1873.

SIR,—I telegraphed the Honorable the Minister of Justice on the 20th instant, with regard to a claim for \$500 made by three witnesses, in North-West cases tried at the present session of the Court of Queen's Bench here, and ask advice and authority to cause these claims, when taxed, to be paid.

On the following day I received a telegram, a copy of which is enclosed. In conforming with the request therein contained, I have to report that I have arranged to cause to be paid certain sums to two of these men, viz:—to James Allan, \$141.50 and to John Houric, \$86.50. The other claim is of trifling amount, and has not yet come before me.

It is well that the case has occurred, as it will lead to a rule being fixed with regard to similar cases in future, and to which I would request attention.

I have made enquiries as to the facts, and find that a warrant was issued at York Factory, 800 miles from here, against one James Houston, for larceny, by J. Fortescue, Esquire, J. P. The man was sent here for trial under the Act of last Session, and subpoenas for the two above named witnesses were issued by the Clerk of the Court of Queen's Bench, which they obeyed.

A true Bill was found against the prisoner by the Grand Jury, but at the trial, he was acquitted by the Petit Jury, from insufficiency of proof.

Two other prisoners, also from the Territories, pleaded guilty, and were sentenced to terms of imprisonment.

I had great difficulty in endeavouring to deal justly with these cases. The witnesses claimed the allowance to witnesses, as paid in this Province, viz:—\$1 per

day, and 25 cents per mile for travelling. The journey down occupied 33 days, and they were detained here 25 days. One of the cases (Allan's) is of peculiar hardship. He was about sailing to England in the ship from York Factory, and had a free passage granted him which he has lost, and he was here without means. I allowed him \$141.50, being less than the sum my instructions would have warranted, but the case came scarcely within the strict letter of the Minister of Justice's telegram, and I, therefore, endeavoured, it being an exceptional case, to deal justly with the unfortunate witnesses, and trust that my case will meet approval.

The other witness I allowed \$86.50, his case being different, his father residing here.

But even in his case, return to York Factory was impossible until next spring, but it was arranged to release him from his engagement to the Hudson's Bay Company, and he is leaving for the United States.

These cases, in my judgment, show that the views entertained by the North-West Council and myself, and urged in the minute transmitted in my despatch No. 79 N., are substantially correct.

In a country of such vast distances, justice cannot be administered except at enormous public cost and great private inconvenience, if all criminals are to be brought here for trial. It is imperative that crime must be punished in the Territories, but I would suggest that an area of country should be agreed upon (within reasonable distance of Manitoba), within which cases of minor crime should be sent here for trial; that Stipendiary Magistrates should be appointed, as contemplated by the Act of last session, and as asked for by the North-West Council, and that only the grave crimes should be sent here for trial, except in the proposed area of country alluded to.

It would be better that even the gravest crimes should be tried by a Judge in the Territories, but machinery would have to be provided for juries, and gaols would have to be erected. Meanwhile, as a tentative measure, the plan I suggest could be tried, and as settlement increases, and the communities in the North-West become more organized, the machinery for the administration of justice could be improved.

The Privy Council can count on all the aid in our power being given them in dealing with this difficult question, by the North-West Council and myself.

I have, &c.,

(Signed) ALEXR. MORRIS,
Lieut.-Governor.

The Honorable
The Minister of Justice,
Ottawa.

OTTAWA, 21st November, 1873.

"The three witnesses may be paid at such rate as you certify to Assistant Receiver General, who is authorized, as will cover board not exceeding one dollar per day for time necessary to come and return, besides what they have actually paid for transport. This must not be followed in other cases without special instructions. Please report circumstances of this case."

(Signed) A. A. DORION,
Attorney-General.

To Lieut.-Governor MORRIS,
Fort Garry.

OTTAWA, 6th December, 1873.

SIR,—I have the honour to acknowledge the receipt of your despatch No. 107 N., of the 25th ultimo, on the subject of your telegram to the Minister of Justice of the 20th ultimo, and his reply, respecting a claim for \$500 made by *three* witnesses in North-West cases tried at the present session of the Court of Queen's Bench at Fort Garry, and reporting, in conformity with the request contained in the telegram of the Minister, the amounts paid to the witnesses in question, and the circumstances of each case; and, further, referring to the views of the North-West Council and yourself upon the general question involved, as set forth in the Minute transmitted with your despatch No. 79 N.

Your despatch and its enclosure will be submitted for the early consideration of the Minister of Justice.

I am, Sir,
Your obedient servant,

(Signed) E. A. MEREDITH,
Deputy of the Minister of the Interior.

To His Honor
Lieutenant-Governor MORRIS,
Fort Garry, Manitoba.

From His Honor Lieut.-Governor Morris, to the Minister of the Interior.

GOVERNMENT HOUSE,
FORT GARRY, November 22nd, 1873.

SIR,—I have the honour to direct the attention of the Government to my despatch No. 79 N., enclosing copies of all Acts, Resolutions, and Minutes of Council, passed by the Council of the North-West Territories at their late session.

I should be glad to learn, as soon as possible, what has been done in regard thereto.

The Minute of Council asking that a sum of money be placed at the disposal of Council, "to enforce any laws of the Dominion, or to discharge any obligation, or provide for any contingencies which may arise," is one which ought to receive immediate attention, as much inconvenience is constantly arising from the fact that there are no funds forthcoming to discharge liabilities of the nature referred to in the above-named Minute of Council. I may add that the Minute of Council in question was passed by the Council in reply to a telegram from the Minister of the Interior, asking what sum would be required for North-West purposes.

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

(Signed) ALEXR. MORRIS,
Lieut.-Governor.

OTTAWA, 3rd December, 1873.

SIR,—I have the honour to acknowledge the receipt of your despatch No. 109 N., of the 22nd ultimo, directing the attention of the Government to your despatch No. 79 N., covering copies of Acts, resolutions and minutes passed by the Council of the North-West Territories at its last session, and requesting immediate attention to the Minute in Council asking that a sum of money be placed at its disposal to enforce

any laws of the Dominion, or to discharge any obligation, or provide for any emergency which may arise.

Your despatch will be submitted for the consideration of His Excellency in Council in connection with your previous despatch No. 79 N., now before it.

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

(Signed) E. A. MEREDITH,
Deputy of the Minister of the Interior.

To His Honor

The Lieutenant Governor of the North-West Territories,
Fort Garry, Manitoba.

OTTAWA, 7th May, 1874.

SIR,—I have the honour to inform you that the Governor-General in Council, has been pleased to appoint John H. McTavish, William Tait and Robert Cunningham, Esqs., members of the Council to aid you in the administration of the affairs of the North-West Territories, under the provisions of 36 Vic., chap. 5, the first named gentleman being appointed in the place of Mr. Christie resigned.

The warrant appointing the gentlemen above named is transmitted herewith. The gentlemen named in the warrant have been severally notified of their appointment.

I have the honour to be, Sir,
Your obedient servant.

(Signed) DAVID LAIRD,
Minister of the Interior.

His Honor

The Lieutenant-Governor of the North-West Territories,
Fort Garry, Manitoba.

OTTAWA, 24th January, 1874.

SIR,—I have the honour to enclose for your information a copy of an order of the Governor-General in Council, authorizing the appointment of the gentlemen named therein as Justices of the Peace in and for the North-West Territories. I also enclose the commission under the great seal issued in accordance with the Order in Council above referred to. The residences of the gentlemen whose names are included in the commission are given in the Order in Council, and I am to request that you will have the goodness to cause them severally to be notified of their appointment.

As the members of the North-West Council, are "ex-officio" Justices of the Peace for the North-West Territories, their names have not been included in the Commission of the Peace.

I have the honour to be, Sir,
Your obedient Servant,

(Signed) E. A. MEREDITH,
Deputy of the Minister of the Interior.

His Honor

The Lieutenant-Governor of the North-West Territories,
Fort Garry, Manitoba.

GOVERNMENT HOUSE,
FORT GARRY, 5th February, 1874.

SIR,—I am directed by His Honor to acknowledge the receipt of your despatch of the 24th ult., enclosing copy of an Order of His Excellency the Governor-General in Council, authorizing the appointment of the gentlemen therein named as Justices of the Peace, in and for the North-West Territories, and also covering their Commission under the Great Seal. His Honor the Lieutenant-Governor desires me to say that the gentlemen named in the Commission will at once be notified of their appointment; but desires to draw your attention to the fact, that Mr. J. H. Kerr, (formerly of Prince Albert) has left the Territories. His Honor therefore recommends that Mr. Kerr's appointment be cancelled.

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

(Signed) WILLIAM THORNTON URQUHART,
Secretary North-West Council.

To the Deputy of the Minister of the Interior.

(Enclosures A and B.)

From His Honor Lieutenant-Governor Morris to the Minister of the Interior.

GOVERNMENT HOUSE,
FORT GARRY, 14th January, 1874.

SIR,—I have the honour to enclose copy of a series of questions with regard to the operation of the Prohibitory Liquor Act of last Session, referred to the Secretary of the North-West Council by Lieutenant-Colonel French, R.A., Commissioner of Dominion Mounted Police, with the view of bringing the matter under the consideration of the Honourable the Minister of Justice and the Honorable the Minister of Customs, in the hope of having the Act amended during the coming Session.

The Act, as drawn, was evidently framed in view of the system of entry and examination in force in the older Provinces, whereby packages on entry could be examined and seized.

That system is inapplicable to the case of the importation of spirituous liquors into the North-West. The trade with the Territories is carried on in Red River carts and dog sleds. As I read the Act, there is no punishment provided for the case of persons who have violated the law, but have succeeded in disposing of the liquor.

True, the importation is prohibited; but under the penalty and forfeiture provided by the Customs laws of Canada with regard to prohibited articles, which is, (*vide* 7th section 31st Victoria, chap. 1, and Schedule E thereto) a penalty of \$200 and forfeiture of the package or parcel in which the goods may be found.

I was, at first, inclined to think as the Act prohibited the importation absolutely, the Common Law remedy might be invoked; but as the Statute provides the specific mode of punishment, I think that mode must be pursued, and not the Common Law method of proceeding. (*Vide* Dwaris on Statutes, pages 161 and 162—Potter's Edition, 1871.) The Act does not speak specifically of importation from the United States, but only from the Provinces. Moreover, the mode of enforcing the Act is defective.

The Act of the North-West Council, which was disallowed, was, in this respect, much better adapted to the exigencies of the case and the circumstances of the country. It enabled a Justice of the Peace or a Constable, with or without a warrant, to seize and destroy the prohibited article if found; and if this power is not

granted, it will, I fear, render the Act almost inoperative. I think power should be given to a Justice of the Peace or Constable, on reasonable grounds of suspicion, to search a house, tent, cart, or other vehicle, with or without a warrant.

I would also suggest that the enacting portion of the 12th Section, 31st Victoria, chapter 42, as to the sale of liquor to the Indians, should be extended to the North-West Territories; but in that case the destination of a moiety of the penalty would have to be altered.

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

(Signed) ALEXR. MORRIS,
Lieut.-Governor.

(Enclosure "A.")

FORT GARRY, 10th January, 1873.

SIR,—I have the honour to enclose copy of a letter just received, enclosed to me (as per note on the margin), by Lieut.-Colonel French.

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

(Signed) WILLIAM THORNTON URQUHART,
Secretary North-West Council.

To His Honor
The Lieutenant-Governor of the North-West Territories.

(Enclosure "B.")

FORT GARRY, 10th January, 1874.

SIR,—Referring to my draft report handed you the other day, and in view of my being again sent on special service, I beg to request that I may be instructed on the following questions:—

By 36 Victoria, cap. 39, can a Magistrate fine a person who is proved to have infringed the law by importing liquor into the North-West Territories, without finding the contraband article in his possession?

If so, what is the amount of the fine?

In default of payment, what imprisonment can be awarded, and is the amount of costs and fine leviable upon the defendant's goods and chattels?

What expenses come under the head of costs?

Is there any law in force in the North-West Territories to punish the giving, sale, or barter of liquor to the Indians?

If so, what proof is required?

How is the evidence of an uncivilized Indian to be taken?

If a witness refuses to appear on subpoena, can he be compelled to appear by warrant?

I am quite satisfied I can prove the importation of liquor to the North-West Territories, and the giving and sale of it to the Indians against the two traders. I mentioned in my report, but as I said before, I don't think I can find any liquor in their possession. The witnesses are both Half-breed and Indian.

If there is any law to punish these or any other offenders in the neighborhood I recently visited, I feel confident I can bring them to book, with a force of, say three sub-constables and one constable.

I have, &c.,

(Signed) J. T. MACLEOD,
Supt. and Inspector N. W. M. P.

To Lieut.-Col. FRENCH,
Commissioner, &c.

OTTAWA, 28th January, 1874.

SIR,—I have the honour to acknowledge the receipt of your despatch (No. 126 N) of the 14th instant, enclosing a copy of a series of questions with regard to the operation of the Prohibitory Liquor Acts of last Session, referred to the Secretary of the North-West Council by Lieutenant-Colonel French, Commissioner of the Dominion Mounted Police.

Your despatch and its enclosures will be brought, as you request, under the notice of the Honorable the Minister of Justice and the Honorable the Minister of Customs, by whom your suggestions as to the amendment to the Act with a view of making it more applicable to the circumstances of Manitoba and the North-West Territories will no doubt be carefully considered.

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

(Signed) E. A. MEREDITH,
Deputy of the Minister of the Interior.

His Honor
The Lieutenant-Governor of the North-West Territories,
Fort Garry, Manitoba.

GOVERNMENT HOUSE,
FORT GARRY, 20th March, 1874.

SIR,—The mail arrived here this evening about six o'clock, after an interruption of several days.

As communication by mail will be very uncertain for some time, I enclose such Minutes of the North-West Council as are ready; one confidential minute has been already sent.

As the mail closes at seven o'clock I write hurriedly, but have requested the Postmaster to forward my despatches, although after the hour named for closing.

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

(Signed) ALEX. MORRIS,
Lieutenant-Governor.

Honorable the Minister of the Interior,
Ottawa.

- A.—Postal Communication.
- B.—Delay in dealing with North-West affairs.
- C.—Recommending Amendments to 39 chap. 36 Vict.
- D.—An Act to Amend the Poisons Act.
- E.—Appointment of Constables.
- F.—Legal Machinery in the North-West.
- G.—Treaties with Indians.

A.

EXTRACT from *Minutes of the North-West Council*, 12th March, 1874.

In reply to a telegram from the Post Office Department, expressing a wish that the North-West Council should express their views as to the extent and probable cost of *Postal Service* in the N. W. Territories, and also as to the best practicable mode of providing for the same, Council have the honour to report for the information of His Excellency the Governor General in Council:—

1st. That they regard the establishment of *Postal Communication* in the N. W. Territories as of vital importance, not only because it is highly desirable that regular information should, from time to time, be received as to the progress of events in the North-West Territories, but also because the establishment of such postal communication would do much to encourage immigration, and hasten on the settlement of the North-West.

2nd The Council are of opinion that to commence with, the service should consist of eight (8) trips per annum each way.

3rd The route should be from Fort Garry in the Province of Manitoba to Fort Edmonton in the North-West Territories, by way of the following centres of settlement and existing population, viz. :—Fort Ellice, Qu'Appelle, Fort Carleton, Fort Pitt, and Victoria Settlement.

4th The time occupied in the journey would probably be about 39 days. (See Appendix A.)

5th The question of cost is one in relation to which it is difficult at once to arrive at a correct conclusion, but it is probable that the service could be performed for about \$10,000 per annum. The receipts would, no doubt, at first be comparatively insignificant, but would, in all probability, increase with great rapidity,—while the advantages derived from the service in other ways would, as before said, be very considerable.

6th. The Council recommend that tenders should, without delay, be asked for the performance of the mail service required.

APPENDIX A.

	Days.	Miles.
Fort Garry to Fort Ellice.....	10	220
Fort Ellice to Qu'Appelle	5	110
Qu'Appelle to Carleton.....	10	220
Carlton to Fort Pitt.....	6	167
Fort Pitt to Victoria.....	5½	122
Victoria to Edmonton.....	2½	71
	39	910

APPENDIX B.

Thirty-nine days, at \$16.00 per day, \$624 per trip; 16 trips per annum, i.e. 8 trips each way at \$624 per trip—\$9,984 per annum—say \$10,000.

In summer, the service each way would be performed by two men and four horses. In winter, by two men with dog sleds.

Certified.

(Signed)

WILLIAM THORNTON URQUHART,
Secretary, North-West Council.

B.

EXTRACT from *Minutes of Council, Council of the North-West, 12th March, 1874.*

Resolved, That the Council of the North-West beg respectfully to represent to His Excellency the Governor General in Council,

That the Council met on September 4th., 1873, and sat for some days, giving their diligent attention to such matters in connection with Her Majesty's North-West Territories as appeared to them to require immediate action—finally transmitting to Ottawa, for His Excellency's approval, copies of the following acts, resolutions and Minutes of Council, viz.:—

1. Resolutions respecting Indian Treaty.
2. do survey of lands.
3. do the Indian Commission.
4. do military force in the North-West.
5. do an Act appointing coroners.
6. do administration of justice.
7. do collection of debts.
8. do importation of liquors.
9. The Masters' and Servants' Act.
10. Funds for use of Council.
11. The fisheries of the North-West.
12. The Clerk of the Council's salary.
13. Fees for Justices of the Peace.
14. Expenses of Constables and Witnesses.
15. Criminal Statutes.
16. Postal communication.

Council regret that they have not, as yet, been advised in relation to His Excellency's pleasure concerning these subjects, the urgent importance of which, are, day by day, becoming more and more evident—*They, therefore*, beg most respectfully, but, at the same time, most earnestly, to ask that His Excellency's views in reference to these subjects, may be made known to them without delay.

They feel that the affairs of the North-West Territories are growing daily in importance, and that any delay in dealing with them may be, and probably will be, attended with unfortunate results.

The Council are aware that exceptional circumstances may, during the past few months, have prevented that prompt action which they trust will, in future, characterize the dealings of the Privy Council with North-West affairs.

Sensible, as they are, of the grave importance of the duties which they are called upon to perform, and earnestly desirous as they are to discharge their duties loyally and efficiently, the Council feel that they will be unable to do so if matters which they believe to be of *urgent* importance, and which they have taken occasion to represent as such, be permitted to remain altogether unnoticed for a period of six months.

They, therefore, deem it necessarily their duty most respectfully to call the attention of His Excellency in Council to this important subject.

Certified.

(Signed) WILLIAM THORNTON URQUHART,
Secretary North-West Council.

C.

EXTRACT from *Minutes of Council of the North-West, March 14th, 1874.*

Resolved, That in the opinion of Council the Customs' Act of the Dominion, 36 Victoria, chap. 39, should be amended, so far as relates to its second clause, by the introduction, after the words "declare the same forfeited, and cause them to be forthwith destroyed," of the following paragraph:—"And any officer or non-commissioned officer of Dominion Police, or any policeman acting under their orders, shall, upon reasonable ground of suspicion, have the right to search any house, waggon, cart, tent, boat, canoe, or any other building, vehicle or place, in which they believe spirits, strong waters, or spirituous liquors to be concealed or stored."

Resolved, That the Act in question should be further amended, so that, if it shall be proven upon credible evidence that any person or persons have had in their possession or shall have sold, bartered or given away any spirits, strong waters or spirituous liquors of any kind in the North-West Territories, without a special permission of the Lieutenant-Governor, they shall be liable to be punished therefor, although no spirits, strong waters, &c., may be found in their possession.

In this connection, Council recommend that twenty-five (25) Dominion policemen be sent to Fort Ellice, and fifty (50) more to Fort Qu'Appelle, immediately, with instructions to prevent the introduction of liquor into the North-West Territories, and that they shall be instructed to watch all roads leading westward, within a reasonable distance of those points; and that the Minister of Justice be communicated with at once in reference to this subject.

Certified.

(Signed) WILLIAM THORNTON URQUHART,
Secretary, North-West Council.

D.

AN ACT to amend the Act entitled, "*The Poisons Act.*"

WHEREAS the currency of the Dominion of Canada is a decimal one, and the fine imposed for any infringement of the "*Poisons Act*" as passed by the Council of the North-West Territories on the tenth day of March, 1873, is in sterling currency—Therefore, Her Majesty, by and with the advice of the said Council, enacts as follows:—

That the "*Poisons Act*" be amended by the introduction of the words "Twenty-five Dollars" in lieu of the words "Five Pounds, sterling," as the amount to be inflicted for any contravention of the Act in question.

Approved by the Lieut.-Governor, March 14th, 1874.

Certified.

(Signed) WILLIAM THORNTON URQUHART,
Secretary, North-West Council.

E.

AN ACT providing for the Appointment of Constables.

WHEREAS it is expedient that Justices of the Peace, in the North-West Territories, shall have power and authority to appoint constables for the due enforcement of the law and the preservation of the public peace;

Therefore Her Majesty, by and with the advice and consent of the Council of the said Territories, enacts as follows:—

That any Justice of the Peace in the North West Territories, may name and appoint one or more persons to be constables and peace officers for the enforcement of the law and the preservation of the public peace.

Every person so appointed shall faithfully perform the duties of the office for which he is so appointed, for the space of one year, previous to the expiration whereof, the said Justices of the Peace shall appoint other persons as constables in their stead; provided always, that any person or persons who have thus served for one year may be re-appointed, and the Justice of the Peace may increase or diminish the number first appointed as to him appears for the public safety.

But no such appointment shall be valid in the case of a civil or military officer, or any person in priest's orders, or in the profession or practice of physic or surgery, or any Schoolmaster, or any person not of full age.

That before entering upon the duties of their office, all such constables shall take and subscribe the following oath, which shall be administered to them, and each of them, by the magistrate by whom they are appointed:

Form of Oath.

I swear that I shall, until lawfully discharged from my office of constable in the North-West Territories, be always ready to serve and execute all legal writs or warrants, and to maintain public peace and security; and that I shall, to the utmost of my ability, obey all laws and all lawful authorities, within and for the said North-West Territories, and use my best endeavour to induce all others to obey the same. So help me God.

Approved.

(Signed) ALEX. MORRIS,
Lieutenant-Governor.

Certified.

(Signed) WILLIAM THORNTON URQUHART,
Secretary, North-West Council.

F.

EXTRACT from *Minutes of the Council, Council of the North-West, 14th March, 1874.*

Resolved, That the Council respectfully urge upon the Privy Council the necessity that exists for the establishment, without delay, of the necessary machinery for the enforcement of the criminal laws, and the collection of debts in the North-West.

They therefore renew their recommendations, and would suggest that stipendiary magistrates be appointed, stationed at Qu'Appelle and Fort Edmonton, and that a resident judge, with powers of the Queen's Bench, be appointed to be stationed at Fort Carleton—They would recommend that civil cases should be tried before such judge without the intervention of a jury, with an appeal in cases over \$500 to the Queen's Bench of Manitoba, and that for criminal offences of the graver kind, a simple machinery should be provided for the selection of jurymen from the country and existing settlements.

Council represent that the expense of bringing criminals and witnesses from the North-West for trial in Manitoba, would be so great as, practically, to prevent justice being enforced.

The Council submit that the cost of administering justice in the North-West, under the present system, will be much greater than would be incurred by the system they propose.

The Council are of opinion, however, that offences in the North-West, within defined districts, within a reasonable distance from Manitoba, might continue to be heard in that Province.

Council desire to express the opinion that any person appointed to fill the office of stipendiary magistrate in the North-West Territories should be familiar with the North-West country and its people.

Council are of opinion that such persons can be found in the North-West Territories or in the Province of Manitoba.

Certified.

(Signed) WILLIAM THORNTON URQUHART,
Secretary, North-West Council.

G.

EXTRACT from the Minutes of Council, Council of the North-West, 14th March, 1874.

The Council of the North-West represent, respectfully to His Excellency the Governor General in Council.

1st. That a treaty should be made this year with the Indians inhabiting the territory extending from Fort Ellice up Qu'Appelle River to the elbow of the South Branch of the Saskatchewan, following down the South Branch to its mouth above Fort a la Corne, taking in all the country, the waters of which flow into the Assiniboine down the Assiniboine River to Fort Pelly, down to the Shell River, down the Assiniboine to Fort Ellice, on to Moose Mountain, south-west to the 49th parallel, west along the boundary line to 110 degrees west, then due north to Red Deer River, down the Saskatchewan to the elbow of the South Branch.

2nd. That a treaty should be made this year with the Indians inhabiting the territory within the following limits, viz,—from ten miles north of the North Branch of the Saskatchewan, up that river to Fort Pitt (still keeping ten miles north of the river) then due south to the Eye Brow Hills, five miles above the junction of Red River and the South Branch, from this south to the Bow River, down the Bow River to the elbow of the South Branch of the Saskatchewan.

All the Indians of the east and south sides of the Saskatchewan (say about 2,500) to meet the Commissioners at Qu'Appelle. All the Indians on the north side of the South Branch of the Saskatchewan, from the Red Deer River and the Eagle Hills, to the mouth of the Battle River, and from the mouth of Battle River, 10 miles north of the North Branch, to go to Fort Carleton.

Indians from the Birch Hills, Buffalo Cart Plains, and Quill Lake may go either to Carleton or Qu'Appelle.

Indians on each side of Battle River, and ten miles north of the North Branch, shall go to Fort Pitt.

Council also recommend, that if possible, a treaty should be made with all Indians living in the territory lying along the Saskatchewan between Fort a la Corne to Grand Rapids, including ten miles along the North Branch of the river, then south-east along the west shore of Lake Winnipeg to the mouth of the Little Saskatchewan, to the point crossed by the Manitoba Post Treaty, and so south-west to the Assiniboine.

The Commissioner negotiating this treaty might meet the Indians at Fort Pelly, Fort a la Corne, and "The Pas."

Probably about 1,500 Indians would be included in this treaty.

The first meeting should take place at Qu'Appelle, not later than July the 15th.

The second meeting, at Carleton, about August 15th.

The third meeting, at Fort Pitt, about September 15th.

The quantity of provisions sent to each of the two former points should be 400 bags flour, 50 oxen, 7 chests tea, 400 lbs. of tobacco.

To Fort Pitt there should be sent 450 bags of flour, 50 oxen, 7 chests tea, 450 lbs. tobacco.

The total number of Indians included in all the treaties proposed would be about nine thousand—Plain Crees, Chippewas, and Assiniboines.

The Commissioner who goes to Fort Pelly, Fort a la Corne and "*The Pas*," should visit those points some time in the month of August, 1874.

Certified.

(Signed) WILLIAM THORNTON URQUHART,
Secretary, North-West Council.

GOVERNMENT HOUSE,
FORT GARRY, 25th March, 1874.

SIR,—I have the honour to enclose herewith, copies of the remaining minutes adopted at the recent Session of the North-West Council.

I append a list of the minutes in question.

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

(Signed) ALEXANDER MORRIS,
Lieutenant-Governor.

Honorable The Minister of the Interior,
Ottawa.

- H. Aid to Indian Shools.
- I. The Sioux Reserve.
- J. Indian Orphan children.
- K. Conduct of Indian Affairs.
- L. Manual.
- M. Proclamation respecting Justices.
- N. Messenger to the Indians.

H.

EXTRACT from *Minutes of Council, Council of the North-West, 16th March, 1874.*

In reference to the Order in Council, passed by the Honorable the Privy Council, concerning Indian schools in the North-West, and aid to be given thereto, the North-West Council are gratified to notice the indication thus afforded, of the interest felt by the Dominion Government in the welfare of the Indian population.

They desire, however, respectfully to suggest, that the average number of pupils required to be attendant at any school in order to obtain Government assistance is too large, and that an average attendance of twenty-five pupils should be considered sufficient.

Certified.

(Signed) WILLIAM THORNTON URQUHART,
Secretary, North-West Council.

I.

EXTRACT from *Minutes of Council, Council of the North-West, 16th March, 1874.*

The Lieutenant-Governor having asked the advice of Council as to the best locality for a reserve in the North-West Territories for the Sioux, now residing in and about Portage La Prairie, in the Province of Manitoba, Turtle Mountain and Fort Ellice in the North-West Territories, Council recommend that for the better preservation of the peace and placing a sufficient distance between their reserve and that of the Chippewas, and also from the new settlements forming on the western frontier of Manitoba, a reserve for the said Sioux should be set apart on the west bank of the Little Saskatchewan, where that river falls into the Assiniboine, and along the north bank of the Assiniboine up that river, embracing a sufficient quantity of land to give eighty (80) acres to each family.

The country is not adapted for large farms or for white settlement, being generally hilly, stony, and with little timber upon it suitable for building purposes. At the same time, in the neighbourhood are facilities for hunting and fishing, which would be of value to the Sioux, who would also be able to cultivate *small* farms upon the reserve in question.

Certified.

(Signed)

WILLIAM THORNTON URQUHART,
Secretary, North-West Council.

J.

EXTRACT from the *Minutes of Council, Council of the North-West, 16th March, 1874.*

Resolved, That Honorable Messrs. Clarke, Dubuc, Hamilton, Brown and Kennedy be appointed a committee, to consider as to Indian orphan children, attending schools in the North-West, and any suggestions to be made in connection therewith; and further, if they find it practicable, to frame a draft of an act for submission to next meeting of Council, to regulate the matter, and to define the mode in which the children should be adopted, and the age at which the period of apprenticeship should cease.

Certified.

(Signed)

WILLIAM THORNTON URQUHART,
Secretary, North-West Council.

K.

EXTRACT from *Minutes of Council, Council of the North-West, 16th March, 1874.*

The Council respectfully recommend with regard to the conduct of Indian affairs,

1st. That the Council be entrusted with the duty of advising as to the tribes with which treaties ought to be made, and as to all matters affecting Indian policy in the North-West Territories.

2nd. That the Chief Indian Agent ought to be charged with the duty of seeing that the provisions of the several Indian treaties are carried out.

3rd. That sub-agents should be appointed, one or more for each treaty district, according to its extent.

4th. That treaties should be made by Commissioners specially charged with the duty, a portion of whom should be living in the North-West Territories or Manitoba,

and familiar with Indian character, and with Indian language and habits of thought. Such Commissioners should, after the conclusion of the treaty, have nothing to do with matters of administration arising therefrom.

5th. That in the event of the views of the Council being acceded to, a standing Committee of Council be appointed, presided over by the Lieutenant-Governor, under whose instruction the Chief Indian Agent should act, and with whom he should confer, on all matters affecting policy and on all matters of dispute, and by whose advice he should be guided.

6th. The Council cannot fail to recognize the importance of the treaty made last October at the North-West Angle, with the Indians of the Lake district, which they believe to have been most satisfactory and just, both to the Indians and the white man. The Council are glad to learn that the former are well satisfied with the provisions of the treaty.

Certified.

(Signed) WILLIAM THORNTON URQUHART,
Secretary, North-West Council.

L.

EXTRACT from *Minutes of Council, Council of the North-West, 16th March, 1874.*

Resolved, That in view of the fact that the gentlemen commissioned as Justices of the Peace in the North-West Territories have had no opportunity of becoming acquainted with the laws which now apply to the North-West, the Council recommend that a manual containing the Acts and Orders of Council relating to the Government of the North-West, together with all acts passed by the Council, should be prepared, and a number printed in French and English, for the use of Justices of the Peace, and other officials.

That the Secretary of the Council be asked to prepare such a manual, and that he be paid a reasonable amount for doing so, and attending to its printing and publication.

Certified.

(Signed) WILLIAM T. URQUHART,
Secretary, North-West Council.

M.

EXTRACT from *Minutes of the Council, Council of the North-West, 16th March, 1874.*

Resolved, That Council recommend that proclamations containing the names of the Justices of the Peace in the North-West, and calling upon the inhabitants to respect their authority, be printed in the English, French and Cree languages, and distributed throughout the North-West Territories, with the exception of the country lying west of Fort Ellice, south-west of Qu'Appelle, and south and south-west of Forts Carleton, Pitt and Edmonton.

Certified.

(Signed) WILLIAM T. URQUHART,
Secretary, North-West Council.

N.

EXTRACT from *Minutes of Council, Council of the North-West, 16th March, 1874.*

Resolved, That in the opinion of Council a messenger should be sent in advance of any force of military or police going into the North-West Territories, to explain its object to the inhabitants.

Certified.

(Signed) WILLIAM T. URQUHART,
Secretary N. W. Council.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor-General in Council, on the 27th April, 1877.

On a memorandum, dated 22nd April, 1874, from the Hon. the Minister of the Interior stating that by the provisions of an Order in Council, under date 4th January, 1873, a reserve sufficient to afford at least eighty acres of farming land to each family, was authorized to be set apart for a Band of Sioux Indians now settled in the Province of Manitoba, such Band having come to the Province some years previously from the United States.

That the precise locality of the Reserve was by the said Order left open for future arrangement, and has since been the subject of correspondence between the Lieutenant-Governor of the North-West Provinces and that Department.

That the Council of the North-West in a minute passed on the 16th ultimo (recently transmitted by the Lieutenant-Governor) recommends that for the better preservation of peace and placing a sufficient distance between their Reserve and that of the Chippewas, and also from the new settlements forming on the Western frontier of Manitoba, the Reserve for the Sioux should be located on the west bank of the Little Saskatchewan where that river falls into the Assiniboine and along the north bank of the Assiniboine, up that river, embracing a sufficient quantity of land to give eighty acres of land to each family.

That the precise locality of the Reserve is shown on a diagram, prepared by the Surveyor-General to whom the minute of the North-West Council has been referred, who also reports favourably on the proposed locality.

That the Lieutenant-Governor in a telegram received on the 21st April, 1874, urges strongly the propriety of an immediate decision on the question.

That under the circumstances he, the Minister, recommends the proposed locality for the Sioux Reserve be sanctioned, and that the West and North boundaries of the said Reserve be made to agree, as recommended by the Surveyor-General, with the townships surveys already marked out.

The Committee submit the above recommendation for Your Excellency's approval, leaving it, however, optional with the Lieutenant-Governor of Manitoba to locate the Band on the Reserve originally proposed as suggested in the telegram of the 25th April instant.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

OTTAWA, 4th April, 1874.

SIR,—I have the honour to acknowledge the receipt of your despatch (No. 151 N) of the 20th ultimo, covering copies of seven Minutes of the North-West Council enumerated in the margin of your despatch.

A copy of the Minute on the subject of Postal Service in the North West Territories will be communicated without delay to the Postmaster General.

I shall take care to bring all the other Minutes under the early notice of the Governor General in Council.

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

(Signed) DAVID LAIRD,
Minister of the Interior.

His Honor,
The Lieutenant-Governor of the North-West Territories,
Fort Garry, Manitoba.

OTTAWA, 30th April, 1874.

SIR,—Referring to the Minute of the North-West Council, "I," on the subject of "The Sioux Reserve," and to your telegram of the 25th instant, on the same subject, I have the honor to enclose, for the information of the North-West Council, a copy of an Order of the Governor General in Council, giving you authority to locate the Reserve as suggested by you in your telegram of the 25th instant.

I also append a copy of a telegram sent to you on the subject yesterday.

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

(Signed) DAVID LAIRD,
Minister of the Interior.

His Honor
The Lieutenant-Governor of the North-West Territories,
Fort Garry, Manitoba.

OTTAWA, 13th November, 1874.

SIR,—Referring to your despatch (151 N) of the 20th March last, I have the honour to inform you that His Excellency the Governor General in Council, has had under consideration an Act entitled the *Poisons Act*, passed by the Council of the North-West on the 14th March last, and that he has been pleased to approve the said Act, and direct that it be left to its operation.

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

(Signed) E. A. MEREDITH,
Deputy Minister of the Interior.

His Honor
The Lieutenant-Governor of the North-West Territories,
Fort Garry, Manitoba.

From His Honor Lieut.-Governor Morris, to the Honorable Minister of Interior.

GOVERNMENT HOUSE,
FORT GARRY, MANITOBA, 2nd March, 1875.

SIR,—I have the honour to acknowledge the receipt of your Despatch, dated the 17th February, enclosing me a cheque No. 55, for the sum of \$38.30, to enable me to pay certain accounts for publishing in connection with the North-West Council.

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

(Signed) ALEX. MORRIS,
Lieut.-Governor, North-West Council.

OTTAWA, 17th February, 1875.

SIR,—Referring to your Despatch (No. 230 N.W.) of 15th ultimo, covering certain accounts incurred in connection with the North-West Council, and with Indian affairs, and requesting that funds be placed at your disposal to pay the same, I have the honor to enclose credit cheque No. 55, in your favor for the sum of \$38.30 to enable you to pay the accounts noted in the margin.

The account for \$914.73 from the Hudson Bay Company has been referred to the Indian Department for payment.

Nor' Wester, 5th November, 1874, \$18.75; *Manitoba Gazette*, 7th December, 1874, \$10.80; *Free Press*, 6th January, 1875, \$8.75; Total, \$38.30.

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

(Signed) DAVID LAIRD,
Minister of the Interior.

His Honor
The Lieut.-Governor of the North-West Territories,
Fort Garry, Manitoba.

OTTAWA, 5th April, 1875.

SIR,—I have the honour to acknowledge the receipt of your despatch (No. 248, N.W.) of the 12th ultimo, on the subject of the Order in Council respecting the remuneration allowed to Mr. F. G. Becher as acting Secretary of the North-West Council, and suggesting that in view of the temporary and exceptional character of the duties performed by Mr. Becher a more liberal compensation than that granted by the Order in Council might be allowed him.

In reply, I have to state that I feel satisfied the Council would decline to grant Mr. Becher any larger allowance than that provided by the Order in Council above referred to, and that it would be useless in these circumstances to re-open the case.

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

(Signed) D. LAIRD,
Minister of the Interior.

His Honor
The Lieutenant-Governor of the North-West Territories,
Fort Garry, Manitoba.

From His Honor Lieutenant-Governor Morris to the Minister of the Interior.

GOVERNMENT HOUSE,
FORT GARRY, MANITOBA, 12th March, 1875.

SIR,—I have the honour to acknowledge the receipt of your despatch of the 23rd February, enclosing a copy of an Order in Council, with regard to the remuneration to be accorded to Mr. F. G. Becher, acting Secretary of the North-West Council, and with regard thereto, I have to observe that, while the services rendered are temporary in their character, and have involved a large amount of labour, often necessarily, owing to the pressure of other duties, performed in the night hours, I do not think that the rule cited in the Order in Council can rightly apply to this case. Mr. Becher is not an officer of the Dominion Government, and is not paid by them, and the accident of his having a salary from the Local Government of Manitoba cannot, I think, be held to bring him within the scope of the rule alluded to. In view of the temporary and exceptional character of the duties performed, I think the propriety of conceding a more liberal compensation might be fairly entertained by you.

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

(Signed) ALEX. MORRIS,
Lieutenant-Governor, North-West Territories.

OTTAWA, 23rd February, 1875.

SIR,—I have the honour to enclose, for your information, a copy of an Order of His Excellency the Governor General in Council dated the 9th instant, authorizing the payment of a salary at the rate of \$800 per annum to F. G. Becher, Esq., in consideration of his services as Acting Secretary of the North-West Council, so long as he continues to discharge the duties of that office; and have to inform you that instructions were sent to the Merchants' Bank, Winnipeg, of the 12th instant, to pay Mr. Becher at that rate from the 21st September last.

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

(Signed) DAVID LAIRD,
Minister of the Interior.

His Honour
The Lieutenant-Governor of the North-West Territories,
Fort Garry, Manitoba.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor-General in Council, on the 9th February, 1875.

On a memorandum dated 2nd February, 1875, from the Honorable the Minister of the Interior, stating that Mr. Frank G. Becher, who has been acting, at the request of the Lieutenant-Governor of the North-West, as Secretary of the North-West Council, since the death of the late Mr. Urquhart, applies for compensation for his services in that capacity.

That Mr. Becher holds the office of Private Secretary to the Lieutenant-Governor, and he, the Minister, recommends that so long as Mr. Becher continues to discharge, in addition to the duties of that office, those of Secretary to the North-West Council, he be paid at the rate not exceeding \$800 per annum for his services in the

latter capacity; that being one-half (the usual allowances in such cases) the amount paid to Mr. Urquhart as Clerk of the Council, said payment to Mr. Becher to commence from the 21st September last, the date of Mr. Urquhart's death.

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

Certified.

(Signed)

W. A. HIMSWORTH.

To the Honorable

The Minister of the Interior.

OTTAWA, 8th March, 1875.

SIR,—I have the honour to inform you, that a letter of credit for the sum of five hundred dollars, has been issued on the Merchants Bank of Winnipeg, in your favour, to enable you to meet, from time to time, any expenses connected with the North-West Council, which it may be necessary to incur.

May I request you to be good enough to state on the face of each cheque drawn by you against the above credit, the account on service which it is intended to cover.

I have the honour to be, Sir,

Your obedient servant,

(Signed)

D. LAIRD,

Minister of the Interior.

His Honour

The Lieutenant-Governor of the North-West Territories,
Fort Garry, Manitoba.

From His Honour Lieutenant-Governor Morris to the Minister of the Interior.

GOVERNMENT HOUSE,

FORT GARRY, MANITOBA, 29th March, 1875.

SIR,—I have the honour to acknowledge the receipt of your despatch of the 8th instant, informing me that a letter of credit for the sum of five hundred dollars, has been issued on the Merchants' Bank, in my favour, to enable me to meet, from time to time, any expenses connected with the North-West Council.

I will cause the service for which each cheque is drawn to be endorsed upon the face, as you request.

I have the honour to be, Sir,

Your obedient servant,

(Signed)

ALEXR. MORRIS,

Lieutenant-Governor, North-West Territory.

COPY of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor-General in Council, on the 9th August, 1875.

On a memorandum dated 27th July, 1875, from the Hon. Mr. Huntington acting in the absence of the Minister of Public Works, stating that it is desirable to erect a residence for the Lieutenant-Governor of the North-West Territories at Fort Pelly, which is estimated to cost \$15,000, and recommending that he be authorized to expend that sum out of the item of \$33,800 voted at the last Session of Parliament.

for 1875 and 1876, "for salaries and expenses of the Council for the North-West Territories and miscellaneous expenses in the North-West not otherwise provided for." The Committee submit the above for Your Excellency's approval.

Certified.

(Signed) W. A. HIMSWORTH,
Clerk, Privy Council.

OTTAWA, 3rd January, 1876.

SIR,—I have the honour to enclose, for your information, a copy of an Order of His Excellency the Governor-General in Council authorizing the appointment of the gentlemen named therein as Justices of the Peace for the North-West Territories.

I also enclose the commission under the Great Seal issued in accordance with the Order in Council above referred to.

I have delayed forwarding the commission in the hope of being able to furnish you with the residences of the gentlemen named therein.

I have just learned that Mr. Hazelwood resides at present at Brockville, and Mr. Sutherland at Orillia; it is believed, however, that both these gentlemen will return to the Territories in the spring. I have been unable to ascertain Mr. McDonald's residence.

Mr. Hazelwood and Mr. Sutherland have been notified of their appointment, and if you can ascertain Mr. McDonald's residence you would oblige me by notifying him of his appointment.

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

(Signed) D. LAIRD,
Minister of the Interior.

His Honor

The Lieutenant-Governor of the North-West Territories,
Fort Garry, Manitoba.

GOVERNMENT HOUSE,
FORT GARRY, MANITOBA, 24th December, 1875.

SIR,—I have the honour to enclose you a copy of the minutes and proceedings of the North-West Council at a special meeting summoned by me, commencing on the 23rd of November, and extending over the 24th, 25th, 26th and 29th days of November, and by adjournment to the 14th day of December.

I have to direct attention to the address with which I opened the Session, and the reply thereto of the Council.

As the meeting in question may prove to be the last under my Presidency, it is gratifying that the Council has proved of so much service as the measures indicated in my address, which have either been suggested by or adopted by the Council, prove it to have been.

The Council passed an Act to regulate prairie and forest fires. I received a despatch from you on the 19th of May last, asking me to issue a proclamation on the subject; but as I had no power to deal with the subject in that way, I brought it before the Council, who, in consequence, passed the Act herewith enclosed. In this connection I would remind you that through the Rev. Mr. G. McDougall, the Crees of the Saskatchewan requested me to pass such a law. The legislation of the Council on the subject had, however, been adopted before this request reached me.

The Council also considered the important subject of regulating the buffalo hunt, and made some progress with regard thereto.

An interesting feature of the Session as showing the progress of the settlement of the Territories and the growth of enterprise therein, was the application by various parties for six Acts to authorize the construction of toll, ferries, and bridges, at various places.

The Council made some progress with a general measure relating to this subject.

I was requested by Council to bring under the attention of the Privy Council the propriety of some allowance being made to the members of Council as compensation for their loss of time, and the expenses incurred by them while acting as Councillors.

Some of them live at a considerable distance from Winnipeg, and have incurred hotel and other expenses while in attendance upon the Council, and the Council think that their services should receive some appreciation.

The Council ordered the opening address and reply to be printed, and requested me to enclose thirteen copies for the members of the Privy Council.

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

(Signed) **ALEXR. MORRIS,**
Lieut.-Governor, North-West Territories.

Hon. The Secretary of State,
Ottawa.

23rd November, 1875.

Council met at 11 o'clock, a.m. His Honor the Lieut.-Governor presiding:

Present:

Honorable Messieurs

Girard,	McKay,
Breland,	Brown,
Dubuc,	Fraser,
Bannatyne,	Tait,
Kennedy,	De Lorme, and
	McTavish.

Lieut.-Governor addressed the Council as followeth:—

GENTLEMEN,—I have now to address you in compliance with the rules you have adopted for the regulation of the proceedings of the Council.

You met, for the first time after the formation of the Council, on the 8th March, 1873, when I thus addressed you:—

“I have much pleasure in calling you around me, to assist me in the administration of the affairs of the North-West Territories. The duties which devolve upon you are of a highly important character. A country of vast extent, which is possessed of abundant resources, is entrusted to your keeping, a country which though at present but sparsely settled, is destined, I believe, to become the home of thousands of persons, by means of whose industry and energy that which is now almost a wilderness will be quickly transformed into a fruitful land where civilization and the arts of peace will flourish. It is for us to labour to the utmost of our power, in order to bring about, as speedily as possible, the settlement of the North-West Territories, and the development of their resources, and at the same time to adopt such measures as may be necessary to insure the maintenance of peace and order, and the welfare and happiness of all classes of Her Majesty's subjects, resident in the territories.”

In again assembling you to meet, in what may prove to be the last, or nearly the last, meeting of the present Council, I have quoted these words for purpose of con-

gratulating you on the efforts you made to carry into effect the objects which I placed before at your first meeting.

Before proceeding to the ordinary work of the Session, I, therefore, think this a fitting occasion to review the work the Council has accomplished, and to place on record the results of its legislation and of its suggestions.

The present Council are now only acting provisionally, and a new Council is to be organized, partly nominative by the crown, and partly elective by the people, with the view of exercising its functions under the Presidency of a resident Governor within the Territories themselves. I am confident that that Council will take up the work you began, and have so zealously endeavoured to carry out, and I trust they will prove successful in their efforts to develop the Territories, and attract to them a large population. Though you had many difficulties to contend with, you surmounted most of them, and will have the gratification of knowing, that you in a large measure, contributed to shape the policy, which will prevail in the government of the Territories, and the administration of its affairs.

At your first meeting you passed an Act to prohibit, except under certain restrictions, the importation of Spirituous Liquors in the Territories, and the Parliament of the Dominion has since adopted your views and given effect to them, by the passing of a law of similar import to that you formed.

I am glad to say that this measure has proved effective, and will, I believe, contribute largely to the promotion of the well-being of the population of the Territories, and to the prevention of disorder and crime. You also made provision for the appointment of Justices of the Peace, and in connection therewith you represented to the Government of the Dominion that the criminal laws of the Dominion should be extended to the Territories, and that a Mounted Police Force, under military discipline, should be established in the Territories for the maintenance of peace and order therein, and the enforcement of the laws. You have had the satisfaction of seeing these suggestions adopted, and of knowing that the Police Force which you proposed, has proved, and is proving, of the greatest service in the Territories.

Such were some of the results of your first meeting, and your subsequent Sessions were not unproductive of good, I will only mention, generally, some of the more important subjects you dealt with.

You were, and are, of opinion that the Militia Battalion in Manitoba should be maintained, and should be so increased that an effective force should be available in the Territories.

You proposed that treaties should be made with the Indians of the Plains of Forts Carleton, Pitt, and Qu'Appelle, and you suggested that Schools should be provided for, that agricultural implements and cattle should be given to the Indians, and that teachers should be furnished to teach them the arts of agriculture.

You have seen a treaty concluded at Qu'Appelle, and I am glad to inform you that treaties will be made next Session at the other points indicated.

You urged that Stipendiary Magistrates should be appointed, resident in various portions of the Territory, clothed with powers to deal with certain classes of criminal offences, and also with a limited jurisdiction as regards civil causes, and that a resident Judge, with Queen's Bench powers, should be appointed to deal with graver matters, with an appeal to the Court of Queen's Bench, in the Province of Manitoba in certain cases.

Your recommendation as to Magistrates has been adopted by the Dominion, and though power has been given to the Judges of the Court of Queen's Bench of Manitoba, to hold Courts in the Territories, this can only be regarded as a provisional measure, so that I doubt not your proposal will be eventually carried into effect.

You called attention to the necessity of steps being taken to punish the actors in the Cypress Hill tragedy, and your recommendation has been acted on by the Privy Council, with the best effect, as regards the Indian population.

You proposed that a monthly mail should be established between Fort Garry and Fort Edmonton, for the convenience of the public, and it is to be hoped that the private mail now carried for the use of the Police, and the Pacific Railway service, may prove the precursor of a much needed boon to the people of the North-West.

You ask that a Reserve should be granted to the Norway House Indians, who had been deprived of their means of livelihood by the introduction of steam navigation, and your request has, during the past season, been granted.

You urged that measures should be adopted to collect Customs duties in the region of the West known as the Belly and Bow River country, and your representations were complied with.

You passed laws for the appointment of Coroners, for caring for Orphan children, for regulating the relations of "Masters and Servants," for "the prohibition of the importation of Poisons into the Territories, and of their use in hunting Game."

You asked that the existing highways, portages, and watering places, in the Territories, should be set apart for public uses, and that, as soon as treaties with the Indians were completed, Surveys should be made of the lands where settlement had taken place, and some of these subjects have been dealt with by the Privy Council, but others still remain for their action. Such, then, is a brief review of the work that you have accomplished, and I can safely tell you, that you have reason to be well satisfied with the results of your executive and legislative action, for during your *regime* most important steps have been taken towards the establishment of law and order in the Territories, and towards the creation of respect amongst the people for the authority of the Crown.

The foundation has now been laid for peace, security, the advancement of the settlement of the vast region you have ruled over, and for the securing of the good will of the Indian Tribes, and I can only express my confident trust that those who follow you will rear, wisely and well, a noble superstructure on the basis that you have established.

I will now, in conclusion, ask you to enter upon the ordinary work of the Session, and will suggest that you should, before you separate, lay down some mode of dealing with a subject which is of the utmost importance as respects the relations of the Government of the Queen with the Indian tribes, and as regards their means of livelihood while they are passing through the transition process of being prepared to earn a living from the soil. I mean the regulation of the buffalo hunt in such a way as to prolong the subsistence afforded to the native tribes by the wild cattle of the North-West, and thus to give time for their gradual civilization and accustomment to practice the arts of agriculture. I would also suggest that you should adopt measures to prevent the spread of prairie and forest fires.

You will now proceed to the discharge of your duties, and I am confident that harmony will prevail amongst you, and that you will exhibit the same desire to advance the best interests of the Dominion which has hitherto actuated you.

Moved by Honorable Mr. Girard, seconded by Honorable Mr. Dubuc:

Resolved, That a Committee be struck to draw up a reply to the Address, composed of the Honorable Messrs. Girard, Bown, Bannatyne, Dubuc and Kennedy.

Honorable Mr. McKay reported, from the Select Committee appointed at the last Session to draw up a report on "the best mode of regulating the hunting of the buffalo," That they had drawn up a report accordingly, and the same was read, as followeth:—

The undersigned has the honour to report that, as Chairman of the Select Committee struck at the last Session of the North-West Council, to consider and report on the best mode of regulating the hunting of the buffalo in the North-West Territories of the Dominion of Canada, he did not, on hearing that a new Council was to be appointed, summon the Committee to meet for the purpose of framing rules; but, since being notified of this special Session, the Committee have taken the matter under consideration, and beg respectfully to submit the following suggestions for the attention of the Council:—

1st. No buffalo shall be hunted or killed between the first day of January and the first day of June.

2nd. No pound or similar contrivance shall at any time be formed for the capture of the buffalo.

3rd. It shall be unlawful to kill any buffalo under the age of two years.

4th. The period at which the hunting parties shall, within the region thus defined, that is to say: all the country bounded on the north by the north branch of the Saskatchewan, fifty miles west of Fort Edmonton; thence due south to the junction of the Bow and Belly Rivers; thence due south to the international boundary, including all the country eastward; start for the hunt shall, from time to time, be fixed by the North-West Council.

5th. The Committee further suggest that, during the close season, the Dominion Government make some provision for the maintenance of the Indians in the aforesaid district, by supplying them with necessary food or other aid, in conformity with Treaty regulations.

6th. No small party of hunters shall start for the Buffalo hunt in advance of the large camp or party of hunters, but one common start shall be made in a body.

Offences against this Act shall be punished upon summary conviction on information or complaint before a Stipendiary Magistrate or Justice of the Peace, as follows with costs:—

A fine in a sum not exceeding one hundred dollars nor less than twenty-five dollars for each offence, and in default of the payment thereof, it shall be lawful to levy a fine equivalent to the aforesaid amount on the goods and chattels of the offender or offenders.

In any prosecution under the provisions of the Act whereby the conviction of the offender or offenders is secured, the informer shall be entitled to receive one half the amount of fine imposed.

Moved by Mr. McKay, seconded by Mr. Bannatyne,

Resolved that the report be laid on the table to be taken into consideration at the next meeting.

Moved by Honorable Mr. Dubuc, seconded by Honorable Mr. Bown:

Resolved, that a Committee on Private Bills be appointed composed of the following members:—

Honorable Messrs. Girard, McKay, Frazer, McTavish, Dubuc, Bannatyne and Bown.

Honorable Mr. Bannatyne presented a petition from Mr. Fuller, praying that he be permitted to construct and maintain a toll brige across the Battle River. A Bill founded on said petition was introduced by the Honorable Mr. Bannatyne, and, on motion, was read a first time and referred to the Committee on Private Bills.

Honorable Mr. Bannatyne presented a petition from Mr. Fuller, praying that he be allowed to construct and maintain a ferry across the South Branch of the Saskatchewan. A Bill founded on said petition was introduced by the Honorable Mr. Bannatyne, and, on motion, was read a first time and referred to the Committee on Private Bills.

Honorable Mr. Girard presented a petition from His Lordship the Bishop of St. Albert, and Mr. Hardisty, praying that they be allowed to charge tolls for crossing the Sturgeon River on the bridge they have constructed. A Bill founded on said petition was introduced by Honorable Mr. Girard and, on motion, was read a first time and referred to the Committee on Private Bills.

Honorable Mr. Dubuc presented a petition from Joseph and François Lamoureux, praying that they be allowed to construct and maintain a Ferry across the North Saskatchewan, fifteen miles below Fort Edmonton. A Bill founded on said petition was introduced by the Honorable Mr. Dubuc, and, on motion, was read a first time and referred to the Committee on Private Bills.

Honorable Mr. Dubuc asked to be allowed to present a Bill intituled "An Act for the prevention of Prairie and Forest fires in the North-West Territories of the Dominion of Canada."

Moved by Honorable Mr. Dubuc, seconded by Honorable Mr. Bannatyne :
Resolved, That this Bill be read a first time, and stand for second reading at the next meeting.

Honorable Mr. Girard, asked that the Bill intituled "An Act to incorporate the Reverend Peres O'blat," be read a second time which was agreed to, the Council resolved to go into a Committee of the Whole on the said Bill at the next sitting.

Council then adjourned until 2 p.m. of November the 24th, 1875.

 WEDNESDAY, 24th November, 1875.

Council met at 2 p.m. His Honor the Lieut.-Governor presiding.

Present :

Honorable Messrs.

Breland,	Bannatyne,
Tait,	Fraser,
Girard,	Kennedy,
Dubuc,	Brown, and
DeLorme,	McTavish.

Honorable Mr. Girard reported, from the Select Committee appointed to draw up an Address to His Honor the Lieut.-Governor, that they had drawn up an Address accordingly, and the same was read as followeth :—

To His Excellency the Honorable Alexander Morris, Lieut.-Governor of the North-West Territories.

MAY IT PLEASE YOUR EXCELLENCY :

We, Her Majesty's dutiful and loyal subjects the members of the North-West Council, cordially thank you for your Speech at the opening of this Session.

We have endeavoured to the fullest extent, to bear in mind the words and advice of Your Excellency the occasion of our first meeting as councillors.

The duties we were then and since have been called upon to discharge, were of a highly important character.

A country of vast extent, possessed of abundant resources was entrusted to our government, which though now but sparsely settled is, we believe, destined to become the home of many thousands of different nationalities, by means of whose industry and energy what is now a vast uncultivated wilderness will be speedily transformed into a fruitful and productive region where civilization and industry will prevail.

We have, as a council, laboured with one mind and to the utmost of our powers to establish as rapidly as possible the peopling of the North-West Territories, and the development of its present resources, and have adopted such measures as we thought would be most beneficial for maintenance of peace and harmony amongst all races residing therein.

It is, with feelings of no little satisfaction, that we have heard from your Excellency your approval of the efforts we have made to discharge the duties entrusted to us, more so as you have pointed out the many benefits arising out of our legislation and suggestions, which have been adopted in the North-West Territories by the Dominion Government.

We feel confident that our successors, about to be appointed under an Act of last session of the Dominion Parliament, will with cordiality take up the work we have begun, and favoured by prompt effect being given to their proceedings, will have every success in developing the Territories and promoting the happiness and welfare of its population.

We are instigated by natural feelings of pride when we look back at the many difficulties we have had to contend with, and have been able to surmount; and it will be ever before us that we were called upon to lay the foundation-stone of the policy which we feel certain will prevail in the government and administration of the Territories.

Your Excellency has congratulated us on the results of our executive and legislative action during our short-lived rule, and we heartily agree with you that very many important steps have been taken towards the creation of a wholesome respect for the law and the authority of the Crown in the Territories.

We perceived with pleasure the conclusion of the Treaties entered into with Her Majesty's Indian subjects in the North-West Territories, and feel assured that they will contribute to the colonization and benefit of the Indians.

We heartily thank Your Excellency for the kindly feelings you have expressed towards us, and cannot allow this befitting opportunity to pass, without expressing our cordial feelings of gratitude for the valuable assistance you have at all times rendered to us in the performance of our duties; and it shall be our aim to make the result of our labours of this Session such as we can look back to with pride and satisfaction.

And now, bearing in mind that this may prove to be the last meeting of the Council, as at present organized, we desire to make this opportunity of assuring Your Excellency that we entered upon the duties of our office animated by sentiments of loyalty to our Queen, and desirous of doing all in our power to advance the best interests of the Dominion, and that when we retire from the Council, we will continue in whatever sphere in life we may occupy, to be actuated by the same feelings of warm attachment to the Sovereign, and loyal devotion to our country.

The said Address was agreed to.

Ordered, That the said Address be printed for the use of the members.

Moved by Honorable Mr. McKay, seconded by Honorable Mr. Bannatyne,

Resolved, That the Report of the Select Committee, for the best mode of regulating the Buffalo hunt be adopted, and that the Committee be continued and requested to make a further report at the next Session.

Honorable Mr. Girard presented a report from the Committee on Private Bills, on the following Bills with certain amendments:—

1. An Act to authorize Richard Fuller to build and maintain a Toll Ferry over the South Branch of the South Saskatchewan River in the North-West Territories.

2. An Act to authorize Richard Fuller to build and maintain a Toll Bridge over Battle River, south of the North Saskatchewan River in the North-West Territories.

3. An Act to authorize the collection of Tolls by the owners of a bridge constructed on the Sturgeon River in the North-West Territories.

4. An Act to authorize Joseph and François Lamoureux to establish and maintain a Toll Ferry over the River Saskatchewan in the North-West Territories.

On the motion of the Honorable Mr. Bannatyne, the Bill intituled "An Act to authorize Richard Fuller to build and maintain a Toll Ferry over the South Saskatchewan River in the North-West Territories," was read a second time, and the Council resolved itself into a Committee of the Whole to take it into consideration.

The Committee having reported the Bill with certain amendments, the report and amendments were adopted, and the Bill was ordered to be read a third time at the next meeting.

On the motion of the Honorable Mr. Bannatyne, the Bill intituled "An Act to authorize Richard Fuller to build and maintain a Toll Bridge over Battle River, south of the North Saskatchewan River in the North-West Territories," was read a second time, and the Council resolved itself into a Committee of the Whole to take it into consideration.

The Committee having reported the Bill with certain amendments, the report and amendments were adopted and the Bill was ordered to be read a third time at the next sitting.

On the motion of the Honorable Mr. Girard, the Bill intituled "An Act to authorize the collection of tolls by the owners of a bridge constructed on the Sturgeon River in the North-West Territories."

The Committee having reported the Bill with certain amendments, the report and amendments were adopted, and the Bill was ordered to be read a third time at the next sitting.

On the motion of the Honorable Mr. Dubuc, the Bill intituled "An Act to authorize Joseph and François Lamoureux to establish and maintain a Toll Ferry over the River Saskatchewan in the North-West Territories" was referred to the Committee of the Whole.

The Committee having reported the Bill with certain amendments, the report and said amendments were adopted, and the Bill was ordered to be read a third time at the next meeting.

Honorable Mr. Dubuc presented a petition from Mr. George McKay, praying that he be allowed to construct and maintain a Ferry on the South Saskatchewan, and be permitted to charge tolls on the same. The petition was received.

A Bill, founded on the above petition, was introduced by Honorable Mr. Dubuc, and, on motion was read a first time and referred to the Committee on Private Bills.

The Order of the Day being read for the second reading of the Bill providing for the prevention of Prairie and Forest Fires in the North-West Territories of the Dominion of Canada;

The Bill was accordingly read a second time.

The Council resolved itself into a Committee of the Whole to take it into consideration—

The Committee having reported the Bill with certain amendments, the report and amendments were adopted, and the Bill ordered to be read a third time at the next meeting.

Council then adjourned till the next day.

THURSDAY, 25th November, 1875.

Council met at 2 p.m., His Honour the Lieutenant-Governor presiding.

Present:

Honourable Messieurs

Schultz,
McKay,
Dubuc,
Frazer,
Tait,

Kennedy,
Girard,
Bown,
Bannatyne,
McTavish.

A letter from Mr. Luxton, editor of the *Free Press*, requesting that he be allowed to send a reporter to be present at the Legislative meetings of the Council, was read.

Ordered, That the Clerk send him the following reply:—

"I have been directed by the Council to inform you that hitherto, no distinction has been made by the Council in disposing of Executive and Legislative business, but both have been taken up at the same sittings.

"Should the Council continue in office for any length of time they would contemplate holding distinct Executive and Legislative Sessions, and, in that event, they would be disposed to regard favourably the admission of the reporters of the Press generally to their Legislative Sessions, especially if provided with a room of sufficient extent to afford the necessary accommodation to representatives of the Press; the apartment at present used being inconveniently small for the reception of their own members."

On the motion of the Honourable Mr. Bannatyne,

The Bill intituled an Act to authorize Richard Fuller to build and maintain a Toll Ferry over the South Branch of the South Saskatchewan River in the North-West Territories was read a third time.

Resolved, That the Bill do pass, and the title be “An Act to authorize Richard Fuller to build and maintain a Toll Ferry over the South Branch of the South Saskatchewan River, in the North-West Territories.” Said Act being as followeth:—

BILL.

An Act to authorize Richard Fuller to build and maintain a Toll Ferry over the South Branch of the South Saskatchewan River, in the North-West Territories.

WHEREAS the construction of a Toll Ferry over the said river, a navigable stream, the said Ferry being situated at or near the place where the present telegraph line crosses the said river, will greatly tend to promote the welfare and intercourse of settlers, travellers, traders and others in the locality aforesaid; and whereas Richard Fuller, of the City of Winnipeg, Province of Manitoba, Contractor, desires to be authorized to construct, repair and maintain a Toll Ferry over the said south branch of the Saskatchewan River;—Therefore Her Majesty, by and with the advice and consent of the North-West Council, enacts as follows:—

1. The said Richard Fuller is hereby authorized to build, repair and maintain, at his own cost and expense, a good and substantial ferry over the said south branch of the Saskatchewan, in the locality aforesaid, said ferry to be completed before the thirty-first of December, 1876, and to have toll houses; and also to do and execute all such other matters and things as shall be necessary and useful, or advantageous, for erecting and constructing, keeping up and maintaining the said ferry houses, ropes and approaches, and other dependencies, according to the true intent and meaning of this Act.

2. During the continuance of the privileges by this Act conferred, it shall be lawful for the said Richard Fuller to ask, demand, receive, take, sue for, recover, to and for his own proper use, benefit and behoof, for ferriage as or in the name of toll or duty, before any passage over the said ferry shall be permitted, or after such passage, the several sums following, that is to say:—

	cts.
For every vehicle drawn by one horse or ox.....	20
For every vehicle drawn by two horses or two oxen.....	30
For every vehicle drawn by more than two horses or two oxen.	50
For every horse, ox or cow.....	10
For every horse with rider.....	20
For every sheep, hog, calf or colt.....	8
For every foot passenger.....	8
For other articles or goods without vehicle, over 100 pounds, per 100 pounds.....	2

3. It shall be lawful for the said Richard Fuller to diminish the said tolls, or any of them, and then afterwards, if he sees fit, to augment the same, or any of them, so as not to exceed, in any case, the rates by this Act authorized to be taken; and he shall affix, or cause to be fixed, in some conspicuous place at or near the said ferry, a table of the rates payable for passing over the said ferry; and so often as such rates may be diminished or augmented, he shall cause such alteration to be affixed in manner aforesaid.

4. If any person shall forcibly pass over or upon the said ferry without paying the said toll, or any part thereof, or shall interrupt or disturb the said Richard Fuller or any person or persons employed by him in building or repairing the said ferry, or any road or avenue leading thereto, or in the working of said ferry, every person so offending in each of the cases aforesaid, shall, for every such offence, forfeit a sum

not exceeding ten dollars, or, in default of payment, be imprisoned for a period not exceeding ten days.

6. At all times so long as the said ferry is passable or open for use of the public, no person whatsoever, shall erect, construct or build, or use any boats or rafts of any description whatever, for the passage of any person, cattle or vehicle whatsoever for hire across the said river within a distance of five miles of the said ferry, and any person who shall build any boat or raft, or use the same for ferriage over the said river within the limits aforesaid, or shall ferry for hire within the limits aforesaid, shall, without prejudice to any proceedings which may be instituted against him by the said Richard Fuller by any court, to cause the said boats, rafts or ferries to be destroyed, and to cause his privileges to be otherwise respected, pay to the said Richard Fuller, treble tolls hereby imposed for all persons, cattle, horses and vehicles passing over such ferries, boats or rafts, or by means of any of them.

7. And the said Richard Fuller, to entitle himself to the benefit and advantages to him by this Act granted, shall be bound to put the said ferry into a good and safe condition for the passage of traders, travellers, cattle and vehicles; and if the said ferry, ropes, boats or other appurtenances of the said ferry should, by accident or otherwise, be broken, lost or destroyed, the said Richard Fuller shall be bound to replace the same within twelve months' next following the breaking, loosing, or destruction of said robes, boats, or appurtenances, under penalty of forfeiture of the advantage to him by this Act granted, and during such time as the regular ferry is not in running order, by accident, or otherwise, unless the said Richard Fuller maintain a crossing of some kind, the privileges hereby granted shall cease to be in force until the regular ferry is in running order.

8. The penalties hereby inflicted shall, upon proof of the offence respectively, before any one or more Justices of the Peace, or Magistrates for the District, or before any other Court of competent jurisdiction, either by confession of the offender or by oath of one or more credible witness or witnesses (which oath, such Justice, Court or Magistrate, is hereby empowered, and required to administer) be levied by distress and sale of the goods and chattles of such offender, by warrant, signed by such Justice or Justices of the Peace or Magistrates, or issued by such Court, and the overplus, after such penalties and the charges of such distress and sale are deducted, shall be returned on demand to the owner of such goods and chattels, and such penalties shall belong to the said Richard Fuller or his assigns.

9. All the powers, privileges and immunities, hereby granted to the said Richard Fuller, shall be vested in the said Richard Fuller, his heirs, executors and assigns.

10. This Act and the provisions hereinbefore contained, shall be in force for the period of ten years from the passing thereof.

11. Nothing contained in this Act shall be deemed to affect the right of passage up and down the stream of any steamboats, vessels, boats or rafts.

12. The dimensions of the vessels used for the crossing the said ferry, and the condition on which the same shall be put in operation, shall be subject to any regulations which may be made from time to time by the Lieutenant-Governor in Council in regard to the same.

13. Her Majesty, Her heirs and successors, may, at any time, assume the possession and property of the said ferry, and of all the rights, privileges and advantages attached thereto, all which shall, after such assumption, be vested in Her Majesty, Her Heirs and Successors, on giving to the party or parties holding the same one month's notice thereof, and on paying to them the value of the same, to be fixed by three arbitrators, or the majority of them, one to be chosen by the Lieutenant Governor of the North-West, another by the party or parties holding the same, and the third by the two first arbitrators; the arbitrators having full power to consider in the valuation the expenses incurred in connection with the said ferry, the traffic on the same, and its past and present prospective business.

14. This Act shall be deemed a public Act.

On the motion of the Honourable Mr. Bannatyne, seconded by Honourable Mr. Kennedy,

Resolved, That the Bill intituled "An Act to authorize Richard Fuller to build and maintain a Toll Bridge over Battle River south of the North Saskatchewan River, in the North-West Territories," be read a third time and passed, under the title of "An Act to authorize Richard Fuller to build and maintain a Toll Bridge over Battle River, south of the North Saskatchewan River, in the North-West Territories," said Act being as follows:—

Whereas the construction of a toll bridge over the Battle River, a partly navigable stream, the said bridge being situated at or near the present crossing of the telegraph line, will greatly tend to promote the welfare and intercourse of settlers, traders, travellers and others in the locality aforesaid; and whereas Richard Fuller, of the City of Winnipeg, in the Province of Manitoba, contractor, desires to be authorized to construct, repair and maintain a toll bridge over the said Battle River;—Therefore Her Majesty, by and with the advice and consent of the North-West Council, enacts as follows:—

1. The said Richard Fuller is hereby authorized to build, repair and maintain at his own cost and expense a solid and sufficient toll bridge over the said Battle River in the locality, aforesaid bridge to be built within twelve months from the date of the passing of this Act, and to have toll houses and toll gates, and also to do and execute all such other matters and things as shall be necessary, useful or advantageous, for erecting and constructing keeping up and maintaining the said bridge, toll houses, toll gates and other dependencies according to the true intent and meaning of this Act.

2. During the continuance of the privileges by this Act conferred it shall be lawful for the said Richard Fuller to ask, demand, receive, take, sue for, recover, to and for his own proper use, benefit and behoof for portage as, or in the name of toll or duty, before any passage over the said bridge shall be permitted, or after such passage, the several sums following, that is to say:—

	Cents.
For every vehicle drawn by one horse or ox	15
“ “ “ “ two horses or two oxen	25
“ “ “ “ more than two horses or two oxen.	50
“ “ horse, ox, or cow	8
“ “ sheep, hog, calf, or colt	5
“ “ horse with its rider	15
“ “ foot passenger	5

3. It shall be lawful for the said Richard Fuller to diminish the said tolls or any of them, and then afterwards, if he see fit, to augment the same or any of them, so as not to exceed in any case the rules by this Act authorized to be taken, and the said Richard Fuller shall affix, or cause to be affixed, in some conspicuous place at or near the said Toll Gate or upon the said Bridge, a table of rates payable for passing over the said bridge, and so often as such rates may be diminished or augmented, he shall cause such alteration to be affixed in manner aforesaid.

4. If any person shall forcibly pass through the said Toll Gates, or over, or upon the said bridge, without paying the said toll, or any part, or shall interrupt or disturb the said Richard Fuller, or any person or persons employed by them in building or repairing the way over the same, or any road or avenue leading thereto, or shall at any time drive faster than a walk on the said bridge, every person so offending in each of the cases aforesaid shall for every such offence, forfeit a sum not exceeding ten dollars, or in default of payment, be imprisoned for a period not exceeding ten days.

5. At all times so long as the said bridge is passable or open for use of the public, no person, whatsoever, shall erect any bridge or bridges, nor shall use for purpose of ferrage, boats of any description whatever for the passage of any person, cattle or vehicle whatsoever for hire across the said river within the following limits from the mouth of the said river, five miles up the said Battle River.

6. And any person who shall build any toll bridge or toll bridges over the said

river within the limits aforesaid, or shall ferry for hire within the limits aforesaid, shall without prejudice to any proceedings which may be instituted against him by the said Richard Fuller before any Court, to cause the said bridges to be destroyed and to cause his privileges to be otherwise respected, pay to the said Richard Fuller treble the tolls hereby imposed for all persons, cattle, horses and carriages passing over such bridge or crossing by means of such ferry or ferries.

The said Richard Fuller, to entitle himself to the benefits and advantages to him by this Act granted, shall be bound to put the said bridge into a safe and convenient condition for the passage of travellers, cattle, and vehicles; and if the said bridge should, by accident or otherwise, give way, the said Richard Fuller shall be bound to rebuild the said bridge within six months next following the giving way of the said bridge, under penalty of forfeiture of the advantages to him by this Act granted.

The penalties hereby inflicted shall, upon proof of the offence respectively, before any one or more Justices of the Peace or Magistrates for the district, or before any other Court of competent jurisdiction, either by the confession of the offender or by the oath of one or more credible witness or witnesses (which oath such Justices, Court or Magistrate is hereby empowered and required to administer) be levied by distress and sale of the goods and chattels of such offender by warrant signed by such Justice or Justices of the Peace or Magistrate, or issued by such Court; and the overplus, after such penalties and the charges of such distress and sale are deducted, shall be returned on demand to the owner of such goods and chattels, and such penalties shall belong to the said Richard Fuller or his assigns.

7. All the powers, privileges and immunities hereby granted to the said Richard Fuller shall be vested in the said Richard Fuller, his heirs, executors and assigns.

8. This Act and the provisions hereinbefore contained shall be in force for the period of fifteen years from the passing thereof.

9. Her Majesty, Her heirs and successors may at any time assume the possession and property of the said ferry, and of all the rights, privileges and advantages attached thereto, all which shall after such assumption be vested in Her Majesty, Her heirs and successors, on giving to the party or parties holding the same one month's notice thereof, and on paying to them the value of the same, to be fixed by three arbitrators or the majority of them, one to be chosen by the Lieutenant-Governor of the North-West, another by the party or parties holding the same, and the third by the two first arbitrators; the arbitrators having full power to consider in the valuation the expenses incurred in connection with the said ferry, the traffic on the same, and its past and present prospective business.

10. The plan for the construction of the said bridge shall first be approved by the Lieutenant-Governor in Council.

11. This Act shall be deemed a public Act.

On the motion of Honorable Mr. Dubuc, seconded by Honorable Mr. Girard, *Resolved*, The Bill entitled "An Act to authorize the collection of tolls by the owners of a bridge constructed on the Sturgeon River, in the North-West Territories," was read a third time and passed, under the title of "An Act to authorize the collection of tolls by the owners of a bridge constructed on the Sturgeon River, in the North-West Territories;"

Whereas, it has been represented that the Right Reverend Vital Grandin, Bishop of St. Albert and Richard Hardisty, of Edmonton, have constructed a bridge over the Sturgeon River, opposite the St. Albert Mission, in the North-West Territories, for which they have incurred large expenses, and that the said bridge is a great benefit to the public; and whereas, the said Right Reverend Vital Grandin and Richard Hardisty have prayed to be authorized to collect tolls from all party or parties passing over on the said bridge;

Wherefore, Her Majesty, by and with the advice and consent of the North-West Council, enacts as follows:—

1. The said Right Reverend Vital Grandin and Richard Hardisty, are hereby authorized and empowered to keep, maintain, repair or replace the bridge constructed by them over the Sturgeon River, opposite the St. Albert Mission, in the North-West

Territories, and it shall be lawful for them to ask, demand, receive, take, sue for, and recover, and for their own use and benefit, the tolls hereinafter prescribed from all person or persons, and for all vehicles and animals passing over the said bridge for and during the term and period hereinafter mentioned.

2. The tolls to be collected on said bridge shall not exceed the following rates :—

	Cents.
For every foot passenger.....	5
“ horse or mule with men.....	15
“ vehicle drawn by one animal and driver.....	15
“ vehicle drawn by two animals and driver.....	25
“ vehicle drawn by more than two animals and driver.	50
“ horse, mule, ox or cow	8
“ sheep, hog, colt or calf.....	5

A table showing the above rates shall be affixed and kept posted up in some conspicuous place at or near the said bridge.

3. It shall not be lawful for any other person or persons to construct or erect a bridge, or to establish, keep or maintain a ferry running for hire on the said river within three miles from the place where the above-mentioned bridge is situated for the use of the public, or to collect or receive any tolls or right of ferriage on any bridge or ferry constructed or established within the said limits.

4. If at any time the said bridge is destroyed or injured, or is being repaired, or for any other cause becomes unsafe, it shall be lawful for the said Right Reverend Vital Grandin and Richard Hardisty to establish, keep and maintain a ferry, at or near the same place, for or during such time as may be required to replace or repair, or make safe the said bridge, provided that such time so required shall not exceed eighteen months, and during such time they shall be authorized to collect for crossing on said bridge, the same tolls or fares as are hereby authorized on the said table.

5. The said bridge shall be kept open and in good order for the use of the public, and any person paying or tendering the authorized toll or fare, shall have right and be entitled to pass on the said bridge, except when prevented by some physical and unavoidable cause or circumstance.

6. Any person passing over the said bridge or ferry, and refusing to pay the prescribed tolls or fares, or violating any of the provisions of this Act, shall, for every such offence, forfeit a sum not exceeding ten dollars, and, in default of payment of such fine and costs, the offender shall be imprisoned for any period not exceeding ten days, unless such fine and costs be sooner paid.

7. Every offence against any of the provisions of this Act shall be prosecuted by warrant or summons, before any Justice of the Peace, Police Magistrate, Stipendiary Magistrate or Judge having jurisdiction in the locality.

8. The rights and privileges hereby conferred may be assigned or transmitted by the said Right Reverend Vital Grandin and Richard Hardisty, or either of them, as to his own share, and any party or parties to which the same shall be assigned or transmitted, or in anywise becoming legally seized of the land, shall possess and enjoy the same in the same manner as the parties to which the said rights and privileges are hereby conferred.

9. The right and privileges hereby conferred are granted for the period of ten years, subject to the provisions of the next section.

10. Her Majesty, Her heirs and successors, may at any time assume the possession and property of the said bridge, and of all the rights, privileges and advantages attached thereto (all which shall, after such assumption, be vested in Her Majesty, Her heirs and successors), on giving to the party or parties holding the same one month's notice thereof, and on paying to them the value of the same, to be fixed by three arbitrators, or the majority of them, one to be chosen by the Lieutenant-Governor of the North-West, another by the party or parties holding the same, and the third by the two first arbitrators, the arbitrators having full power to consider

in the valuation the expenses incurred in connection with the said bridge, the traffic on the same, and its past and present and prospective business.

11. Nothing contained in this Act shall be deemed to affect the right of passage of any steamboat, vessels, boats or rafts up and down the stream.

12. The said bridge, and the manner in which tolls shall be collected, shall be subject to any regulations which may be made in regard to the same by the Lieutenant-Governor in Council.

13. This Act shall be deemed a public Act.

On the motion of Honorable Mr. Dubuc, seconded by the Honorable Mr. Girard, *Resolved*, The Bill intituled "An Act to authorize Joseph and François Lamoureux to establish and maintain a Toll Ferry over the River Saskatchewan, in the North-West Territories," was read a third time and passed, under the title of "An Act to authorize Joseph and François Lamoureux to establish and maintain a Toll Ferry on the River Saskatchewan, in the North-West Territories."

Whereas it has been represented that the establishment and maintenance of a Toll Ferry on the River Saskatchewan, opposite the Mounted Police Station, at about fifteen miles below Edmonton, would tend to promote the interest of the settlers in that section of the country, and would be a great benefit to the public in general; and whereas Joseph and François Lamoureux have prayed by petition to be authorized to establish, keep, repair and maintain a Toll Ferry at the said place, with exclusive right of ferriage on the same;

Therefore Her Majesty, by and with the advice and consent of the Council of the North-West Territories, enacts as follows:

1. The said Joseph and François Lamoureux are hereby authorized to establish, construct, keep, maintain and repair at their own costs and expenses, a good and substantial ferry over the said River Saskatchewan, about fifteen miles below Edmonton, opposite or near the Mounted Police Station in that locality, within twelve months from the date of the sanction of this Act, and on establishing said ferry; they shall have the exclusive right of ferriage on the said river within three miles from the said ferry, for and during the term or period of five years from the date such ferry shall be so established, and during said period it shall be lawful for the said Joseph and François Lamoureux to ask, demand, receive, take, sue for and recover to and for their own use and benefit, from all person or persons, and for all vehicles, animals and articles passing or transported over the said ferry, the tolls prescribed in the next section.

The tolls to be collected on said ferry shall not exceed the following rates:

	Cents.
For every foot passenger.....	8
“ horse or mule, and rider.....	20
“ vehicle drawn by one animal, and driver.....	20
“ vehicle drawn by two animals, and driver.....	30
“ vehicle drawn by more than two animals, and driver	50
“ horse, mule, ox or cow.....	10
“ sheep, hog, colt or calf.....	8
For other articles or goods without vehicle, over 100lbs, per 100lbs.....	

A table showing the above rates shall be affixed and kept posted up in some conspicuous place at or near the said ferry.

3. It shall be unlawful for any person or persons to establish, or keep, or maintain a ferry for hire within the limits above-mentioned for the use of the public, and to collect, take or receive tolls or remuneration for crossing on the same.

4. After the said ferry is established, it shall be kept in operation and open to the public, and in a good and safe condition, during the whole of each and every season of navigation, until the five years are expired; and during such time the said Joseph and François Lamoureux shall be bound to cross on the said ferry any person paying

or tendering the authorized toll or fare, except when prevented from doing so by some physical and unavoidable cause or circumstance.

6. Any person crossing on the said ferry and refusing to pay the prescribed tolls or fares, or violating any of the provisions of this Act, shall for every such offence forfeit a sum not exceeding ten dollars, and in default of payment of such fine and costs the offender shall be imprisoned for any period not exceeding ten days, unless such fine and costs be then paid.

7. Any offence against any of the provisions of this Act shall be prosecuted by warrant or summons before any Justice of the Peace, Police Magistrate, Stipendiary Magistrate or Judge having jurisdiction in the locality; all the powers, privileges and immunities hereby to the said Joseph and François Lamoureux shall be vested in the said Joseph and François Lamoureux, their heirs and assigns.

8. Her Majesty, Her heirs and successors, may, at any time, assume the possession and property of the said ferry, and of all the rights, privileges and advantages attached thereto (all which shall, after such assumption, be vested in Her Majesty, Her heirs and successors), on giving to the party or parties holding the same, one month's notice thereof, and, on paying to him or them the value of the same, to be fixed by three arbitrators, or the majority of them, one to be chosen by the Lieutenant-Governor of the North-West in Council, another by the party or parties holding the same, and the third by the two first arbitrators, the said arbitrators having full power to consider in the valuation the expenses incurred in connection with such ferry, the traffic on the same, and its past, present and prospective business.

9. Nothing contained in this Act shall be deemed to affect the right of passage of any steamboat, vessels, boats and rafts up and down the stream.

10. The dimensions of the vessels used for the crossing of the ferry, and the conditions on which the same shall be put in operation, shall be subject to any regulations which may be made by the Lieutenant-Governor in Council in regard to the same.

12. This Act shall be deemed a public Act.

On the motion of Honorable Mr. Dubuc, seconded by Honorable Mr. McKay, *Resolved*, The Bill intituled "An Act to authorize George McKay to construct and maintain a Toll Ferry over the South Branch of the South Saskatchewan River, in the North-West Territories," be read a second time, and stand for a third reading at the next meeting.

On the motion of Honorable Mr. Dubuc, seconded by Honorable Mr. McTavish, *Resolved*, The Bill intituled "An Act for the Prevention of Prairie and Forest Fires," was read a second time, and stands for consideration of a Committee of the Whole at the next meeting.

On the motion of Honorable Mr. Dubuc, seconded by Hon. Dr. Schultz, *Resolved*, That the Bill intituled "An Act respecting the granting of Licenses for Bridges and Ferries in the North-West Territories," was read a second time and stand for a Committee of the Whole at the next meeting.

Moved by Honorable Mr. Girard, seconded by Honorable Mr. Dubuc, *Resolved*, That the Council go into a Committee of the Whole on the Bill intituled "An Act to incorporate the Bishop of St. Albert."

Moved by the Honorable Mr. Girard, seconded by the Honorable Mr. Dubuc, the Committee rise, report progress, and sit again at the next meeting. Council then adjourned until 2 p.m. of the following day, the 26th of November-

FRIDAY, 26th November, 1875.

Council met at 2 p.m., His Honour presiding.

Present :

Honourable Messieurs

McKay,
Schultz,
Dubuc,
Bannatyne,Fraser,
Bown,
Kennedy,
Girard.

At three o'clock the attention of the Council being drawn to the fact that there was not a quorum, His Honor the Lieutenant-Governor adjourned the Council until 2 p.m. on Monday the 29th instant.

MONDAY, 29th November, 1875.

Council met at 2 p.m., His Honor the Lieutenant-Governor presiding.

Present :

Honourable Messieurs

McKay,
Girard,
Bannatyne,
Bown,Dubuc,
Fraser,
Schultz,
Kennedy,

McTavish.

On the motion of Honorable Mr. Dubuc, seconded by Honorable Mr. Girard, *Resolved*, The Bill intituled An Act to authorize George McKay to construct and maintain a Toll Ferry over the South Branch of the South Saskatchewan River in the North-West Territories, was referred to a Committee of the Whole.

The Committee reported the Bill with an amendment, which was concurred in, and the Bill was then read a third time and passed under the title "An Act to authorize George McKay to construct and maintain a Toll Ferry over the South Branch of the South Saskatchewan River in the North-West Territories," the said Act is as follows:—

An Act to authorize George McKay to build and maintain a Toll Ferry over the South Branch of the South Saskatchewan River in the North-West Territories.

Whereas the construction of a Toll Ferry over the said river, a navigable stream, the said ferry being situated at or near the place where the present crossing known as Philippe Gariepy, crosses the said river, will greatly tend to promote the welfare and intercourse of settlers, travellers and others ;

And whereas George McKay, of Prince Albert, in the North-West Territories, farmer, desires to be authorized to construct, repair and maintain a Toll Ferry over the said South Branch of the Saskatchewan River ;

Her Majesty, by and with the advice and consent of the North-West Council, enacts as follows:—

1. The said George McKay is hereby authorized to build, repair and maintain, at his own cost and expense, a good and substantial ferry over the said South Branch of the Saskatchewan, in the locality aforesaid, said ferry to be completed before the thirty-first day of December, 1876, and to have toll-houses, and also to do and execute all such other matters and things as shall be necessary and useful or advantageous for erecting and constructing, keeping up and maintaining the said ferry, houses, ropes and approaches and other dependencies, according to the true intent and meaning of this Act.

2. During the continuance of the privileges by this Act conferred, it shall be lawful for the said George McKay to ask, demand, receive, take, sue for, recover, to and for his own proper use and benefit and behoof, for ferriage, as or in the name of toll duty, before any passage over the said Ferry shall be permitted, or after such passage, the several sums following, that is to say :—

	Cts.
For every vehicle drawn by one horse or ox.....	20
“ vehicle drawn by two horses or oxen.....	30
“ vehicle drawn by more than two horses or two oxen.	50
“ horse, cow or ox.....	10
“ sheep, hog, calf or colt.....	8
“ horse with its rider	20
“ foot passenger.....	8
For all articles or goods without a vehicle, over 100 pounds, per 100 pounds.....	2

3. It shall be lawful for the said George McKay to diminish the said tolls or any of them, and then afterwards, if he sees fit, to augment the same or any of them; so as not to exceed in any case the rates by this Act authorized to be taken, and he shall affix, or cause to be fixed, in some conspicuous place, at or near the said ferry, or upon the said ferry, a table of the rates payable for passing over the said ferry, and so often as such rates may be diminished or augmented, he shall cause such alteration to be affixed in manner aforesaid.

4. If any person shall forcibly pass over or upon the said ferry without paying the said toll, or any part thereof, or shall interrupt or disturb the said George McKay or any person or persons employed by him in building or repairing the said ferry or any road or avenue leading thereto, or in the working of the said ferry, every person so offending in each of the cases aforesaid, shall, for every such offence, forfeit a sum not exceeding ten dollars, or in default of payment be imprisoned for a period not exceeding ten days.

5. At all times, so long as the said ferry is passable, or open for use of the public no person whatsoever shall erect, construct, build, or use any boats or rafts of any description whatsoever for the passage of any person, cattle or vehicle whatsoever for hire across the said river within a distance of three miles of the said ferry; and any person who shall build any boat or raft or use the same for ferriage over the said river, within the limits aforesaid, or shall ferry for hire within the limits aforesaid, shall, without prejudice to any proceedings which may be instituted against him by the said George McKay, before any Court, to cause the said boats, rafts or ferries to be destroyed, and to cause his privileges to be otherwise respected, pay to the said George McKay treble the tolls hereby imposed for all persons, cattle, horses and vehicles passing over such ferries, boats or rafts, or by means of any of them.

6. And the said George McKay to entitle himself to the benefit and advantages to him by this Act granted, shall be bound to put the said ferry into a good and safe condition for the passage of traders, travellers, cattle and vehicles, and if the said ferry, ropes, boats or other appurtenances of the said ferry, should by accident, or otherwise, be broken, lost or destroyed, the said George McKay shall be bound to replace the same within twelve months next following, the breaking, losing, or destruction of the said ropes, boats or appurtenances under penalty of forfeiture of the advantages to him by this Act granted, and during such time as the regular ferry is not in running order, by accident or otherwise, unless the said George McKay maintain a crossing of some kind, the privileges hereby granted shall cease to be in force until the regular ferry is in running order.

7. The penalties hereby inflicted shall, upon proof of the offence respectively before any one or more Justices of the Peace or Magistrates for the district, or before any other Court of competent jurisdiction, either by the confession of the offender or by the oath of one or more credible witness or witnesses, which oath such Justice, Court or Magistrate is hereby empowered and required to administer, be levied by

distress and sale of the goods and chattels of such offender, by warrant signed by such Justice or Justices of the Peace or Magistrate, or issued by such Court; and the overplus, after such penalties and the charges of such distress and sale are deducted, shall be returned on demand to the owner of such goods and chattels, and such penalties shall belong to the said George McKay or his assigns, all the powers, privileges and immunities hereby granted to the said George McKay shall be vested in the said George McKay, his heirs, executors and assigns.

9. This Act, and the provisions hereinbefore contained, shall be in force for the period of ten years from the passing thereof.

10. Nothing contained in this Act shall be deemed to affect the right of passage up and down the stream of any steamboats, vessels, boats or rafts.

11. The dimensions of the vessels used for the crossing the said ferry, and the condition on which the same shall be put in operation, shall be subject to any regulations which may be made from time to time by the Lieutenant-Governor in Council in regard to the same.

12. Her Majesty, Her heirs and successors may at any time assume the possession and property of the said ferry, and of all rights, privileges and advantages attached thereto, all which shall, after such assumption, be vested in Her Majesty, Her heirs and successors, on giving to the party or parties holding the same one month's notice thereof, and on paying to them the value of the same, to be fixed by three arbitrators, or the majority of them, one to be chosen by the Lieutenant-Governor of the North-West, another by the party or parties holding the same, and the third by the two first arbitrators, the arbitrators having full power to consider in the valuation the expenses incurred in connection with the said ferry, the traffic on the same, and its past and present prospective business.

13. This Act shall be deemed a public Act.

On the motion of the Honorable Mr. Girard, seconded by Honorable Mr. Dubuc, *Resolved*, The Bill entitled "An Act for the prevention of Prairie and Forest Fires in the North-West Territories," was referred to a Committee of the Whole; the Committee reported the Bill, with certain amendments which were concurred in, and the Bill was then read a third time and passed, under the title "An Act for the prevention of Prairie and Forest Fires in the North-West Territories." The said Act is as follows:—

On the motion of the Honorable Mr. Dubuc, seconded by the Honorable Mr. Fraser.

Resolved, That further proceedings with the Bill respecting the granting of licences for bridges and ferries in the North-West Territories be postponed until the next Session of the Council.

Honorable Mr. Schultz asked permission to introduce a Bill to repeal the Masters and Servants Act. The Bill was received.

Moved by the Honorable Mr. Girard, seconded by the Honorable Mr. Dubuc,

That the Committee taking into consideration the Bill to incorporate the Bishop of St. Albert, rise, report progress, and ask permission to sit again at the next meeting.

Moved by the Honorable Mr. Girard, seconded by the Honorable Mr. Bannatyne,

Resolved, That the Council do adjourn and meet again on the 14th day of next December.

TUESDAY, 14th December, 1875.

Council met at 2 p.m. His Honor the Lieut.-Governor presiding.

Present :

Honorable Messrs.

Royal,	Bannatyne,
Fraser,	Smith,
Tait,	Breland,
McKay,	Girard, and
Dubuc,	DeLorme.
McTavish,	

Honorable Mr. McTavish presented a petition from the Hudson's Bay Company, praying that they may be permitted to construct and maintain a toll ferry across the Assiniboine River at Fort Ellice. A Bill founded on said petition was introduced by the Honorable Mr. McTavish, and on motions, was read a first and second time, and referred to a Committee of the Whole forthwith.

The Committee reported the same with certain amendments, which were concurred in. The Bill was then read a third time and passed, under the title of an Act to authorize the Hudson's Bay Company to construct and maintain a toll ferry over the Assiniboine River in the North-West Territories, and is as follows:—

An Act to authorize the Hudson Bay Company to build and maintain a toll ferry over the Assiniboine River in the North-West Territories.

Whereas the construction of a Toll Ferry over the said River, a navigable stream, the said Ferry being situated at or near Fort Ellice will greatly tend to promote the welfare and intercourse of settlers, travellers, traders and others in the locality aforesaid.

And whereas the Hudson Bay Company desires to be authorized to construct, repair and maintain a Toll Ferry over the said Assiniboine River.

Her Majesty, by and with the advice and consent of the North-West Council, enacts as follows:—

1. The said Hudson Bay Company is hereby authorized to build repair, and maintain, at its own cost and expense, a good and substantial ferry over the said Assiniboine in the locality aforesaid, said ferry to be completed the thirty first day of December, 1876, and to have toll-houses, and also shall be bound to execute all such other matters and things as shall be necessary and useful or advantageous for erecting and constructing, keeping up and maintaining the said ferry, houses, ropes, and approaches and other dependencies, according to the true interest and meaning of this Act.

2. During the continuance of the privileges by this Act conferred, it shall be lawful for the said Hudson's Bay Company to ask, demand, receive, take, sue for, recover, to and for its own proper use, benefit and behoof, for ferriage as or in the name of toll or duty before any passage over the said ferry shall be permitted or after such passage the several sums following, that is to say:—

	Cts.
For every vehicle drawn by one horse or ox.....	20
“ “ “ by more than two horses or two oxen	50
“ “ “ by two horses or two oxen.....	30
“ horse, cow, or ox.....	10
“ sheep, hog, calf or colt.....	8
“ horse with its rider.....	20
“ foot passenger.....	8
For all articles or goods without a vehicle over one hundred pounds, per 100 lbs.....	2

3. It shall be lawful for the said Hudson Bay Company to diminish the said tolls or any of them, and then afterwards, if it sees fit, to augment the same, or any of

them, so as not to exceed in any case the rates by this Act authorized to be taken; and it shall affix, or caused to be affixed in some conspicuous place, at or near the said ferry or upon the said ferry, a table of the rates payable for passing over the said Ferry; and so often as such rates may be diminished or augmented, it shall cause such alteration to be affixed in manner aforesaid.

4. If any person shall forcibly pass over or upon the said ferry without paying the said toll, or any part thereof, or shall interrupt or disturb the said Hudson Bay Company or any person or persons employed by it in building or repairing the said ferry, or any road or avenue leading thereto, or in the working of the said ferry, every person so offending in each of the cases aforesaid shall, for every such offence, forfeit a sum of not exceeding ten dollars, or in default of payment be imprisoned for a period not exceeding ten days.

5. At all times, so long as the said ferry is passable or open for use of the public, no person whatsoever shall erect, construct or build, or use any boats or rafts of any description whatsoever for the passage of any person, cattle or vehicle whatsoever for hire, across the said river, within a distance of five miles of the said ferry; and any person who shall build any boat or raft, or use the same for ferriage over the said river within the limits aforesaid, or shall ferry for hire within the limits aforesaid, shall, without prejudice to any proceedings which may be instituted against him by the said Hudson's Bay Company before any Court, to cause the said boats, rafts or ferries to be destroyed, and to cause its privileges to be otherwise respected, pay to the said Hudson's Bay Company treble the tolls hereby imposed for all persons, cattle, horses and vehicles passing over such ferries, boats or rafts, or by means of any of them.

6. And the said Hudson's Bay Company to entitle itself to the benefit and advantages to it by this Act granted, shall be bound to put the said ferry into a good and safe condition for the passage of traders, travellers, cattle and vehicles, and if the said ferry ropes, boats or other appurtenances of the said ferry should, by accident or otherwise, be broken, lost or destroyed, the said Hudson's Bay Company shall be bound to replace the same within twelve months next following the breaking, losing or destruction of the said ropes, boats or appurtenances, under penalty of forfeiture of the advantages to it by this Act granted, and during such time as the regular ferry is not in running order by accident or otherwise, unless the said Hudson's Bay Company maintain a crossing of some kind, the privileges hereby granted shall cease to be in force until the regular ferry is in running order.

7. The penalties hereby inflicted shall upon proof of the offence respectively before any one or more Justices of the Peace or Magistrates for the district, or before any other Court of competent jurisdiction, either by the confession of the offender or by the oath of one or more credible witness or witnesses, which oath such Justice, Court or Magistrate is hereby empowered and required to administer, be levied by distress and sale of the goods and chattels of such offender, by warrant signed by such Justice or Justices of the Peace or Magistrates, or issued by such Court; and the overplus, after such penalties and the charges of such distress and sale are deducted, shall be returned on demand to the owner of such goods and chattels; and such penalties shall belong to the said Hudson's Bay Company or its assigns.

8. All the powers, privileges and immunities hereby granted to the said Hudson's Bay Company, shall be vested in the said Hudson's Bay Company.

9. This Act, and the provisions hereinbefore contained, shall be in force for the period of ten years from the passing thereof.

10. Nothing contained in this Act shall be deemed to affect the right of passage up and down the stream of any steamboats, vessels, boats or rafts.

11. The dimensions of the vessels used for the crossing the said ferry, and the condition on which the same shall be put in operation, shall be subject to any regulations which may be made from time to time by the Lieutenant-Governor in Council in regard to the same.

12. Her Majesty, Her heirs and successors, may, at any time, assume the possession and property of the said ferry, and of all the rights, privileges and

advantages attached thereto, all which shall, after such assumption, be vested in Her Majesty, Her heirs or successors, on giving to the party or parties holding the same one month's notice thereof, and on paying them the value of the same, to be fixed by three arbitrators, or the majority of them, one to be chosen by the Lieutenant-Governor of the North-West, another by the party or parties holding the same, and the third by the two first arbitrators, the arbitrators having full power to consider in the valuation the expenses incurred in connection with the said ferry, the traffic on the same, and its past and present prospective business.

13. This Act shall be deemed a public Act.

The Council then resolved itself into a Committee of the Whole to consider the Bill intituled "An Act to incorporate the Bishop of St. Albert," and, after some discussion in Committee thereon, the Committee reported that they had considered the said Bill and made certain progress with regard thereto, and asked leave to sit again at the next Session of Council, which was ordered.

The Council then adjourned.

DEPARTMENT OF SECRETARY OF STATE,
OTTAWA, 7th January, 1876.

SIR,—I have the honour to acknowledge the receipt of your despatch (N.W., No. 324) of the 29th ultimo, inclosing a copy of the minutes and proceedings of the North-West Council, at a special meeting summoned by you, commencing on the 23rd November last, and offering observations upon the several matters which occupied the attention of the Council on the occasion of the said meeting.

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

(Signed) R. W. SCOTT,
Secretary of State.

His Honor
The Lieut.-Governor of the North-West Territories,
Fort Garry.

OTTAWA, 2nd September, 1876.

SIR,—Referring to your despatch (No. 38) of the 3rd July last, I have the honour to inform you that His Excellency the Governor General in Council has been pleased, in accordance with your recommendation, to appoint Mr. J. Logan and Dr. J. Robinson, Associate Justices of the Peace, in and for the North-West Territories.

A copy of the Order in Council, and the commission of the Great Seal are inclosed herewith.

I also enclosed for your information, copy of a communication from the Under-Secretary of State for Canada, covering a copy of a letter from the Assistant Secretary of the Province of Ontario, stating that the above-named gentlemen have been appointed by the Government of Ontario Justices of the Peace for the District of Thunder Bay, in compliance with the recommendation contained in the Order of His Excellency the Governor General in Council.

May I request you to have the goodness to notify Mr. Logan and Dr. J. Robinson of the appointment.

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

(Signed) D. LAIRD,
Minister of the Interior.

His Honor
The Lieut.-Governor of the North-West Territories,
Fort Garry, Manitoba.

From His Honor Lieut.-Governor Morris, to the Minister of the Interior.

GOVERNMENT HOUSE,
FORT GARRY, MANITOBA, 3rd July, 1876.

SIR,—I was called on by Mr. Sutherland, who has just returned from Fort Francis, and who represents to me the need of Magistrates of the North-West Territories there to repress the liquor traffic, of which large quantities were taken in during the winter, and will be, again, this summer.

Messrs. Sutherland and Hazlewood are Magistrates, but are seldom there; Mr. McDonald has left for Glengarry, and his appointment had better be cancelled.

Mr. Sutherland recommends that Messrs John Logan, Paymaster, and Doctor J. Robinson be appointed Magistrates, and authorized to select a couple of constables.

The matter should receive prompt attention.

You will recollect that Mr. Hazlewood called on you on the subject, when I was in Ottawa.

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

(Signed) ALEXR. MORRIS,
Lieut.-Governor N.W.T.

The Hon. The Minister of the Interior,
Ottawa.

Resolved, That the Council of the North-West having been informed that the Boundary Commissioners are about to proceed westward, and being aware of the jealousy with which their advance is likely to be viewed by the Indians, and also of the feelings of animosity which the Sioux entertain towards the American portion of the survey, and being also of opinion that if the Indians were thoroughly informed as to the real objects of the Survey they would not attempt to impede its onward progress; the Council recommend that Commissioners should precede the Survey to explain matters to the Indians; and also that a competent person should accompany the Survey for the same purpose.

Certified.

(Signed) WILLIAM T. URQUHART,
Secretary of the Council of the North-West.

June 1st, 1874.

Resolved, That the Dominion Government be asked to take the proper steps for demanding from the United States authorities the extradition of certain parties charged with the murder of Indians in the vicinity of the Cypress Hills last year.

Certified.

(Signed) WILLIAM T. URQUHART,
Secretary of the Council of the North-West.

June 1st, 1874.

Moved by the Honorable Mr. Schultz, seconded by the Honorable Mr. Bown,
That in view of the unsettled state of the Cree and Blackfoot Indians, the Council of the North-West Territories recommend that the first treaty advised by them (otherwise known as the Qu'Appelle Treaty) be made, and that messengers be sent to the rest of the Crees and the Assiniboines, informing them of this treaty, and of the intentions of the Government in regard to them, *before the occupation of their country by the Mounted Police.*

Moved (in amendment) by the Honorable Mr. Baunatyne, seconded by the Honorable Mr. McTavish, and

Resolved, That Council desire most urgently to recommend that the first treaty suggested by them at their last meeting (viz., to be negotiated at Qu'Appelle), should be made with as little delay as possible, and that the Indians should be notified to assemble on the 1st of August for the purpose.

Council are of opinion that this is a matter which admits of no delay, and is of vital importance.

Council would be glad if the other treaties suggested by them could also be made this year, if possible.

Council are of opinion that a messenger should precede the police force, to explain the object of their coming into the North-West Territories, and to inform them that a treaty will be made with the Indians of the Qu'Appelle region this year, and also with the other tribes, as soon as practicable.

A vote was then taken, with the following result :

For the amendment, Hon. Messrs. Bannatyne, Breland, Dubuc, Royal, Hamilton, Fraser, Boyd, Delorme, Kennedy, and Tait—10.

Against the amendment, Hon. Messrs. Schultz and Bown—2.

The amendment was declared carried.

Certified.

(Signed) WILLIAM T. URQUHART,
Secretary of the Council of the North-West.

June 1st, 1874.

Resolved, That Council are of opinion that it is of importance that the Members of the Privy Council for Canada should be thoroughly informed as to all matters in connection with the North-West Territories, the nature and resources of the country and the character of its people. They, therefore, urgently request that one or more members of the Privy Council be asked to visit the North-West this year, feeling well assured that the interests of the Dominion at large would be advanced by their so doing.

Certified.

(Signed) WILLIAM T. URQUHART,
Secretary of the Council of the North-West

June 1st, 1874.

Resolved, That those Minutes and Resolutions of Council which have, thus far, not been replied to, or acted upon by the Dominion Government, be enumerated, and His Excellency's pleasure in reference thereto be respectfully asked.

Certified.

(Signed) WILLIAM T. URQUHART,
Secretary of the Council of the North-West.

June 1st, 1874.

Resolved, That Council are of opinion, that the Metis and other settlers in the North-West, on the Saskatchewan, on the Qu'Appelle, and at other points where settlements have been formed, should be informed that the land policy of the Dominion Government, as set forth in a despatch from the Minister of the Interior (No. 27), dated August 20th, 1873, and communicated to Bishop Grandin in a despatch (No. 80 N.) dated September 22nd, 1873, will be extended throughout the North-West.

Certified.

(Signed) WILLIAM T. URQUHART,
Secretary of the Council of the North-West.

June 1st, 1874.

Resolved, That in view of the absolute necessity which exists for providing some means for the enforcement of the criminal laws of the Dominion, and the protection of civil rights in the North-West Territories, Council appoint Honorable Messrs. Girard, Clarke, Dubuc, Hamilton, Schultz, Bannatyne, and Royal a Committee to prepare a Bill to provide for the creation of a Court of competent jurisdiction in the North-West Territories, to be presided over by one Judge, who shall decide all civil cases without the intervention of a Jury, whose decisions in all cases where the amount exceeds five hundred dollars (\$500) shall be liable to review of the Court of Queen's Bench of Manitoba; such Bill to be submitted to Council at its next meeting, whether regular or emergent, in order that, if passed by Council, the approval of the Privy Council thereto may be sought without delay.

Certified.

(Signed) WILLIAM T. URQUHART,
Secretary of the Council of the North-West.

June 2nd, 1874.

Resolved, That in view of information received from various sources, the Council are of opinion, that a force of three hundred men (even were they a thoroughly organized force) is decidedly inadequate for the purposes of enforcing law and order in the North-West Territories, or maintaining peace therein.

From what they have heard, Council are led to fear that the consequences of sending the Police Force into the Territories are likely to be disastrous, and may result in bloodshed and serious trouble.

The presence of American traders in the North-West Territories, wherein they set all British law at defiance, is calculated to bring British and Canadian authority into contempt, and may not, improbably, lead to serious international difficulties.

The Council, therefore, must once more repeat the opinion expressed at their meeting in October last, that it would, in all respects, be advisable that a British regular regiment should be stationed in the North-West, and Council urgently desire to impress this upon the Dominion Government, and ask them to represent this state of affairs to the Imperial authorities.

Certified.

(Signed) WILLIAM T. URQUHART,
Clerk of the Council.

June 2nd, 1874.

MEMORANDUM.—*Resolutions, &c., of Council of the North-West, in reference to which no action has been taken by the Dominion Government:—*

Subject.	Date when passed.	Copy of Resolution marked.
The Indian Commission.....	8th September, 1874.....	C.
The appointment of Coroners.....	“ “ “.....	F.
Administration of Justice.....	11th “ “.....	G.
Collection of Debts.....	“ “ “.....	J.
Masters and Servants Act.....	“ “ “.....	K.
Salary of Clerk of the Council.....	“ “ “.....	O.
Fees for Justice of the Peace.....	13th “ “.....	P.
Expenses of Constables.....	“ “ “.....	Q.
Postal communication.....	“ “ “.....	T.
“ “ “.....	12th March “.....	A.
An Act to amend the Poisons' Act.....	“ “ “.....	D.
An Act providing for appointment of Constables.....	“ “ “.....	E.
Legal machinery in the North-West.....	“ “ “.....	F.
Conduct of Indian affairs.....	16th “ *.....	K.
A Legal Manual.....	“ “ “.....	L.
Acts passed by Council awaiting His Excellency's assent.		

OTTAWA, 15th June, 1874.

SIR,—I have the honour to acknowledge the receipt of your despatch (No. 183 N) of the 3rd instant, covering copies of the resolutions passed by the Council of the North-West at their meetings on the two preceding days; also your despatch (No. 188 N) of the 6th instant, covering a memorandum of all resolutions and minutes of Council which thus far have not been acted upon by the Government.

Your despatches, with their enclosures, will receive early consideration.

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

(Signed) DAVID LAIRD,
Minister of the Interior.

His Honor
The Lieut.-Governor of the North-West Territories,
Fort Garry, Manitoba.

From Lieutenant-Governor Morris to the Minister of the Interior.

GOVERNMENT HOUSE,
FORT GARRY, June 6th, 1874.

SIR,—In accordance with a resolution of the North-West Council, transmitted in my despatch No. 183 N, and marked E, I have the honour to enclose memorandum of all resolutions and minutes of Council which have, thus far, not been acted upon by the Government, and to request that His Excellency's pleasure in regard to them may be made known.

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

(Signed) ALEXR. MORRIS.

OTTAWA, 12th November, 1874.

SIR,—I have the honour to acknowledge the receipt of your despatch of the 31st ultimo, covering a copy of a Minute of your Executive Council respecting the case of Mrs. Urquhart.

I have to inform you that previous to the receipt of your despatch the gratuity granted to Mrs. Urquhart, \$266.66, being equal to two months' salary of the late Wm. T. Urquhart, her husband, was placed to your credit for the benefit of Mrs. Urquhart.

His Excellency the Governor General directs me to say that he fully appreciates the Christian benevolence and devotedness displayed by the Sisters of Charity of St. Boniface in attending Mrs. Urquhart during her protracted illness, and in conveying her to the Lunatic Asylum at Kingston.

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

(Signed) E. A. MEREDITH,
Deputy of the Minister of the Interior.

His Honor

The Lieutenant-Governor of the North-West Territories,
Fort Garry, Manitoba.

GOVERNMENT HOUSE,
FORT GARRY, 31st October, 1874.

SIR,—I have been requested by the Executive Council of Manitoba to transmit to you the enclosed Minute of Council respecting the case of Mrs. Urquhart.

I have to advise you that in consequence of there being no Lunatic Asylum here, the Council decided on sending Mrs. Urquhart to Ontario, from whence she came to this Province with her late husband, who was an official of the Dominion Government, discharging functions in the North-West Territories.

In consequence of the peculiar features of the case, the Council found themselves obliged to send her down in care of proper guardians, and I am glad to be able to state that two of the Sisters of Charity of St. Boniface volunteered to take charge of her, thus adding an additional favour to that the Sisters had already conferred by taking charge of a patient, not of their faith, during three months, so far without reward.

The Council are deeply sensible of the devotedness of the Sisters, and the wide-spread of their sympathies, as manifested in this case, a feeling in which I am persuaded the Privy Council will share.

The case is a painful one, Mrs. Urquhart having been left a widow, in the circumstances stated and a boy of twelve, who is now dependent for a home on the charity of Major Peebles. It is hoped that the relatives in England, of the family may be in a position to take charge of the son, but of this the Council are unaware, and with regard to which they will again communicate with you.

The Council, though acceding to the proposal of the Honorable Mr. Laird, subject to the application of the gratuity as asked for, requests me to say that they do not regard this case as a precedent, inasmuch as Mr. Urquhart could not be regarded as a resident here, being an officer of the Privy Council, whose whole duties and functions related to another Government, that of the North-West Territories, and who was here solely as an officer of the North-West Territories.

I have to request that the gratuity may be placed at the disposal of the Council as the expense of the transit of Mrs. Urquhart and her guardians and their return here (involving a winter's journey) will be considerable, and there are other expenses to be met in connection with the case.

I regret to learn that the Sisters had experienced considerable difficulty in the management of their charge on the boat to Crookston, and will be relieved when I hear of her arrival at Kingston.

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

(Signed) ALEX. MORRIS,
Lieutenant-Governor.

Honorable the Secretary of State,
Ottawa.

EXTRACT from *Minutes of Council held at Government House, Fort Garry, on the 20th October, A.D., 1874.*

The case of Mrs. Urquhart being brought to the notice of Council, the Lieutenant-Governor submits a telegram from the Minister of the Interior as follows:—

“If your Government incur expense of sending Mrs. Urquhart down to Kingston, Dominion Government will get an order of admission to Rockwood Asylum without further cost to Manitoba.

“(Signed) D. LAIRD.”

Council are of opinion that the proposed should be accepted, and that Mrs. Urquhart should be sent to Kingston at once, accompanied by two female companions, and that the Dominion Government should be asked to place the two months' gratuity to the late Mr. Urquhart in the hands of the Local Government, to be applied to the payment of part of the expenses to be incurred for her conveyance to Kingston and her maintenance here during the time she was cared for as a lunatic.

A true copy.

(Signed) S. BLANCHARD,
C. C. C.

From His Honor Lieutenant-Governor Morris to the Minister of the Interior.

GOVERNMENT HOUSE,
FORT GARRY, MANITOBA, 18th February, 1875.

SIR,—In reply to your despatch of the 4th instant, I have to reply that you are personally aware that there are certain main roads of travel leading from Manitoba to the North-West Territories, as well defined as turnpike roads in the other Provinces, and which have been in use for a great length of time; that these roads traverse the Little Saskatchewan and various other Rivers at convenient fords; and that, owing to the scarcity of water in the summer season, there are lakes in the vicinity of these roads, which are of common resort as watering places, and camping grounds, and it was the desire of the North-West Council, that as the Surveys progressed into the North-West Territories, these lines of roads should be respected, and should be traced on the maps, and recognized as public highways, and that the roads referred to, should be examined, marked out, and reserved from sale in the townships already surveyed beyond Manitoba.

It is impossible for the Council to supply you with a tracing of the roads in question, over two of which you have yourself travelled; as the Council have no funds at their disposal for any purpose, and have no means of causing the roads to be surveyed.

The necessity for the step recommended by the Council is obvious.

In Manitoba, one of the old travelled highways in the West of the Province, was not respected, and the land was sold.

The settlers fenced across it, and a detour of twenty miles is now necessary in consequence to reach Portage la Prairie; similar inconveniences will follow in the North-West Territories, unless precautions are taken to prevent it.

As you have personal familiarity with the subject, I need not enlarge further, but will content myself with expressing the hope that, on reconsideration, you will accede to the wishes of the Council, and take the necessary steps for reserving the highways, fords, and watering places referred to from sale.

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

(Signed) ALEX. MORRIS,
Lieutenant-Governor.

N.-B.—The road referred to as long used as a main highway from the Province of Manitoba, to the North-West Territories, and which has been closed owing to the sale of lots, which it traversed, was from the old Wind-Mill, at Portage la Prairie, to the Mission at the White Mud River.

The closing of this road, as above stated, has entailed an additional travel of twenty miles.

OTTAWA, 4th February, 1875.

SIR,—Referring to the Minute of the North-West Council, on the subject of highways in the North-West, forwarded with your despatch of the 16th December last. I have to request that you will have the goodness to state what public roads, highways, approaches to watering places and fords in the North-West Territories it is proposed to set apart for public purposes.

Without some definite information of this kind, accompanied if possible, by a tracing indicating the routes and localities, and stating as regards the roads, how long they have been in use, and whether, as general highways or otherwise, it does not seem possible to deal intelligently with the subject.

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

(Signed) D. LAIRD,
Minister of the Interior.

His Honor

The Lieut.-Governor of the North-West Territories,
Fort Garry, Manitoba.

OTTAWA, 30th December, 1874.

SIR,—I have the honour to acknowledge the receipt of your despatch of the 16th instant, covering a transcript of the proceedings of the North-West Council at their meetings held on the 3rd, 4th and 7th instant.

Your despatch, with its enclosures, will be brought under the early consideration of His Excellency the Governor General in Council.

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

(Signed) DAVID LAIRD,
Minister of the Interior.

His Honor

The Lieut.-Governor of the North-West Territories,
Fort Garry, Manitoba.

From His Honor Lieut.-Governor Morris, to the Secretary of State.

GOVERNMENT HOUSE,
FORT GARRY, MANITOBA, 16th December, 1874.

SIR,—I have the honour to enclose herewith a transcript of the proceedings of the North-West Council at the Sessions thereof held on the 3rd, 4th and 7th days of December instant month, embracing sundry resolutions and two statutes passed by the Council, all which I have to submit for the consideration, action or approval of His Excellency the Governor-General in Council.

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

(Signed) ALEXANDER MORRIS,
Lieut.-Governor, North-West Territories.

Minutes of the North-West Council.

Council met at 11 o'clock a.m., His Honor the Lieutenant-Governor presiding.

Present :

Honorable Messrs :

McKay,
Boyd,
Fraser,
Royal
Kennedy,
Dubuc,

Girard,
Breland,
Hamilton,
Bannatyne,
Bown,
McTavish.

The letter received from Messrs. Luxton and Kenny at the last meeting, requesting that a reporter be present at the meetings of the North-West Council, was considered, and the subject postponed.

Moved by the Honorable Mr. Girard, seconded by the I
and

Resolved, That Council are desirous of expressing their hearty appreciation of the services of the late Mr. Urquhart, Secretary of the North-West Council, and,

while unanimous in testifying to his having performed those services in a most careful and efficient manner; regret deeply the loss that they have sustained by his sudden death. The painful circumstances of his decease brings the matter more prominently before them; his wife having been, at the time of his death, deranged, and under the care of the Sisters of Charity of St. Boniface, while his only child, a boy of some ten years, was left entirely destitute, and is the recipient of the charity of Major Peebles.

The Council desire, therefore, to bring the case under the attention of the Dominion Government, inasmuch as Mr. Urquhart was an officer of that Government, and was sent to Manitoba by them from Ontario to discharge duties in connection with the North-West Territories.

Moved by the Honorable Mr. Dubuc, seconded by the Honorable Mr. Royal, and

Resolved, That the "Act to regulate the relations existing between Religious Institutions and children committed to their care" be now read a first time, and stand for second reading at the next meeting.

Moved by the Honorable Mr. Royal, seconded by the Honorable Mr. McKay, and

Resolved, That the "Act to regulate the condition of orphan or place for destitute children" be now read a first time, and stand for second reading at the next meeting.

Hon. Mr. Girard, as Chairman, presented a report of the Committee as to Rules, orders and forms of proceedings of the North-West Council be received, and the further consideration thereof postponed to the next meeting.

Moved by the Honorable Mr. Royal, seconded by the Honorable Mr. Boyd, and

Resolved, That a Committee to take into consideration the question of highways through the North-West Territories be appointed, composed of the following Members:—

Honorable Messrs. Bown, Bannatyne, Breland, McKay, Hamilton.

Moved by the Honorable Mr. Gerard, seconded by the Honorable Mr. Bown, and

Resolved, That a Committee to take into consideration the most suitable places to call the Indians together for the purpose of negotiating treaties with them be appointed, composed of the following members:—Honorable Messrs. Hamilton, McKay, Boyd, and Breland.

The Council then adjourned until 2 o'clock p.m. of the following day, 4th December, 1874.

Council met at 2 o'clock p.m. His Honor the Lieut.-Governor presiding.

Present:

Honorable Messrs.

Schultz,	Brown,
McKay,	Breland,
Dubuc,	Royal,
Kennedy,	Boyd,
Fraser,	Bannatyne and
Hamilton,	Girard.

Moved by the Honorable Mr. Girard, seconded by the Honorable Mr. McKay and

Resolved, That the Council referring to their resolution of the 12th March, 1874, again renew their recommendation as to the necessity and advantage of establishing postal communication with Fort Edmonton.

Moved by the Honorable Mr. McKay, seconded by the Honorable Mr. Breland, and

Resolved, That Council deeply regret that the Privy Council has not been pleased to communicate their approval or disapproval of the legislation, and many resolutions adopted by Council at their meetings held on the 4th, 8th, 11th and 13th of September, 1873; March 11th, 12th, 14th and 16th, 1874, and June 1st and 2nd, 1874, and they respectfully represent that such long delay has paralyzed the action of the Council. The Council have given their best attention to the weighty interests entrusted to them, and have acted with a sincere desire to contribute to the advancement of the North-West Territories, and the establishment of law and order, but they represent that to enable them to discharge their important mission, they must be sustained by the prompt action and active support of the Government of Canada.

On the motion of the Honorable Mr. Hamilton the Bill entitled "An Act to regulate the relations existing between Religious Institutions and children committed to their care" was read a second time, and the Council resolved itself into a Committee of the Whole to take it into consideration. The Committee having reported, the Bill with certain amendments, the report and amendments were adopted; and the Bill was ordered to be read a third time at the next sitting.

On the motion of the Honorable Dr. Schultz, the Bill entitled "An Act to regulate the condition of Orphan or Destitute Children" was read a second time, and the Council resolved itself into a Committee of the Whole to take it into consideration. The Committee having reported, the Bill with certain amendments, the report and amendments were adopted; and the Bill was ordered to be read a third time at the next sitting.

Honorable Mr. Girard presented the following petitions:—

1. From Reverend Father Vital Grondin, as Bishop of St. Albert, praying for the Incorporation of the Reverend Pères Oblats in the diocese of St. Albert.

2. From the Right Reverend Vital Grondin, Bishop of St. Albert, asking to be incorporated under the name "La Corporation Episcopale Catholique Romaine de St. Albert."

3. From His Grace the Archbishop of St. Boniface, asking for the incorporation of the Right Reverend Henri Farand, as Bishop of the diocese, and Vicariat Apostolique of McKenzie and Athabaska.

4. From His Grace the Archbishop of St. Boniface, asking for the Incorporation of the Rev. Pères Oblats in Vicariat Apostolique of Athabaska and McKenzie.

5. From the Rev. Sister Hamel, Superior of the Sisters of Charity of St. Boniface asking for the Incorporation of the Sisters of Charities in the North-West Territories.

The above Petitions were received.

Moved by the Honorable Mr. Royal, seconded by the Honorable Dr. Bown, and *Resolved*, That a Committee on Private Bills be appointed composed of the following members:—Honorable Dr. Schultz, Girard, Kennedy, and Fraser.

Honorable Mr. Girard asked leave to introduce the following Bills:—

1. An Act to Incorporate Les Révérends Pères Oblats; in the Diocese of St. Albert.

2. An Act to Incorporate the Roman Catholic Bishop of St. Albert.

3. An Act to Incorporate the Roman Catholic Bishop of McKenzie and Athabaska.

4. An Act to Incorporate Les Révérends Pères Oblats in the Vicariat Apostolique of Athabaska and McKenzie.

5. An Act to Incorporate the Sisters of Charities in the North-West Territories.

On the motion of the Honorable Mr. Girard, the above Bills were referred to the Committee on Private Bills.

Honorable Mr. Dubuc, Chairman of the Committee appointed at the last Session to prepare Rules in regard to Private Bills, presented the Report of the Committee, which was received and referred to the Committee on Private Bills.

The Rules, Orders, and Forms of proceedings of the North-West Council were also referred to the Committee on Private Bills for their report.

The Council then adjourned until 2 o'clock p.m. of Monday, the 7th December, 1874.

MONDAY, 7th December, 1874.

Council met at 2 o'clock p.m. His Honor the Lieutenant-Governor presiding.

Present :

Honorable Messieurs

McKay,	Schultz,
Breland,	Dubuc,
Girard,	Boyd,
Bannatyne,	Kennedy, and
Fraser.	

On the motion of the Honorable Mr. Dubuc, the Bill intituled "An Act to regulate the relations existing between Religious Institutions and children committed to their care," was read a third time, and passed under the title of "An Act to regulate the relations existing between Religious Institutions and Children committed to their care," the said Act being as follows:—An Act to enable Religious Institutions in the North-West Territories to receive into their care and guardianship, children voluntarily entrusted to their care.

Whereas it is expedient that certain institutions in the North-West Territories should be enabled to receive into their care and guardianship children voluntarily entrusted to their care, and that the terms upon which children are so received should be properly defined;

Therefore Her Majesty has seen fit, by and with the advice and consent of Her North-West Council, to enact as follows:

1. It shall be lawful for the authorities of any school for Orphanage in the North-West Territories, maintained as such by the Church of England and Ireland, the Roman Catholic Church, the Canada Presbyterian Church, the Methodist Church of Canada, or any other Protestant Church, to receive from the parents, or in the event of the decease of the parents, from the relations in charge thereof, any child under the age of fourteen years, for the purpose of supporting and educating such child.

2. Whenever any such child shall be so received, the institution receiving the same shall be bound to give proper nutriment, medical care, clothing, and education to such child, and shall be bound so to do till such child shall reach the age of sixteen years. Provided, always, that during the whole term of such teaching and training the rights, power and authority of the parents or guardians over such child shall cease, and shall be vested in, and exercised by the managers of the institution having charge of the child.

3. Whenever such child shall be so received, it shall be duly explained to the parents or relations placing such child in any such institution, that the institution is bound to, and shall maintain and educate such child until arriving at the age of sixteen years, and that if such parents or relatives voluntarily place the child in the said institution, the parents or relatives shall be bound to leave such child under the care and guardianship of such institution until the age of sixteen years, unless such child shall be ordered to be given up to the parents or relatives thereof in manner hereinafter provided.

4. In case any such institution refuses to give up such child at the demand of said parent or parents, the said parent or parents may, by application to a Stipendiary Magistrate, after due notice of such application being given to the institution, appear before such Magistrate to support the said application, and if proved that the parent or parents are fit and proper person or persons to take charge of the child then the said Magistrate may, upon good and sufficient reason being shown, order the child to be restored to the custody and control of such parent or parents.

5. It shall be the duty of any such institution to keep a register of all the children so received, the date and particulars of their reception, name, age, and particulars of their condition, their death or removal from such institution, the nation-

ality or tribe to which they belong, and transmit to the North-West Council yearly, in the month of January, an abstract of such Register.

6. This Act shall be known as "An Act to regulate the relations existing between religious institutions and children entrusted to their care."

On motion of the Honorable Dr. Schultz, seconded by the Honorable Mr. Dubuc, The Bill entitled "An Act to regulate the condition of Orphan or Destitute Children" was read a third time, and passed under the title of "An Act to regulate the condition of Orphan or Destitute Children." The said Act being as follows:—
An Act to regulate the condition of Indian orphan or destitute children attending school in the North-West Territories.

Whereas certain institutions are by voluntary contributions maintained in the North-West Territories for the purpose of furnishing a home for children who may be deprived of their natural protectors, either by death, abandonment, or otherwise, and for the purpose of protecting such children from the effects of want and exposure to crime, and affording them educational training;

Therefore, Her Majesty has seen fit, by and with the advice and consent of Her Majesty's North-West Council, to enact as follows:—

1. Any person in the North-West Territories may bring before two Justices of the Peace, or a Stipendiary Magistrate, any child apparently under the age of fourteen years, that comes within any of the following descriptions, viz:—

2. That is found wandering and not having any home, or settled place of abode, or proper guardianship, or visible means of subsistence;

3. That is found destitute, either being an orphan, or having a surviving parent, who is undergoing imprisonment, or who has deserted the said child.

4. The Justices, or Stipendiary Magistrate, before whom a child is brought, coming within one of the descriptions mentioned in the preceding clauses, if satisfied, on enquiry of the fact, and that it is expedient to deal with such child under this Act, may order him or her to be sent to any such institution as may be willing to receive such child, in conformity with the provisions of this Act.

5. In determining on the school to which the child shall be sent, the Justices, or Stipendiary magistrate shall endeavor to ascertain the religious persuasion to which the child belongs, and shall select a school conducted in accordance with such religious persuasion to which the child, or its parent or parents belong, or belonged, and the order shall specify such religious persuasion.

6. If the child shall be utterly ignorant, and shall have no knowledge of any religious persuasion or belief, he, or she shall be sent to such one of the above-named institutions as shall be situated nearest to the place whereat the said order is made.

7. The order shall specify the time for which the child is to be detained in the school, being such time as to the Justices, or Stipendiary Magistrate seem proper, for the teaching and training of the child, but not in any case extending beyond the time when he or she attains the age of sixteen years.

8. During the whole term of such teaching and training, the rights, power and authority of the parents or guardians over such child shall cease, and shall be vested in, and exercised by the managers of the institution having charge of the child: Provided always that if, at any time, it shall be proved by indubitable evidence before two Justices or a Stipendiary Magistrate, that the parent of the child is a fit and proper person to take charge of it, and is able to do so; then the said Justices or Stipendiary Magistrate as aforesaid, may, upon good and sufficient cause being shown, restore the child to the custody and control of such parent or parents.

9. Whenever any such child shall be so received, the institution receiving the same shall be bound to give proper nutriment, medical care, clothing and education to such child, and shall be bound so to do until such child shall reach the age of sixteen years.

10. It shall be the duty of any such institution to keep a register of all the children so received, the date and particulars of their reception, name, age, and particulars of their condition, their death, or removal, from such institution, the nation-

ality or tribe to which they belong, and transmit to the North-West Council, yearly, in the month of January, an abstract of such Register.

11. This Act shall be known as "The North-West Orphans Act."

Moved by the Honorable Mr. Girard, seconded by the Honorable Mr. Dubuc.

Resolved, That the Council do go into Committee of the Whole on the Bill to Incorporate the Roman Catholic Bishop of St. Albert; the Bill to Incorporate Les Reverends Perés O'blats in the Diocese of St. Albert; the Bill to Incorporate the Roman Catholic Bishop of McKenzie and Athabaska; the Bill to Incorporate Les Reverends Perés O'blats in the Vicariat Apostolique of Athabaska and McKenzie; the Bill to Incorporate the Sisters of Charities in the North-West Territories.

The same being reported with amendments, the Council concurred therein, and resolved that the second reading be postponed until the next session of Council.

Hon. Mr. Bannatyne, Chairman of the Committee appointed at the last meeting to prepare a report, drawing the attention of the Privy Council to the interruption of highways through the North-West Territories, presented the report of the Committee, which was received, and adopted, and is as follows:—

The Committee appointed to report on highways through the North-West Territories respectfully beg to report that, as already great inconvenience and interruption to traffic through the North-West Territories has been occasioned by settlers and squatters occupying the highways established by usage, obstructing them with fences, and thus shutting off the watering-places, portages, and river fords, request that the attention of the Dominion Government be respectfully directed to the matter; and it is urgently petitioned that the land now used as public roads and as portages and ways between navigable rivers and sheets of water, and as approaches to watering places, and also fords, in the North-West Territories, be at once set apart and located for highways and other public purposes, before they are occupied by intending settlers, in order to prevent the inconvenience above referred to.

Hon. Mr. Boyd, Chairman of the Committee appointed at the last meeting to prepare a Report to be transmitted to the Dominion Government as to the most suitable places to assemble the Indians of the North-West Territories for the purpose of negotiating treaties with them. The report of the Committee was received and adopted, and is as follows:—

The Committee are of opinion that the section of country requiring immediate attention is that which comprises the rapidly-growing settlements of Prince Albert and Saint Albert, and respectfully request that Treaties be made with the Indians inhabiting the above-named region during the ensuing summer. At the same time, the Committee would respectfully suggest that at a former meeting of Council, on the 14th day of March, this matter was fully entered into, and received the best attention and consideration of the Committee then appointed to report on the same, all of whom had a personal knowledge of the country and its requirements; and their report was received and adopted by the Council, and referred to the Privy Council for consideration.

Honorable Dr. Schultz, Chairman of the Committee on Private Bills, presented a report of the Committee on the Rules in regard to Private Bills. The report of the Committee with the amendments, was received and adopted, which is as follows:— Your Committee has the honor to report the following rules, and beg to submit them to the Council:—

1. At the first Session of the Council in each year there shall be appointed a Standing Committee on Private Bills, whose functions and duties shall last for a year, and continue until a new Committee is appointed.

2. The Committee on Private Bills shall be composed of five members, three of whom shall form a quorum.

3. All Private Bills shall be introduced on petitions stating the object of the Bill, and every such petition shall be at once, together with the Bill, referred to the Committee on Private Bills.

4. Petition for a Private Bill may be sent to the Council, either in Session or vacation. If in Session, the Committee shall consider the same, and report at the

next sitting. If in vacation, the Secretary of the Council shall transmit the same to the Chairman of the Committee on Private Bills, and the Chairman shall cause the petition and Bill to be examined by the Committee before the next Session, in order to report on the same on the first day of the Session.

5. Every private Bill shall receive three several readings on different days previously to being passed, except when the Council shall have sufficient reasons to do otherwise.

6. Every private Bill shall be printed, either before or after the first reading, and before being taken into consideration by the Council.

7. The party or parties having petitioned for the introduction of a Private Bill, and all persons whose interest or property may be affected by any Private Bill, may, when required to do so, appear before the Standing Committee on Private Bills, touching their consent, or to give explanations in reference to the Bill, or may send their said consent or explanations in writing, proof of which may be demanded by such Committee.

8. Notice of all applications for Private Bills to be passed by the North-West Council shall be published weekly in two newspapers, one English and one French, in the Province of Manitoba, or the North-West Territories, during at least two months before being introduced in the Council.

The report of the Committee on Rules, Orders, and forms of proceedings of the North-West Council, with amendments, was received and adopted, and is as follows, viz. :—

1. On the first day of the first semi-annual meeting of the Council, His Excellency the Lieutenant-Governor will open the Session by a Speech, drawing the attention of the Council to the most important measures which will have to be considered during the Session.

2. The Council having answered the Speech, all matters submitted to the Council at the preceding meeting, and adjourned for ulterior consideration, shall be laid before the Council to be disposed of as they stand on the Orders of the Day.

3. At the commencement of every Session, the Clerk in his capacity as treasurer, will lay before the Council a detailed statement of disbursements since the last audit, and will produce vouchers in support thereof.

Sitting of the Council.

4. The usual time for ordinary meetings of the Council shall be at two o'clock in the afternoon, unless some other time shall have been previously fixed upon.

5. If thirty minutes after the time of meeting a quorum is not present, the Lieutenant-Governor, or in his absence, the senior member, acting as President, will adjourn to the next sitting day, the names of the Councillors present being taken down by the clerk.

6. When during a sitting of the Council, it appears that there is no quorum, the President adjourns the Council as above without a question first put.

7. The Orders of the Day which at the adjournment have not been proceeded with, are considered as postponed until the next sitting day, and to take precedence of the Orders of that day, unless otherwise ordered.

8. If at five o'clock the business be not concluded, the President leaves the Chair until the afternoon Session of the next day.

9. When the Council adjourns on Friday, unless otherwise ordered, it stands adjourned until the following Monday.

10. The President shall maintain order and decorum, and shall decide questions of order without appeal when the Lieutenant Governor presides, but with appeal to the Council when presided over by the senior Member.

Rules of Debate.

11. Every Councillor desiring to speak, is to do it from his place, and address himself to the President or the Honorable members of the Council.

12. All personal, sharp, or taxing speeches are forbidden, and any Councillor conceiving himself offended or injured in the Council is to appeal to the Council for redress.

13. Any Councillor having used objectionable words and not explaining, or retracting the same, or offering apologies for the use thereof to the satisfaction of the Council, will be censured, or otherwise dealt with as the Council may think fit.

14. The Council will interfere to prevent the prosecution of any quarrel between Councillors arising out of debates, or proceedings of the Council, or any Committee thereof.

15. A Councillor may speak to any question before the Council, as long as the same has not been put by the President, and the voices have not been given in the negative or affirmative thereon.

16. In voting, the Contents first rise their right hand from their places, and then the Non-contents and the division is then entered upon the minutes as it stands.

Motions.

All motions should be in writing, and seconded before being debated, or put from the Chair.

Privilege.

Whenever any matter of privilege arises it shall be taken into consideration immediately.

Bills.

Every Bill shall receive three several readings previously to being passed.

Committees.

Standing Committees may be appointed at the Session of June in each year. Of the number of members appointed to compose a Committee, a majority of the same shall form a quorum, unless the Council has otherwise ordered.

In all unprovided cases the Rules, Usages and Forms of the Commons of Canada shall be followed.

An address from the Metis of Qu'Appelle to His Honor the Lieutenant-Governor was read, praying that regulations as to hunting be made.

Moved by the Honorable Mr. Bannatyne, seconded by the Honorable Mr. Fraser,

Resolved, That a Committee to take into consideration and report at the next Session as to the best mode of regulating the hunting of the Buffalo in the North-West Territories be formed, composed of the following members:—Hon. Messrs. McKay, Boyd, Breland, Hamilton, and DeLorme.

Moved by the Honorable Mr. McKay, seconded by the Honorable Mr. Kennedy,

Resolved, Whereas the Indians of Rossville and Nelson River, numbering two hundred, have sent a petition to His Honor the Lieutenant-Governor pointing out the destitution to which they will be exposed, occasioned more particularly at this time by the Hudson's Bay Company conveying their merchandise by water instead of, as before, by land; and, further, representing that the said Indians heretofore employed by the Company were able to earn sufficient wages to support their families; and whereas the said Indians state that the country is unsuitable for cultivation, and ask that a reserve may be granted to them in some other suitable locality, to which they might be permitted to remove. The Council are desirous of drawing the attention of the Privy Council to this matter, and feel more justified in doing so as these Indians are hard-working, and desirous of helping themselves.

Council then adjourned.

(No. 122.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 12th March, 1877;—For copy of the Report of the Government Engineer on the practicability of opening Aspy Bay Harbor, Victoria, so as to admit vessels of certain tonnage, in the year 1872.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 28th March, 1877.

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

(No. 123.)

R E T U R N

To an ORDER of the HOUSE OF COMMONS, dated 5th March, 1877 ;—For a Return showing the number of Post Office and Custom House buildings owned by the Dominion, designating those built since 1867 : th names of the Cities and Towns where the same are situate, with th population fo each at the last census, and the amount of Customs Post Office and Inland Revenue, respectively, collected at each plac during the years 1875 and 1876.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 23rd March, 1877.

(No. 124.)

R E T U R N

To an ADDRESS of the HOUSE OF COMMONS, dated 19th March, 1877 ;—
For copies of all correspondence by telegraph, or otherwise, respecting the Graving Dock at Esquimalt since July, 1874.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 29th March, 1877.

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

(No. 125.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 12th March, 1877 ;—For copies of all petitions and correspondence respecting the grant by the Dominion Government of a sum of money to assist in the construction of the Railway from Quebec to Lake St. John.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 29th March, 1877.

(No. 125.)

SUPPLEMENTARY RETURN

To an ORDER of the HOUSE OF COMMONS, dated 12th March, 1877 ;—For copies of all Petitions and correspondence respecting the grant of the Dominion Government of a sum of money to assist in the construction of the Railway from Quebec to Lake St. John.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 23rd April, 1877.

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

(No. 126.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 26th March, 1877;—For all correspondence between the Postmaster-General and the Post Office Inspector at Halifax and other Post Office officials with reference to the loss of a Mail bag between Truro and Halifax, on or about the 14th December last, and which contained two or more registered letters containing sums of money, with all correspondence with reference to the loss of said money:

By Command.

R. W. SCOTT,

Secretary of State

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 29th March, 1877.

(No. 127.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 21st March, 1877;—For copies of the Commission or other document appointing John Mowat a Fishery Officer in the County of Restigouche, in the Province of New Brunswick; and also all regulations or instructions defining his powers, or the limits of his jurisdiction, and all instructions, if any, to him to seize the Boats fishing beyond three miles from the sea shore.

By Command.

R. W. SCOTT,

Secretary of State

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 29th March, 1877.

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

(No. 128.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 21st March, 1877;—For Returns of the number of persons who have obtained Licenses or permission from the Department of Marine and Fisheries to erect Deep Sea Weirs or Pounds for the purpose of capturing Fish at the Head lands or Capes of the Maritime Provinces.

By Command.

R. W. SCOTT,
*Secretary of State.*DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 29th March, 1877.

(No. 129.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 5th March, 1877;—For copies of all petitions respecting the establishment of a Post Office at Notre Dame de Grâce, near Montreal, and of another at Ste. Cunégonde part of the territory of the town of St. Henri, in the County of Hoche, laga, recently erected into a separate Municipality; also, of all correspondence between the parties interested and the Département at Ottawa, including the Reports of the Post Office Inspector at Montreal in relation thereto.

By Command.

R. W. SCOTT,
*Secretary of State.*DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 29th March, 1877.

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

(No. 130.)

R E T U R N

To an ADDRESS of the HOUSE OF COMMONS, dated 12th March, 1877 ;— For copies of all correspondence with reference to the appointment of Mr. J. G. Norris as Deputy-Collector of Customs, Kootenay, British Columbia, with copies of recommendations on his behalf.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 28th March, 1877.

(No. 131.)

R E T U R N

To an ORDER of the HOUSE OF COMMONS, dated 7th March, 1877 ;—For copies of papers and correspondence connected with the seizure of the schooner "Napier" in Ingonish, in the year 1872, for smuggling, and a Statement showing if the Hon. Wm. Ross has redeemed his bonds, given for release of said vessel. If not, why not? The amount realized from the sale of goods seized on board of said vessel.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 28th March, 1877.

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

(No. 132.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 19th March, 1877;—For copies of all correspondence relating to the superannuation of Wm, Warren, Esq., late Collector of Customs for the Port of Whitby, Ontario; also, copies of Petitions, Inspector's Reports and Minute of Treasury Board, showing date of such superannuation.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 28th March, 1877.

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

RETURN TO ADDRESS.

CORRESPONDENCE

BETWEEN THE GOVERNMENT AND MR. T. C. DUPONT, OR ANY
OTHER PARTIES, WITH REFERENCE TO HIS INSPECTION

OF THE

CUSTOMS STATIONS

BETWEEN

VICTORIA AND KOOTENAY

IN

1876;

WITH HIS INSTRUCTIONS AND REPORT.

Printed by Order of Parliament.



OTTAWA:
PRINTED BY MACLEAN ROGER & CO., WELLINGTON STREET;
1877.

RETURN

To an ADDRESS of the HOUSE OF COMMONS, dated 12th March, 1877;—For copies of all correspondence between the Government and Mr. T. C. Dupont, or any other parties, with reference to his inspection of the several Customs Stations between Victoria and Kootenay in 1876; also, copy of instructions to Mr. Dupont, as well as his report on his return.

By command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 28th March, 1877.

5th November, 1875.

SIR,—I am instructed by the Minister of Customs to enclose to you the files of this Department, Nos. 3351, 1874, and 465 and 2264, 1875, and to request you to proceed to Kootenay as soon as possible, and make an investigation into the business of that out-port.

You will endeavour to ascertain the general correctness or otherwise of Mr. Sub-Collector Seelye's accounts, and specially as to the justice of his claims for contingent expenses which have not yet been allowed him, details of which you will find in Files Nos. 3351, 1874; and 465, 1875.

You will also report upon his application for leave of absence, giving particulars of the state of his bodily health; and, in connection therewith, your views as to the necessities and means of supplying his place during his absence, with any particulars which your own judgment will suggest as being important in the interests of the revenue at that locality.

I have obtained the sanction of Mr. Commissioner Brunel to your undertaking this mission.

I am, Sir,

Your obedient servant

(Signed) J. JOHNSON,

Commissioner of Customs.

C. T. DUPONT, Esq.,
Inspector of Inland Revenue,
Victoria, B.C.

OTTAWA, 1st February, 1876.

SIR,—I have the honour to acknowledge the receipt of your letter of 4th Dec., explaining the difficulties, &c., in the way of your visiting Kootenay, and requesting an advance of \$600 on account of travelling expenses.

I am now instructed by the Minister of Customs to enclose to you the desired cheque, and to request you to make the trip subservient, as far as possible, to the business of both Departments, visiting any Customs or Excise Stations that you can take on your route, and making a full inspection of the business transacted at each. You will, please, in rendering your account for expenses, keep in view the relative proportion which should be borne by each Department, as Mr. Commissioner Brunel has consented to the division of such expenses according to the service performed.

I am also to inclose file 255, 1876, being a renewal of the claim of the officer at Osoyoos Lake for repairs of house occupied by him. You will please report upon the necessity of the case, and also upon the reasonableness or otherwise of the items of the account, with such information respecting the out-post as you may judge useful to this Department.

I am, Sir,

Your obedient servant,
(Signed) J. JOHNSON.

C. T. DUPONT, Esq.,
Inspector of Inland Revenue,
Victoria, B.C.

VICTORIA, B.C., 3rd March, 1876.

SIR,—I have the honour of acknowledging the receipt of your communication, No. 1, of the first ultimo, containing file 253, 1876 and Departmental cheque for six hundred dollars, being an advance on account of travelling expenses.

I propose to leave this place about the 20th of April, which will be as early as the condition of the country will admit of travelling, except under great difficulties, and which will enable me to reach Kootenay by or before the season opens for the conveyance of goods or stock from across the boundary into British Columbia. On my route I shall pass through New Westminster and can take in Burrard Inlet and, in accordance with your instructions, "to visit any Customs Station that I can take on my route and make a full inspection of the business transacted at each" I shall inspect at these places.

I would respectfully request that the Collector of Customs at this port, Mr. Hawley, be certified of any instructions to do this duty and requested to give me such information and assistance as I may require.

From reliable information I have received, I believe Mr. Sub-Collector Seelye's state of health to be such as to render him quite incapable of discharging his duties, and that it will be imperative that a temporary appointment of some person be immediately made for the protection of the revenue, pending a permanent appointment being made. I am also led to believe that, to be of any avail in restoring his health or even saving his life, Mr. Seelye should come out to where he can obtain medical assistance the moment travelling is possible.

So long a time must elapse before my report can reach you and be acted upon, that I would respectfully suggest that authority be given me to act both in respect to Mr. Seelye's leave of absence, and the temporary appointment of some person to fill his position, as the emergency of the case may require.

There should be just about time for a reply to this letter to reach me before my departure, your letter, now acknowledged, having been an exceptional time on the way in consequence of snow blockades on the railroad.

I have the honour to be, Sir,

Your obedient servant,
(Signed) C. T. DUPONT,
Inspector of Inland Revenue.

To J. JOHNSON, Esq.,
Commissioner of Customs,
Ottawa.

OTTAWA, 31st March 1876.

SIR,—In reply to your letter of the 3rd inst. I beg leave to inform you that you are authorized to allow Mr. Seelye leave of absence for the purpose of looking after his health, and to place Mr. Wm. Fernie, of Wild Horse Creek, in charge during that officer's absence.

Mr. Fernie is constable at Kootenay, but it is represented that he can attend to the Customs work.

I am, Sir,

Your obedient servant,

(Signed) J. JOHNSON.

C. T. DUPONT, Esq.,
Victoria, B. C., Canada.

VICTORIA, B. C., 8th July, 1876.

SIR,—I have the honour to report that, in accordance with instructions contained in your letters No. 1 of the 5th Nov., 1875, and No. 1 of the 1st Feb. 1876, I left this city on the 28th April last for Kootenay to "make a full inspection of the Customs business transacted at that place and all the stations that I could take on my way to it." The reasons which prevented any earlier compliance with your instructions have been given in my communications of December 1st, 1875, or March 3rd, 1876. I returned to this city on the 28th ultimo, having occupied two months in making the trip, and since my return I have visited New Westminster a second time to complete my inspection of that out-port.

The outports and stations that I have visited are New Westminster, Burrard Inlet, Osoyoos Lake and Kootenay, these being all, with the exception of Fort Shepherd, that I was enabled to take on the way to Kootenay. The reason for my not being able to visit Fort Shepherd is given on page No. 16 of this Report.

As you have already been made aware by Mr. Collector Hambly, Mr. Sub-Collector Seelye died at the Custom House, Kootenay on the 28th March last. The files enclosed in your letter of the 5th Nov. relating to certain expenses incurred by the late Mr. Seelye I return in a separate special report.

I reached Kootenay on Saturday the 27th of May and found Mrs. Seelye in charge of the office. Prior to the decease of her husband she had discharged the duties of the office. (The late Mr. Seelye having been both mentally and physically so great a sufferer as to render him incapable of doing any work) and up to the date of my visit she had continued to attend to Customs matters. I have occasion further on to remark upon certain irregularities permitted at this out-port—permitted before the late Mr. Seelye was appointed, and from inexperience on his part and want of instructions allowed by him to continue. I therefore feel that I should also state that Mrs. Seelye has been most conscientious in discharging her duties, and attended to them with zeal under afflictions and circumstances of the most trying character. She is particularly qualified and competent (with instructions) to fill satisfactorily such positions as may be open in the Civil Service to her sex.

On my arrival at Kootenay, I sent for Mr. W. Fernie, whose place of residence (Wild Horse Creek) was fifteen miles from the Custom House, and on the 1st June placed him temporarily in charge of the business of this out-port, in accordance with authority contained in your letter, No. 2, of the 31st March last. I would respectfully report that the duties of constable (the office held by Mr. Fernie under the local Government) are incompatible with those of the sub-collector of Customs. The constable is required to live at the mining camp of Wild Horse Creek, fifteen miles from the Custom House at St. Joseph's Prairie; and although by building a new

Custom House at Wild Horse Creek, this difficulty could be overcome, the more serious one, namely, that the constable has to execute warrants and summonses in an extensive district, and may frequently be away for days at a time, would interfere seriously with his attention to Customs business. If, however, even this objection could be provided for, the Provincial Government seem to be opposed to such a combination of offices, for on the rumour that Mr. Firnie had been appointed, and before it was possible for any communication on the subject to have reached the proper authority, Mr. Firnie's successor as constable was appointed and dispatched to assume the duties of that position. Mr. Firnie has, therefore, ceased to hold any office under the Provincial Government. He appears to me to be a competent and suitable person for the position of sub-Collector at Kootenay. As the non-keeping of proper books, insufficiency of information in those kept, method of taking entries, and balance of any document, or copy of entry by which the books could be checked, was a feature common to each of the stations I visited, I will report generally upon these irregularities farther on, and, to avoid repetition in dealing separately with an out-port, refer only to those matters which are special to it.

At Kootenay I found that pack trains, with goods, were permitted to pass on into the country, and the goods to be distributed to the importers, and allowed to go into consumption without payment of duty, or without a bond of any description being taken. The packer simply reported at the Custom House, and the owners of the goods made entries and paid duties when placed in sufficient funds from the sale of the goods.

Mrs. Seelye and others informed me that this was the practice before the late Mr. Seelye took charge at this out-port, and when duties were collected by the Colonial Government, and Mrs. Seelye stated that it had the sanction of Collector Hamley, as on Mr. Seelye attempting at one time to collect duty in advance of delivery of goods, a trader named Montgomery, at Pevoy Creek, wrote a formal complaint to Collector Hamley, who, in writing, replied to him to the effect that he had given Mr. Seelye no instructions to discontinue the old credit system and to enforce prepayment of duty (which as a matter of fact Mrs. Seelye says he never had) and that consequently, and for want of the moral support of his superior officer, he, Seelye, had been unable to collect duties at the proper time. One consequence of this system was that goods were scattered about the country or consumed without previous comparison with invoice or appraisement, and from what I observed I think it almost certain that false entries were frequently made. Neither the original nor copies of invoices were left at the Custom House, and of course no invoices were ever forwarded with entry to the Collector at Victoria, who indeed must have taken the correctness of all returns and entries sent him from all the out-ports for granted, as in no case have invoices, or any date by which entries from out-ports could be checked, been forwarded. I specially instructed Mr. Firnie that the practice of giving credit for duty must cease—that whether “ex warehouse” or ex pack train, duties must be paid before goods were allowed to pass out of his custody.

That he must obtain original invoices and check goods by them, using his best judgment (in his isolated position, it being impossible to obtain the assistance of appraisers) in determining whether correct values were given, and that he must forward the original invoices, with duplicate entries, to the Collector at Victoria, and file a third copy at his station.

At Kootenay goods have been considered as bonded without any entry for warehouse having been taken, or without any crown lock upon door of warehouse. The key of the only lock on door being kept by the owner of the goods and warehouse. Simply because certain warehouses had been accepted and used as bonded warehouses anterior to this Province having entered Confederation, it was considered that goods were bonded if placed in them, and that the duty was secured by virtue of general bonds given years ago, some of the parties to which have become insolvent or left the country. From time to time the owner of the goods made “Ex Warehouse Entries” for duty, one copy of which was forwarded to the Collector of Victoria, who does not seem to have required that a “for warehouse” entry should have been

taken. In the absence of any invoice or "for warehouse" entry, by which means these warehouse transactions were checked I am at a loss to conceive. There being no warehouse book, nor invoice, nor copy of entry "for" or "Ex Warehouse" at the Custom House at Kootenay, I could not check in any way these matters. At the time of my visit a trader warned Eliza F. Hicks, owning one of these warehouses, sent over to the Custom House and made an ex warehouse entry and paid duty which was said to clear the warehouse, and which Mrs. Seelye said was correct, as she knew from an informal book she had kept. I visited Wild Horse Creek and examined the warehouse, but, as I expected, found the goods already removed. I gave Mr. Fernie full instructions in reference to warehousing goods, which will, I trust, prevent a recurrence of the irregularities that have prevailed.

Gold mining is the only industry that is carried on in the Kootenay District. There may be said to be no farming or stock raising. The settlements are the mining camps at Wild Horse and Perry Creeks. There are besides a few scattered adventurers prospecting for gold, or traders doing business chiefly with the Indians. Apart from the Indians the population is exclusively adult, and with the exception of five women (wives of settlers) male. In all there are not in the district over 60 white persons, 100 Chinese, and about 350 Indians. The district is the most isolated of any in British Columbia, separated from the more settled portions of the Province by ranges of mountains and deep rapid unbridged streams, and hemmed in on the east by the Rocky Mountains, on whose western slope is situated the chief mining camp of Wild Horse Creek. The only outlet is to the south, in which direction there is easy access to Montana, and a trail comparatively easy to travel, although rocky and through brush and timber for about 175 miles leading to Washington Territory, when a country so open and level is reached that for hundreds of miles waggons can be drawn over natural roads. As a consequence the entire trade of Kootenay in flour and provisions, as well as every other description of goods, is with the United States, nothing whatever being imported from other portions of this Province. The amount of gold produced at Kootenay is in the neighbourhood of \$200,000 per annum, and competent judges among the miners are of opinion that gold exists so generally in its creeks and rivers as to insure the permanency of Kootenay as a mining district. The Customs revenue is not likely, however (unless some great discovery of gold should be made), to increase or exceed the cost of its collection. An excitement may at any moment be created by new discoveries, which would cause a rush of miners to this district.

In a separate letter I have the power to comply with your instructions and to report upon the claims for repairs of house of the office at Osoyoos Lake, Mr. J. C. Haynes.

Mr. Haynes has not executed any bonds to the Department, although forms have been sent him. Justified him that this must be done. He has not taken any oath of office nor do I believe have any of the Customs officers of this Province. At Osoyoos the only book, or record of any description to be found in the Custom House is an informal cash book, in which the name of parties paying duties and the amount of duty paid is entered, without particulars as to quantities or values of goods, or any reference to any entry or invoice by which the correctness of the entry in book could be checked. I found nothing whatever by which I could determine whether the duties had been properly collected and accounted for. As from Kootenay a single copy of entry forwarded to the Collector at Victoria, and no copy of entry has been filed at the outports. The importations at Osoyoos are chiefly cattle; as a rule an invoice is produced, but Mr. Haynes (who is himself an extensive stock raiser) values them.

Fort Shepherd on the Columbia River is an out-station of Osoyoos, Mr. Wm. Moore acting as officer there; he receives \$30 per month. Mr. Moore reports and sends his returns to Mr. Sub-Collector Haynes. As the Columbia River is navigable from Colville in Washington territory, to a point some distance beyond the boundary of British Columbia, I consider an officer being stationed at Fort Shepherd as desirable. This spring the steamer *Forty-Wives* has ascended the river with a large party of

Chinamen for the purpose of prospecting for gold. If these men are successful in their search they will remain in the country and increase the importations, entries of which would be made at Fort Shepherd. I was unable to visit the station at Fort Shepherd except by ascending the Columbia River from Fort Colville, where the trail which I was obliged to take to reach Kootenay, strikes that river. This would have occupied so much time that I deemed it better to pass it by.

At Osoyoos and Kootenay goods are brought into the country on pack mules and horses. The officers at both these outports have been collecting duty upon the animals used for this purpose, although they are returned again to the United States immediately after deposit of the goods at place of destination. The effect of this has been that, as the packer has added in his charge for freight the duty he has had to pay on his animals, the miner has had, in addition to the duty upon his goods, to pay duty upon the animals by which he has had them conveyed to him. As (especially at Kootenay) it is impossible to sell a single pack train, the packer has of necessity to take his animals back to the United States, and having had to enter them for duty in this Province is liable to have them treated as an importation from Canada and as subject to the United States duty, to be again on his next trip into British Columbia, called upon to pay duty on the same train as a fresh importation. Circular 165 of October 12th, 1875, appears to clearly except this class of animals, and in instructing the officers at Osoyoos and Kootenay to collect duty upon them I infer that Collector Hamley misconstrued it. I so instructed the officers, and beg to have special instructions if I am in error, as duty will now cease to be collected on these animals.

Claims for a refund of duty paid may possibly be made. In equity the packer will have no claim, as he has collected the duty and even made a profit upon it, in the increased freight collected from the trader and eventually from the consumer of the goods.

Even the out-port of New Westminster has not been furnished with any official form of books, and Mr. Sub-Collector Lowe states that he has never received any instructions as to what books should be kept. On his taking charge of this out-port (1st July, 1874) he found, he says, no warehouse books, nor any "for warehouse," or other entries on file, or record of any description by which he could determine what amount of goods should there have been in bond. He had stock taken, and the number of packages found in warehouse, without any information as to qualities or values, or date when warehoused, or reference to entry under which they had been warehoused, I found entered in an unfinished book. Whether the warehouses were then correct, as for how long the goods at that time in them had been in bond, Mr. Lowe was unable to state. On proceeding to take stock at the warehouses, I found a quality of goods that were in warehouse when Mr. Lowe took charge, two years since, still in bond. I called his attention to Section No. 55 of the Customs Act, and directed him to write to Mr. Hamley and ascertain whether an "ex-warehouse" entry for the goods actually in warehouse would balance the entries "for warehouse," made when these goods were bonded, and instructed him to require the owners to pay duty on all that had been two years in bond.

I found, by comparison with the book kept in lieu of the warehouse book, the following packages of goods short by actual stock taking:—

In Mr. Holbrook's warehouse, four cases ale (three dozen each) and six cases of brandy.

In Mr. Brown's warehouse, three chests of tea, three cases old tom gin, six cases brandy. No explanation could be offered as to how or when these goods had been removed from the warehouse without any entry having been made; but it is, no doubt, due to the latitude allowed (not alone at New Westminster) to merchants. The owners expressed their readiness to make entries and pay duty.

At the time of my visit, a Mr. Fisher was in default for duties on goods obtained "ex warehouse" by him nearly two months previously. Having in the meantime become insolvent, he could not pay the amount (although small, of \$187.66) and Mr. Sub-Collector Lowe stated that he would himself pay the amount without any further

delay. Mr. Lowe forwards the duties collected at New Westminster to Mr. Collector Hamley, weekly, but does not send any copy of entry or return until the end of each month; when he does send entry, he does not forward with it the invoice, and as a rule, the affirmation or oath, if signed at all (on back entry), is signed in blank even as to date. There is a mail twice a week from New Westminster to Victoria, and I would respectfully recommend that all entries received, accompanied by invoice, as well as duties collected, should be forwarded by each mail. I could not, from the absence of information in books, the non-filing at Westminster of a copy of any entry paper, check the correctness of transactions at this out-port.

I visited the station at Burrard's Inlet, which by Order in Council of 1st May, 1874, is made a portion of the out-port of New Westminster. Mr. Collector Hamley has, however, removed it from being under Mr. Sub-Collector Lowe's survey and instructed Mr. Landing Waiter Clarkson to report direct to him at Victoria.

Burrard's Inlet is only 9 miles from New Westminster, and there is a daily stage and mail between the two places. I would respectfully report that a more efficient survey of the station at Burrard's Inlet could be had by its remaining apart of, and making returns through the out-port of New Westminster, then by its being constituted a separate out-port.

There are at Burrard's Inlet two extensive lumbering establishments, and a number of vessels are annually entered there. There is at present no office for the Customs, and much inconvenience is caused by parties having to seek the officer at his house. I would respectfully recommend that he be authorized to rent an office. A suitable one could be obtained for a rental of from \$5 to \$7.50 per month.

The remarks made as to informality of books kept and absence of information, or entries on file, in respect to the places I have already mentioned, apply also to Burrard Inlet. Before starting on my tour of inspection I addressed a letter to Mr. Collector Hamley, of which I enclose a copy. To it, as to other communications I have made him, I received no reply whatever, and was therefore unaided by any suggestion or information from him. I have to suppose that he is satisfied with the form and manner in which Customs business is transacted. To me it appears that there is no check whatever upon the officer, but that the sole dependence is upon his honour. Entries "for duty" are taken only in duplicate, generally in hand writing of officer and without oath or affirmation of owner. No entry of particulars is made in any book at out-port. One copy of entry accompanied by invoice is forwarded to the Collector at Victoria, and the other copy is retained and carried away by the importer. Nothing is filed at the out-port and there is nothing by which an inspecting officer can check the correctness of the business done. How any check is exercised by the Collector at Victoria I cannot perceive. Nothing would be easier than for an officer to withhold altogether forwarding certain entries and to retain the duty, or to substitute an entry for the one taken, changing the date by which for long periods he might retain the duty. I have no suspicion that anything of the kind has been done, and I have great confidence in the officer of the Department, notwithstanding, I feel it my duty to remark upon the want of system evident.

In respect to the method of taking entries and dealing with warehouses, the out-ports have only done what is permitted at the chief port of Victoria, at which place two copies of entry are taken, one of which is returned to the party making it, signed for the Collector, instead of a delivery order, and which, instead of being given to the landing waiter or locker, is retained.

Without further authority, in the absence of a locker or any officer, goods have been taken and delivered, ex-warehouse, by the warehousemen, the entry paper signed by the Collector not being retained by the warehouseman, or ever seen by the locker.

It follows, as a matter of course, that owners of warehouses have access to them in the absence of any officer. So far as the officers at the out-ports are concerned, they appear to have fulfilled the requirements of Collector Hamley. To have attempted to have established more system, would, in the absence of any authority to do so, have in me been useless, and have led to a conflict of authority with Mr. Hamley.

I could only point out the irregularities to the officer, and urge strict compliance with Departmental regulations.

Your instructions being to make a full inspection of the business transacted at each station, and mine being the first Customs inspection since Confederation, I have entered somewhat minutely into particulars for your information.

I have the honour to forward herewith a map of this Province, showing the position of the different Custom Stations, and the trails by which goods are brought in from adjacent portions of the United States. The trail dotted red across the Shepherd Mountains ceased to be travelled, as, in consequence of the height of Shepherd Mountain, the snow lies so deep and for so long a period of the year that only for a very short season could it be used; and such a quantity of timber falls across the track during the time it cannot be used, involving such labour in cutting it out that the more frequently travelled, although longer route through Washington Territory and a portion of Idaho, is preferred.

In consequence of the deep snow on the Hope Mountain at the season of my trip, I was obliged to proceed *via* Yale per waggon road (marked yellow) to Kamloops, from whence I made the journey over trail marked red *via* Colville and Spokane on horseback, encountering the greatest freshets and highest waters that has been known by white settlers on this coast, greatly increasing the distance by the necessity for frequent detours. I returned to Victoria by way of the Columbia River and Puget Sound, that route being the one by which I could most expeditiously get back. In all I travelled—by steamer and railway, 800 miles; by stage, 475 miles; on horseback, 1,022 miles.

I have the honour to be, Sir,

Your obedient servant,

(Signed) C. T. DUPONT,

Acting Inspector of Customs.

J. JOHNSON, Esq.,
Commissioner of Customs, Ottawa.

INSPECTOR'S OFFICE,

INLAND REVENUE, DISTRICT B.C.,

VICTORIA, 21st April, 1876.

SIR,—I am instructed by the Commissioner of Customs to make a full inspection of the business of that branch of the public service at each of the out-ports and stations that I can take on my way to Kootenay.

I propose to start from here in the discharge of this duty next Friday (the 28th instant), and I beg to ask whether there are any matters to which you desire to call my attention, affecting the interests of the revenue, at any place I can take on my route.

I have the honour to be, Sir,

Your obedient servant,

(Signed) C. T. DUPONT.

W. HAMLEY, Esq.,
Collector of Customs, Victoria, B.C.

OTTAWA, August, 31st, 1876.

Mr. Dupont authorised by letters from this Department, of 5th November, 1875, and 1st July, 1876, to proceed and make a full inspection of the Customs, at the out-port of Kootenay and intermediate stations between Victoria and that place. From various causes, however, he did not start on the mission until the 28th April, following; and he returned to Victoria on the 28th June, thus occupying a period of two months in the excursion.

The bill now rendered for travelling expenses by Mr. Dupont, amounts to a total of \$1,321.36. This large bill embraces the expenses of a guide and two men to assist, with a considerable amount expended in the purchase of a horse and camp equipage.

In Mr. Dupont's letter accompanying his account, he enters very fully into explanation of the various items of expenditure, and if all the appliances which he saw fit to call into requisition were absolutely essential to the journey, the undersigned thinks there will be nothing extravagant in the charges made.

The question is, however, whether such elaborate preparations and accompaniments were necessary for his purpose; this is doubtful, as he says himself that by choosing a proper season of the year, the same services could be performed for about the sum of \$600, travelling expenses. The necessity, therefore, for more than one half the expenditure comprised in the account, seems to have arisen from his having started on the mission at an unfavourable time of the year. The necessities of the case, however, were urgent,—Mr. Seelye, the collector at Kootenay, was disabled by sickness, and actually died before the arrival of Mr. Dupont; there were a number of important accounts unsettled in connection with the Customs there; and many questions which required the presence of a competent Inspector at the different stations, in order that a proper explanation could be given to this department, enabling it to understand the situation.

The camp outfit proposed by Mr. Dupont appears to have cost nearly \$200, and the horse \$125, and Mr. Dupont reports that this outfit is on hand in good order, and ready for future occasions, the horse being placed out at pasture for the purpose of recovery after the effects of the journey, preparatory to being sold.

The undersigned, in view of all the facts and circumstances respectfully recommends that Mr. Dupont's account be allowed. He having received an advance of \$600, there remains due to him the sum of \$721.36. But, in any future engagement, temporary or permanent, for services of this kind in British Columbia, he thinks that the system of an adequate per diem allowance on the same principle as that in which inspectors in other provinces are paid for travelling expenses, would be a more judicious and economical arrangement than leaving the description of expenses to be incurred to the discretion of the gentlemen employed.

Humbly submitted.

(Signed) J. JOHNSON.

To the Minister of Customs.

INSPECTOR'S OFFICE,
INLAND REVENUE DISTRICT OF B. C.
VICTORIA, 4th December, 1875.

SIR,—I have the honour of acknowledging the receipt of your communication No. 1 of the 5th ultimo, enclosing files Nos. 3351 of 1874 and 465 and 2264 of 1875 of the Customs' Department, and instructing me to proceed to Kootenay and make an investigation into the business of that out-port.

I have delayed a few days acknowledging the receipt of your letter for the purpose of obtaining accurate information as to the possibility of immediately proceeding on my mission, the winter season having already set in with unusual severity. I

find by the nearest route (*via* Hope on the Fraser River) the distance going and coming would be 1,640 miles, of which about 1,200 miles would have to be done on snow-shoes over mountains 4,000 and 5,000 feet in height, from 200 to 300 miles intervening in places between any houses or stopping places.

Via Portland, Oregon and the Columbia River, the distance, though considerably greater, would be easier of accomplishment, as there are stage routes to within about 250 miles of Kootenay, reducing the distance to be walked going and coming to 500 miles.

I propose, therefore, to go by this route as soon as the weather sufficiently settles to make it possible, the expense in the end not being greater than *via* Hope, and the time occupied considerably less.

At the shortest the journey will occupy nearly two months, and the most economical estimate of the outlay involved is \$600, for which amount I would request that a check to be accounted for may be sent over, as I have not that amount of contingent funds in my possession.

The journey in summer would be not much less expensive, guides being then equally necessary, and horses for packing, instead of men, as would be requisite now.

On enquiry I find that the winter season puts an embargo on traffic across the southern boundary, and that the interest of the revenue will not be prejudiced by a short delay in my proceeding thither, nor could Mr. Sub-Collector Seelye, however essential to his health, take advantage of my leave before summer, the dangers and difficulties of the journey being too great for an invalid to surmount.

I believe, from information I have obtained, that it is highly desirable, however, that an inspection should be made at the earliest possible moment.

At Osoyoos Lake, on the route to Kootenay, there is a Customs Officer, Sub-Collector Haynes, and if any inspection is desired at that out-port it could be made at the same time, and so avoid the very heavy expense which a separate visit, it required, would entail.

I beg very respectfully to say in this connection, that if generally authorized to make inspections of Customs out-ports, I could do so at much less expense, by taking the opportunity of doing so when brought in their neighbourhood in my inspection tours for my own Department, or, as in the present instance is suggested in the case of Osoyoos Lake, by inspecting all out-ports on the same route at one time.

I have the honour to be, Sir,

J. JOHNSON, Esq.,
Commissioner of Customs,
Ottawa.

Your obedient servant,
(Signed) C. J. DUPONT,
Inspector, Inland Revenue.

MEMORANDUM.

Mr. JOHNSTON,—These charges from Mr. Seelye are so unreasonable that I cannot pass them without authority, more especially since the receipt of circular No. 136. When the vouchers reached me I made enquiry of the expressman respecting the cost of keeping a horse at Kootenay, he told me he paid for ranching one of his own \$1 a month, for the whole winter he paid \$5. From December to June it cost him \$7.50, and the horse was in good condition; for bringing the horse in each time \$1. When he hired a horse he paid \$2.50 for two days.

For ferrage and horse-shoeing I told him to send a separate voucher and those charges will be paid.

(Signed) W. HAMLEY.

C. H.

Victoria, 22nd October, 1874.

GOVERNMENT OF DOMINION OF CANADA.

CUSTOMS DEPARTMENT.

JOHN T. GALBRAITH & BRO.,—Cr.

Date.	Items in Detail.	Rate of each Article.	\$ cts.
1874.			
March 16	½ ton hay.....	\$50 p. ton	25 00
do 16	Ferriage, from September, 1873, to July 1st, 1874.....		21 ⁵⁰ 00
do 16	Ranching and delivering Government horse, from September, 1873, to July 1st, 1874.....		30 00
do 16	Horse shoeing.....		12 00
do 16	2½ tons hay.....	\$50 p. ton	125 00
do 16	½ ton sheaf oats.....	100 " ..	50 00
	Total		\$263 00

Certified correct.

(Signed) H. E. SEELYE,

Received from H. E. Seelye the above sum of two hundred and sixty-three dollars.

(Signed) JNO. T. GALBRAITH & BRO.
per John.

GOVERNMENT OF DOMINION OF CANADA.

CUSTOMS DEPARTMENT,

KOOTENAY, July 26th, 1874.

J. T. GALBRAITH & BRO.,—Cr.

Date.	Items in Detail.	Rate of each Article.	\$ cts.
1874.			
March 16	½ ton hay		25 00
Sept., '73, to			
July, 1874	Ferriage, from September, 1873, to July 1st, 1874.....		21 00
Oct., 1873	Ranching Government horse one month		3 00
May and	do do two months		6 00
June, 1874			
May 1	Shoeing		12 00
July 22	2 tons of hay		100 00
do 22	½ ton sheaf oats.....		50 00
	The amount of this claim reduced by two tons hay taken back		217 00
	Messrs. Galbraith & Bros., at \$50 per ton.....		100 00
	Amount due Messrs. J. T. Galbraith & Bros.....		117 00

Certified correct.

(Signed) H. E. SEELYE.

Received from W. Hamley the above sum of two hundred and seventeen dollars.

(Signed) JNO. T. GALBRAITH & BRO.

KOOTENAY, August 22nd, 1874.

SIR,—I regret to say that Mr. Galbraith's voucher that went down by the July mail was wrong, he having made a mistake in his bill for ranching by charging for my own horse as well as for the Government horse, and misunderstood me about the quantity of hay.

I was ill at the time and did not discover the mistake till after the mail left, when I pointed it out to him and made a correct voucher for \$217, which I now send for approval, this being the first opportunity of sending out a letter since the mail left.

Please pay the amount of the voucher to W. C. Ward, Bank B.C.

I have the honour to be

Your obedient servant,

(Signed) H. E. SEELYE.

W. HAMLEY, Esq.,
Collector of Customs.

GOVERNMENT OF DOMINION OF CANADA.

CUSTOMS DEPARTMENT,

THOMAS KELLY,—Cr.

Date.	Items in Detail.	Rate of each Article.	\$ cts.
March and April, 1874	Tending Government horse two months .....	.....	20 00

Certified correct.

(Signed) H. E. SEELYE.

Received from William Hamley,
Dollars.

the above sum of

(Signed) THOMAS KELLY.

CUSTOMS DEPARTMENT,

OTTAWA, 12th November, 1874.

SIR,—In acknowledging your letter of 22nd ultimo, with an account of Mr. Officer Seelye, of Kootenay, for expense of keeping Government horses, &c., I am to request you to institute further enquiry as to the usual prices of hay and oats in that locality, and also to what extent it is necessary to feed horses in that way. The prices named \$50.00 per ton of hay, and sheaf oats appear to be excessive, under almost any circumstances, but from the statements of the expressman as mentioned by you, the whole bill appears to be of a most extraordinary character, and certainly the Department cannot sanction its payment without further information.

I am, Sir,

Your obedient servant,

(Signed) J. JOHNSON.

Hon. W. HAMLEY,

Collector of Customs,

Victoria, B.C.

KOOTENAY, 24th November, 1874.

SIR,—I beg leave to call your attention to a letter I wrote you some four months since, respecting Mr. Hamley's refusal to allow me the expenses of my office.

If you would refer to that letter and have the kindness to instruct Mr. Hamley to allow my claims you would confer upon me a great favour.

Mr. Hamley referred a voucher for horse keeping to Ottawa, saying it was too large. The reason of its being larger this year than last is this, there was not enough hay last year, and I had to get half a ton in the spring. Mr. Galbraith put that half ton in this year's voucher, and the horse will need as much this year as last.

The voucher was paid last year and no notice given me of any intention not to keep a horse until I had provided for it this year.

Hay and oats are very high, but I cannot get any cheaper.

It would be much less expense to the Department to hire a horse than to keep one.

Mr. Hamley, this mail, points out a discrepancy in my account of May, 1873, of which I was not aware. I may have made a mistake in a landing warrant given to Mr. Montgomery and may have corrected it before sending a duplicate to Mr. Hamley, but I have no recollection of it now.

If it can be shown that I have made a mistake I am willing to rectify it.

I have the honour to be,

Your obedient servant,

(Signed) H. E. SEELYE.

The Hon. the Minister of Customs,
Ottawa.

KOOTENAY, B. C., 27th November, 1874.

SIR,—You will perhaps excuse me for troubling you with my complaints when I explain.

I am a farmer and trader residing at this place (Kootenay, southern boundary of British Columbia) and have been in the habit of furnishing forage, &c., to the Deputy Collector of Customs, H. E. Seelye, for the Government horse, which up to the present has been punctually paid. This year, however, at the usual time he gave me his order for hay and grain and I furnished it as usual, at the price that we agreed upon, and that I had been in the habit of getting. I furnished him with my account, including ferriage and horse shoeing due me. The account, certified to by Mr. Seelye, was forwarded to Mr. Hamley, the Chief Collector at Victoria, for payment and his approval. He has refused to pay me the account and gives as his reason that the charges for horse keeping are so high that he refers the matter to you at Ottawa.

In the first place I never invited the officer to buy from me and what I did sell him I did so at prices about one-half less than they can be bought for at this place, as you will learn by reference to the prices paid by the Local Government officers.

Farming and living at the foot of the Rocky Mountains is costly and expensive, and I can ill afford to wait for my money until Mr. Hamley and Mr. Seelye end their personal difficulty. I have just paid for duty to the Government for this year over \$500, and yet the Government get my goods and will not pay me. What I want is my money. With all due respect I would ask that you enquire into the matter and order the payment of my account.

For my own personal standing, &c., I beg leave to refer you to the member from our district in the House of Commons, Hon. Edgar Dewdney, or to the hon. member from my native place, the Hon. McKenzie Bowell, Hastings, Ont.

I have the honour to be

Your obedient servant,

(Signed) JOHN T. GALBRAITH.

Hon. ISAAC BURPEE,
Minister of Customs, Ottawa.

CUSTOM HOUSE,
VICTORIA, 22nd December, 1874.

SIR,—I beg to acknowledge the receipt of your letter of the 12th ultimo. Mr. Haynes was expected here on leave, and I waited, before replying, till he came, as no one could know better what the cost of keeping a horse at Kootenay should be. I enclose his statement. I have spoken besides to others who happened to be here from Kootenay, and I am satisfied of the correctness of the statement made by Mr. Haynes, and of that made by W. Wardle, the expressman, which I forwarded in a former letter.

I am, Sir,

Your obedient servant,

(Signed) WYMOND HAMLEY.

J. JOHNSON, Esq.,
Commissioner of Customs,
Ottawa.

The usual charges made by "ranchmen" in Kootenay District, during my residence there, was \$1.50 a month and \$1 for each delivery. I have been in charge of the Kootenay District as Magistrate and Customs Officer, from time to time, for several years. I have seen the charges sent by Mr. Seelye for keep of horse, and consider them entirely unreasonable. As far as I know, a horse can always be hired, when required for service, at from \$1 to \$2 a day.

(Signed) J. C. HAYNES.

VICTORIA, 22nd December, 1874.

CUSTOM HOUSE,
VICTORIA, 2nd February, 1875

SIR,—In November, 1872, Mr. Seelye sent in a voucher charging \$80 for firewood, which was paid. He left Kootenay immediately after, and did not return till May. In the autumn of 1873 he sent in another voucher charging \$90 for firewood, which was disallowed, as the whole stick already paid for ought to have been at the station. He sends now another charge for \$90, for 1874, which I enclose.

In forwarding my contingent account, I am called upon to declare, before a magistrate, that the payments have been made wholly for the public service. In such a case as this it would be impossible for me to make that declaration, as the firewood is wanted, and, no doubt, used entirely, for his family. No goods are passing in the winter, and no duty is collected. Under these circumstances, and to keep the expenditure within moderate bounds, which Mr. Seelye can scarcely be trusted to do, it would seem to be desirable that a sum should be named as an authorized yearly expense for fuel at the station. I should think half the present charge would be quite sufficient. At any rate, if the suggestion is approved, I should be glad if you will inform me what sum he may be allowed to charge in each year, which I shall then be able to forward in my contingent account.

I remain, Sir,

Your obedient servant,

(Signed) W. HAMLEY.

J. JOHNSON, Esq., Ottawa.

GOVERNMENT OF BRITISH COLUMBIA.

CUSTOMS DEPARTMENT.

Claybourne Duke, Cr. for the undermentioned, on account of Requisition No. 00.

Date.	Items in Detail.	Rate of each Article.	Total.
1874. November 10	15 cords wood	\$ cts. 6 00	\$ cts. 90 00

Certified correct,

(Signed) H. E. SEELYE.

Place where paid, Kootenay.

Date of payment, Nov. 10, 1874.

Received from W. Hamley, the above sum of ninety dollars.

Signature of witness, if recipient cannot sign his name,

(Signed) L. D. SEELYE.

(Signed) CLAYBOURNE ^{His} X DUKE,
Mark.

VICTORIA, 12th July, 1876.

SIR,—I have the honour of returning herewith files Nos. 3351 for 1874 and 465 and 2,264 for 1875 referred to in your letter of 5th November, 1875, with instructions to ascertain the justice of the late Mr. Sub-Collector Seelye's claims for contingent expenses.

I have the honour to report in respect to claims for \$180 for firewood, that I find the price charged (\$6 per cord) to be the regular price of the country. That the quantity charged for, fifteen cords per annum, is the proportion of Mr. Seelye's total consumption of fuel that he thought would be an equitable charge against the Department.

The winter at Kootenay is extremely cold and long—mercury remaining congealed for days at a time. There is frost every month of the year, and at the time of my visit (June 1st), at every house in the neighbourhood as well as at the Custom House, fires had to be kept up for comfort. On the 25th May, I rode for miles through quite deep snow on the Kootenay trail. The only firewood that can be procured is pine, which burns away very rapidly. The Custom House in which also the late Mr. Seelye had his residence is a wooden building, roughly constructed, and no doubt difficult to keep warm, and I can quite believe the statement made to me by Mrs. Seelye, that the total annual consumption of fuel had exceeded thirty-five cords. I think if a fire had been kept up in the office during the season of cold weather there would have been consumed more than fifteen cords of wood per annum. I enquired of the Local Government agent at Kootenay (Mr. L. Booth), what his expenses had

been for fuel for his office. and he stated that his account had been from \$140 to \$160 per annum, and that they had been allowed and paid. I believe that the fifteen cords of wood charged for in November, 1872, referred to in Collector Hamley's letter of 2nd February, 1875, might easily have been consumed (as Mrs. Seelye states they were) in the autumn of 1872, prior to Mr. Seelye's departure and in the spring of the following year, and that the charge made in 1873 and disallowed by Mr. Hamley was a just one.

I beg, therefore, very respectfully to recommend the payment of the charges of \$90 in 1873 and \$90 in 1874 for fuel.

In respect to the charges for fodder, for ranching, &c., a horse belonging to the Department, I have the honour to report that I find that in September, 1873, Mr. Sub-Collector Seelye forwarded to Collector Hamley an account for one and a half tons of hay at \$50 per ton, one and a half tons sheaf oats at \$100 per ton, and three months ranching at \$3 per month, which account was allowed and paid without any intimation being given that this expenditure was considered excessive, or instructions to curtail it. The consequence was that Mr. Seelye continued this most costly method of keeping the horse.

I find that the prices charged for fodder are the usual ones of the country, and that the quantities mentioned were actually delivered, but that finding their account objected to Messrs. Galbraith & Bros. took back two tons of hay, reducing their account, upon voucher No. 2, dated July 26, 1874, to \$117.

In respect to objections taken in Mr. Hamley's letter to charge for ranching, I found that \$3.00 per month included the usual charge of \$1.00 for each delivery referred to in the statement of Mr. J. S. Haynes and the expressman, to whose experience reference is made.

Supposing Mr. Seelye to have required the horse not more than twice a month at the rates mentioned by Mr. Haynes, the charge would have exceeded \$3 per month. I do not think the sum charged in excess of the rates of the country, and on being permitted to examine the books at the Local Government agency at Kootenay, I found several entries in Mr. Haynes' handwriting for ranching during the time he was there in charge at the rate of \$2.50 per month for horse, exclusive of delivery, instead of \$1.50 as stated. I have the honor to report that in my opinion such a large expenditure for horse keep should have been stopped at the beginning, and that it is unnecessary, and that I have instructed Mr. Firnie it must be discontinued, but inasmuch as Messrs. Galbraith & Bro. have furnished the fodder, &c. charged for, I beg respectfully to recommend that they be paid. Messrs. Galbraith & Bro. handed me an account (now enclosed) for ranching the horse by instructions of Mr. Seelye, from July 1st, 1874, to June 1st, 1876, (23 months) and for ferriage for year 1875, amounting in all to \$77.

I believe the account to be just, and would respectfully recommend that it should be paid.

I have instructed Mr. Firnie to sell the horse, and account for proceeds to Mr. Collector Hamley, to prevent further expenses. It is, however, necessary that the officer at Kootenay should have the use of a horse, and I would beg to recommend for this end and for fuel, that the following fixed allowance be made to Mr. Firnie, which will ensure economy :—

For horse hire.....	\$75 per annum.
For fuel and light.....	90 “

Messrs. Galbraith & Bro. desire that the amount of their claim may be placed to their credit in the Bank of British Columbia, as per memorandum attached to their account. The charge of \$20, for tending horse two months, if allowable at all, is reasonable for Kootenay District.

I have the honour of enclosing claims handed to me by Mrs. Seelye numbered 6, 7 and 8, for further expenditures of the late Mr. Seelye.

Claim No. 6 is for a stove and lamp, and for construction of a woodshed. The voucher for the stove and lamp was forwarded to Mr. Hamley, and in lieu of a

voucher from William Coad for payment for building woodshed, a certificate from J. Galbraith, J.P., is furnished. A stove, or some means of heating the office, was a necessity. The objection in this instance is rather to the kind of stove bought, namely, a cooking stove. The office communicates with the one room of the house used as a sitting and dining and general room, and Mrs. Seelye explained that it was kept warm from fire in this room; that Mrs. Seelye supposed that if the purchase of a stove was warranted, and so long as the office was comfortably heated, the Department would not mind in view of their isolated position what description of stove was bought.

The stove remains in the building, and if the item is disallowed, Mr. Fernie will have to be furnished with a stove, which he will otherwise not require. I would respectfully recommend that the items of lamp and material for, and construction of woodshed be allowed. The woodshed was an absolute necessity, and the charge, though high, is only in proportion to the rates of the district.

In respect to the items of claims Nos. 7 & 8 Mrs. Seelye showed me a private letter from the Hon. Mr. Tilley, dated Nov. 6, 1873, in which it is stated that he had advised the hon. the then Minister of Customs to comply with Mr. Seelye's request "re" office furniture, papering house, &c., and that he (the Minister of Customs) had made the order accordingly. It was on the strength of this assurance that this expenditure was incurred. The 500 feet of lumber charged for in claim seven was used in making furniture and otherwise about the house, Mr. Seelye making the various articles himself.

The house at Kootenay possesses a minimum of comfort in every respect. There did not seem to me to have been any extravagant expenditure upon it, and with less it would have been untenable.

I found that work charged for had been actually done, and I would respectfully recommend that the claims be allowed.

I would further recommend that Mr. Fernie be authorised to make some repairs to roof and to floor of main room, which, from personal observation, I can certify to be necessary, limiting him to an expenditure not to exceed \$100. If not attended to now, at a later date a larger expenditure will be necessary.

I have the honour to be, Sir,
Your obedient servant,
(Signed) C. T. DUPONT,
Acting Inspector of Customs.

J. JOHNSON, Esq.,
Commissioner of Customs,
Ottawa.

C. T. DUPONT, Esq.,
Inspector of Customs, &c.,

Will please collect and place to our credit in Bank of British Columbia the sum of one hundred and ninety-four dollars (\$194.00) being amount of our claim against Customs Department at Kootenay, B. C. and oblige.

(Signed) JOHN T. GALBRAITH & BRO.
per Clk. T. G.

Claim herewith.....	\$ 77.00	
do as per voucher dated 26th July, 1874.....	117.00	
		<u> </u> \$194.00

THE CUSTOMS DEPARTMENT,
KOOTENAY,

To JOHN T. GALBRAITH & BRO., *Dr.*

1876.

Twenty-three months ranching Government horse, from the
1st July, 1874, to 1st June, 1876, at \$3.00 per month.. \$69 00
Ferriage, &c., for 1875..... 8 00

\$77 00

KOOTENAY, June 1st, 1876.

ST. JOSEPH'S PRAIRIE,
KOOTENAY, May 31st, 1876.

I am personally aware and hereby certify that the sum of sixty dollars was paid by the late H. E. Seelye, Collector of Customs at the port, to Wm. Coad for labour and material used in constructing a wood-shed for Custom House.

(Signed) JOHN J. GALBRAITH, J. P.,
Kootenay District.

GOVERNMENT OF DOMINION OF CANADA.

CUSTOMS DEPARTMENT.—*Cr.*

Date.	Items in Detail.	Rate of each Article.	—
1873.		\$ cts.	\$ cts.
May	Stove for Custom House	40 00	
	Packing do	37 84	
	Lamp	7 00	
October	Paid Wm. Coad, for building woodshed for Custom House..	60 00	144 84
	Mr. Coad not being in the country, his voucher cannot be obtained, but Mr. J. T. Galbraith's certificate is attached hereto.		
	Vouchers for stove and lamp were forwarded to Mr. Hamley in May 1873.		
	Total		144 84

Certified correct.

(Signed) L. D. SEELYE,

Place where paid, Kootenay, B.C.
Date of payment, May and October, 1873,

GOVERNMENT OF DOMINION OF CANADA.

CUSTOMS DEPARTMENT.—*Cr.*

Date.	Items in Detail.	Rate of each Article.	—
1873.		\$ cts.	\$ cts.
June ..	To sawing 500 feet of lumber.....	0 12½	62 50
	Total		62 50

Certified correct.

(Signed)

H. E. SEELYE.

Place where paid, Custom House, Kootenay, B.C.

Date of payment, 2nd July, 1873.

Received from H. E. Seelye the sum of sixty-two dollars and fifty cents (\$62.50).

(Signed)

WILLIAM GOODRIDGE.

GOVERNMENT OF DOMINION OF CANADA.

CUSTOMS DEPARTMENT.—*Cr.*

Date.	Items in Detail.	Rate of each Article.	—
1873.		\$ cts.	\$ cts.
July	20 rolls wall paper	0 25	5 00
	5 do	0 50	2 50
	1 do	1 25	1 25
	49½ yards House lining	0 12½	6 19
	1½ dozen papers of tacks.....		0 75
	80 lbs. freight.....	0 11	8 80
	Total		24 49

Certified correct.

(Signed)

H. E. SEELYE.

Place where paid, Custom House, Kootenay, B.C.

Date of payment, 20th August, 1873.

Received from H. E. Seelye the sum of twenty-four dollars and forty-nine cents (\$24.49).

(Signed)

FRANK McMAHON.

VICTORIA, B. C., 9th Dec., 1876.

SIR,—In reference to a claim of one hundred and ninety-four dollars which we have against the Customs' Department for various supplies to the Custom House at Kootenay, British Columbia, when under the charge of Mr. H. E. Seelye. We beg very respectfully to submit that our claim having been enquired into on behalf of the Department (in consequence of its previous inadmission on the part of the Collector of Customs at Victoria) and having, as we understand, been fully approved by Mr. Dupont upon his inspection may now be ordered for payment in due course. We trust that the circumstance of our having already suffered nearly three years' delay in obtaining a settlement of this matter may be regarded as sufficient excuse for our communicating direct with the Department, and that an early remittance of the amount may be made to us through the Bank of British Columbia at Victoria to whom we had given an order for its receipt on our behalf.

The Collector of Customs here to whom we appealed on this subject, advises us that he has received no advice thus far as to the matter.

We have the honour to be, Sir,

Your obedient servants,

(Signed) GALBRAITH & BRO.

The Hon. the Chief
Commissioner of Customs, &c., &c.,
Ottawa.

The undersigned is unable to recommend payment of this account, as it appears exorbitant, and is obliged to state that he has reason to fear that Mr. Seelye is in a state which must disqualify him for the performance of his duty. His letters are not written by himself, and his signature is like that of a man afflicted with palsy or paralysis.

The undersigned respectfully suggests that a special inspection by some reliable person not now belonging to British Columbia, should be made of all the Customs stations in that Province.

Hurably submitted.

(Signed) J. JOHNSON.

To the Minister of Customs.

CUSTOMS DEPARTMENT,
OTTAWA, 27th December, 1876.

SIR,—Adverting to the claim of Messrs. John T. Galbraith & Bro. for various articles supplied to the late Mr. Seelye for the use of the Custom House at Kootenay, I have to authorize your paying over to the parties through the Bank of British Columbia, their authorized agent, the sum of \$194.00 in full of their claim, taking a receipt therefor from the Bank accordingly, and charge the amount in your contingent account.

I am, Sir,

Your obedient servant,

(Signed) J. JOHNSON

The Hon. W. HAMLEY,
Collector of Customs,
Victoria, B. C.

KOOTENAY, B. C., 24th July, 1875.

DEAR MR. JOHNSON.—I am very much out of health and have written Mr. Hamley this mail requesting leave of absence for the winter months. I find it impossible to be successfully treated by my physician, Dr. Bowell, of Victoria, at such a distance, the mail only coming once in two months. There is no doctor in Kootenay. I can return to my station in the spring before any pack train can arrive, or if I am not able to return, can let you know in time to send some one.

Mr. Gillmor wrote me that you would try to send me an assistant if my health does not improve, and allow me to retain my position and salary. Should the necessity arrive, I should be most grateful for such consideration, as well as needful of it, for I have no other means of subsistence, and, as you know, have no son to provide for me.

When I came here I placed my adopted daughter at school, but at the end of a year and a half found that I could not afford to keep her there. On informing the faculty they at once offered her the benefit of a free schoolship which she is now enjoying, and expects to graduate in a year from the present.

I find the expense of living here very great, and my being kept out of my wood voucher, and Mr. Galbraith's vouchers for hay, oats, ranching, horse shoeing and ferriage, oblige me to hire money to meet my obligations, which I find very hard as well as unjust, and I must earnestly beg to you to use your influence to have me paid what is due me from the Department.

Mr. Hamley can have but one object in view in referring such ordinary matters to Ottawa, and that is to embarrass me by keeping me out of my pay as long as possible, he never loses an opportunity of persecuting me.

You are aware that Mr. Tilley and Mr. Tupper both intended that I should be allowed \$100 for lining, papering and furnishing the Custom House, beside other expenses, such as stove, light, etc., is there no way for me to obtain it?

This will be mailed at Spokane, W. I., with the hope that it may reach you in time to instruct Mr. Hamley by the 1st of September to allow me leave of absence for the winter. Will you please telegraph to him. I need a little time to make the needful arrangement, and the November mail comes in too late.

Hoping to hear from you at your earliest convenience.

I remain,

Yours very truly,

(Signed) H. E. SEELYE.

JAS. JOHNSON, Esq.,
Commission of Customs,
Ottawa.

P.S.—Mr. Booth, Recording Clerk here, tells me that he is allowed from \$140 to \$160 per year for wood. I paid \$112.50 for wood last fall (it is cheaper here than Mr. Booth gets it), and I have only received \$80 from the Department for wood since I came here in August 1872, and nothing for light.

(Signed) H. E. S.

CUSTOMS DEPARTMENT,

OTTAWA, 20th August, 1875.

SIR,—I beg leave to acknowledge the receipt of your letter of the 24th ultimo, applying for leave of absence on account of ill health, which will receive due consideration.

I have the honour to be, Sir,

Your obedient servant,

(Signed)

J. JOHNSON,

Commissioner of Customs.

H. E. SEELYE, Esq.,
Kootenay, B. C., Canada.

CUSTOM HOUSE,
KOOTENAY, 17th July, 1876.

DEAR SIR,—I have to acknowledge the receipt of your letter, stating that my request for leave of absence would be considered.

I wish to call your attention to Mr. Galbraith's voucher, that was forwarded to your Department from Victoria some time ago, and has not since been heard from.

Owing to my illness, and the probability of my leaving Kootenay, for a time at least, I am anxious to have my affairs settled, and would feel much obliged if you would let me know what action, if any, has been taken.

I have the honour to be, Sir,

Your obedient servant,
(Signed) H. E. SEELYE.

J. JOHNSON, Esq.,
Commissioner of Customs, Ottawa.

BRITISH COLUMBIA, VICTORIA, 14th July, 1876.

SIR,—I have the honour of returning to you enclosed file 255, 1876, being a renewal of the claim of the officer at Osoyoos Lake, for repairs of house occupied by him, upon which in your letter of February 1st, 1876, you instruct me to report 1st,—As to the necessity of the case, I have the honour of reporting that prior to the expenditure—repayment of which is now asked—there was a building at Osoyoos, not much better than a shanty, scarcely sufficing in accommodation for a single man, which, until Mr. Haynes' recent marriage, was his and his predecessor's position.

The site of a Custom House at Osoyoos and the neighbourhood for miles around, is so worthless for agricultural or other purposes, that no one could have any object in settling there, and I think it fairly devolves upon the Department to bear the expense of constructing a residence for the officer. The building is still quite a small one and of the plainest description, unpainted outside and inside; but it is reasonably comfortable, and much more so than the still more isolated station at Kootenay, about which I have reported in another letter. Mr. Haynes holds certain offices under the Local Government, and is also the joint proprietor of one of the largest stock ranches in the upper country.

He has, therefore, other objects besides his position in the Customs to cause him to reside in that section, if not at the place, where the interests of the revenue require the Custom House to be located.

I would respectfully recommend that the sum of \$1,200 would, under all the circumstances, be a fair allowance to him. I think the principle of allowing officers to incur expenditure in advance of authority, is to be deprecated, and that Mr. Haynes should be cautioned that any payment made by him in this instance should not be allowed as a precedent in future cases.

I have the honour to be, Sir,

Your obedient servant,
(Signed) C. T. DUPONT.

J. JOHNSON, Esq.,
Commissioner of Customs, Ottawa.

CUSTOM HOUSE, OSOYOOS LAKE,
SOUTHERN BOUNDARY, 31st December, 1875.

SIR,—I have the honour to forward to you herewith, through E. Dewdney, Esq., M.P., vouchers in detail for repairs of this house, trusting that the absolute necessity of the outlay, the building being uninhabitable and there being no possibility of obtaining a house in this vicinity either for the transaction of the public business or the residence of myself and family, coupled with the fact of my having repeatedly applied since 1872 for sanction of the work, will be sufficient excuse for the expenditure without the usual authority.

Being your approval and sanction of the above, with a refund of the money,

I have the honour to be, Sir,

Your obedient servant,

(Signed) J. C. HAYNES.

The Honourable
The Minister of Customs, Ottawa.

GOVERNMENT OF DOMINION OF CANADA.

CUSTOMS DEPARTMENT.

J. McCANLEY AND J. McCONNELL, OF OSOYOOS,—Cr.

Date.	Items in Detail.	Rate of each Article.	—
1875.		\$ cts.	\$ cts.
May 25	For the following material used in repairs to the Custom House at Osoyoos Lake, S.B., British Columbia, viz. :—		
	7,333 feet of lumber	per foot 0 07	513 31
	1,000 do	do 0 05	50 00
	4 pairs of window sashes	per pair 4 00	16 00
	Freight from New Westminster, 109 lbs.....	0 06	6 54
	2 door locks	1 00	2 00
	Screws, bolts, &c		2 60
	300 lbs. of nails	0 17	51 00
	17,200 shingles	10 00	172 00
	6 days' hauling a distance of 9 miles	3 00	18 00
	40 rolls of wall paper	0 50	20 00
	1 doz. papers of tacks		2 50
	2 squares zinc	2 50	5 00
	Total		858 95

Certified correct.

(Signed) J. C. HAYNES, D.C.

Place where paid, Osoyoos, B.C.

Date of payment, 13th September, 1875.

Received from J. C. Haynes, for Government of Dominion of Canada, the above sum of Eight hundred and fifty-eight dollars and ninety-five cents,

(Signed) JOSEPH McCANLEY,
JAMES McCONNELL.

GOVERNMENT OF DOMINION OF CANADA.

CUSTOMS DEPARTMENT.

J. McCANLEY AND J. McCONNELL, OF OSOYOOS,—Cr.

Date.	Items in Detail.	Rate of each Article.	—
1875.	For the following repairs, &c., to the Custom House at Osoyoos Lake, Southern Boundary, British Columbia :— Laying, sheeting and roofing, tonguing grooving and putting up ceilings, renewing and repairing floors, partitions, doors, &c..... Erecting verandah do addition, 20 by 30 feet Lining and papering entire building.....	Per written agreement.	\$ cts.
May 28 to Sept. 17 ...	Total		600 00

Certified correct.

(Signed) J. C. HAYNES, D.C.

Place where paid, Osoyoos, S.B.
 Date of payment, 17th September, 1875.

Received from J. C. Haynes, for Government of Dominion of Canada, the above sum of Six hundred dollars.

(Signed) JOSEPH McCANLEY,
 JAMES McCONNELL.

OTTAWA, 3rd October, 1876.

SIR,—I am instructed by the Minister of Customs to acknowledge receipt of your several letters referring to your account for travelling expenses, or, in visiting Kootenay and other out-ports, and to say that he considers your expenses to have been unnecessarily large, and your mode of travelling, are such as was never contemplated, much less sanctioned by this Department.

You account for the elaborate outfit and large attendance which you deemed it necessary to procure for the journey on the ground of the unfavourable season, but your instructions were sent you long before, and you were not restricted to a season when such expenses would be necessary. The expenses of Mrs. Seelye from Kootenay to Victoria only amounted to \$275, and it is hardly likely that a lady could travel quite as cheaply as a gentleman. I regret, therefore, that I am to inform you that the Minister of Customs declines to pay the account in question.

I have the honour to be, Sir,
 Your obedient servant,
 (Signed) J. JOHNSON.

C. T. DUPONT, Esq.,
 Inspector of Inland Revenue,
 Victoria, B.C.,

VICTORIA, 20th October, 1876.

SIR,—I have the honour of acknowledging the receipt of your communication of the 3rd instant, informing me that the Honorable the Minister of Customs declines to pay my account for expenses incurred in visiting Kootenay and other out-ports of the Customs Department, in accordance with instructions contained in your letters of November 5th, 1875, and February 1st, 1876, on the ground that he considers my expenses to have been unnecessarily heavy, and my mode of travelling, &c., such as was never contemplated, much less sanctioned, by the Department.

Before entering upon an explanation I may be permitted very respectfully to remark that I did not seek the making of this trip nor recommend its being made. I was not consulted about it or informed as to the ideas of the Department as to its probable cost, or the mode of travelling to be adopted. I had no volition in the matter; it was not part of my ordinary duty, and I was in no way responsible for its being made. It is true that in reply to your first letter of instructions, I stated, unasked, that the "most economical estimate of the cost of the journey at the proper season of the year would be \$600." I did not contemplate in this what may be called an investment in camp material for the Department, but the net outlay for which nothing would remain to the Department by the trip.

In any case I did not contract to make the trip for this sum, and, as a matter of fact, I could not and cannot make it for such a sum.

The country was an unknown one to me; it was my first experience in making such a trip, and the error I made was in thinking I could make it for so much less than had been expended by other officials. although it is possible, with my acquired experience, I could make it for less another time than its cost in this instance, which, after deducting the cost of camp material on hand and a horse, the property of the Department, on pasture in the upper country (all of which I am ready to hand over to any one authorized to receive them) is \$998, inclusive of \$225.40 paid for stage fares and freight to Kamloops, in consequence of the season of the year necessitating my proceeding *via* that place. I cannot but feel that, under all the circumstances, the impossibility of the Department at Ottawa understanding the nature of the trip and what was necessary. My rank and length of service (15 years) in the Dominion Civil Service, my being an officer of another Department, and not having been remunerated in the slightest degree for this work for the Customs, it would have been only just to have afforded me an opportunity of explaining anything not comprehensible, rather than, after the lapse of nearly three months, and then only in reply to a second letter, summarily declining to reimburse me the unavoidable outlay I had incurred. The inconvenience of having for so long had to advance so large a sum as \$721 is to me of itself great, but added to this the direct consequence of having had to make this trip has been pecuniary loss to me, as I was compelled to hire a man at the rate of \$2.50 a day to protect certain interests about my place during my two month's absence, that, had I been at home, I could have attended to myself after office hours.

I now beg to explain in regard to those particulars to which objection is taken in your letter of the 3rd instant.

1st. As to my mode of travelling. There are but two possible ways of proceeding to Kootenay. One is *via* the Columbia River by steamer and railway to Walla Walla, and thence with horses and a camp outfit to Kootenay.

The other way by trails through British Columbia with horses and a camp outfit.

Your instructions requiring me to visit Osoyoos, and every Customs out-port I could take *en route* to Kootenay, and make a full inspection of the business transacted at each, I had of necessity, either going or returning, to proceed over the trails through British Columbia.

In either case horses and a camp outfit had to be provided, without these it would have been simply impossible to have gone, and the question resolves itself into whether I provided an unnecessary amount of these or not.

I purchased two tents, one for myself, and one for my men. Three pairs of blankets, being one pair for each man, and one pair for myself, having in addition a buffalo robe of my own, and costing the Department nothing. I purchased canvas sheets or tarpaulins to lay on the wet ground under the blankets. Sacks and boxes in which to pack blankets and provisions, without which they could not have been fastened on the horses, or kept from getting filthy. I also purchased necessary camp cooking materials, and two axes. How this can be characterised as an "elaborate outfit," I am at a loss to understand, with less I could not have gone or been asked to make such a journey, and if its costs (\$198.31) seems large, you must ascribe it to correct cause, the costliness of everything in this Province.

In addition to this camp outfit I purchased one horse for myself to ride, at a cost of \$125, believing that on so long and fatiguing a journey I had a right to secure an easy riding horse, especially as should there be a loss upon him when sold, it would not amount to more than it would have cost for hiring. The camp outfit and the horse, as I have already said, are on hand, the property of the Customs Department.

In respect to the attendants I took with me, two men,—one a white man and one an Indian, and which you characterize with my outfit as being elaborate—I beg very respectfully to say that any one acquainted with the nature of this method of travelling would admit that two men were necessary. One man alone cannot "pack" a horse. Two always have to do it conjointly, there being a regular system of lashing and packing that requires two trained men. Constant attention is also necessary at the horses during the day, and the loads have to be frequently re-adjusted, and at night, in addition to making camp, procuring firewood, and cooking, there is a great deal of labour in looking after and attending to the horses. As well as the men I had to, and did, work in camp—(all three of us, in addition to long days of dangerous and hard riding, in wet clothes, all day from the necessity of swimming and fording swollen rivers), having abundance of occupation. But I am not a "packer" and I did not know how to pack a horse, neither did I know the route, or was it possible for me to go without a guide, in which capacity I had one of the men, he assisting in every other way that he could.

In your letter of the 3rd instant, you say I account for the elaborate outfit and attendance which I deemed it necessary to procure on the ground of the unfavourableness of the season; but that my instructions were sent me long before, and that I was not restricted to a season when such expenses would be necessary.

I beg again, Sir, to assure you that neither my outfit or attendance was elaborate, and no matter at what season of the year the trip had been made, such an outfit and attendance would have been indispensable. If you will be good enough to refer to my letter with my account you will perceive that what I accounted for on the ground of the season of the year was the expenses to Kamloops. F. J. Barnard & Co's bill \$225.40 and steamer and hotel fares, amounting to about \$100, additional.

I also stated that the freshets and floods I had to encounter had increased the expenses of the trip, a statement that no one conversant with the parts will doubt, the high water of this spring having been greater than was ever before known, so unforeseen as to be ruinous to thousands, and which I never contemplated having to contend with, or I would not have felt bound to encounter such danger and difficulty by starting when I did.

The inference to be drawn from your statement that I had received my instructions "long before" would be that I might have made the trip sooner. My letter of December 4th, 1875, so fully explains how impossible it would have been to have done this that I must most respectfully protest against this imputation. It could not have been expected that I should have made a trip of this character in winter, involving from 1,000 to 1,200 miles snow-shoeing, sleeping at night in the snow and in no other way could I have done it, since your first communication, dated 5th November, 1875, duly reached me here on the 22nd of that month when winter had set in. Had I done so the expenses would have been much greater. As it was I started so early that I had to lengthen my journey because of the snow on the Hope trail and I had to ride in several places through quite deep snow.

On the other hand had I delayed starting until after the season of high water, or until the Hope trail was passable for horses I could not have left Victoria until after the 1st July, because my duties in the Inland Revenue Department, connected with the renewal of licenses, required me to be here on the 1st July, which I could not have been had I not started when I did, the trip taking two months, and because, although the Hope mountain trail is favourable by the beginning of June, the unusual high water of this year did not subside until the beginning of July. In your first letter you directed me to proceed "as soon as possible," and as part of the duty assigned to me was to relieve Mr. Seelye, a dying man, and provide for the protection of the revenue, the season of the year being at hand when trade between Kootenay and the United States would recommence, I did not feel that I should be complying with your wishes or acting in the interest of the service by delaying my departure any longer than I did, but I could not have started at an earlier date.

You refer to Mrs. Seelye's expenses from Kootenay to Victoria as having been only \$275 with the remark "that it is hardly likely a lady could travel quite as cheaply as a gentleman."

In this instance the conclusion is incorrect. Mrs. Seelye made the expensive portion of the journey, requiring horses and necessitating camping outfit and attendance, with her friends and neighbours, Mr. Galbraith and his sister-in-law, who were coming out from Kootenay with a freight pack train on their own business. She waited for them instead of having to hire them especially to make the trip with her, and had probably little to pay them and little, if any, camp outfit to provide. From Walla Walla to Victoria there is steam communication, and the expenses were not heavy, mine, as will be seen by my account, were \$100.

The usual time taken to reach Victoria from Walla Walla is from four to five days, and the trip could have been made in this time when Mrs. Seelye travelled. No one could have been more anxious to end the trip or get home than I was, yet it took me twelve days from Walla Walla to Victoria, because of interruptions of communications.

The railways were under water, passengers were ferried about the streets of towns to second stories of hotels, and one of the largest at Walla Walla floated down the Columbia River two nights after I slept in it. I cannot conceive the Department would think it just that an officer, on a mission by its instructions, should bear the expenses of such unforeseen difficulties.

Had there been such things as freight pack trains *via* Osoyoos to Kootenay (which as a matter of fact there are not), I could not have travelled by such a means, without giving any other reasons, for the sufficient one that it would have taken me four months to accomplish the journey, and I could not have been gone so long from my other duties.

Mrs. Seelye, in journeying from Kootenay to Victoria *via* Walla Walla, had not to travel by horse train more than one-fifth the distance that I had in visiting the different out-ports, nor had she any stage travelling to do, which in my case was very heavy. Her expenses cannot properly be compared with mine, but since comparison is made, I beg to contrast the cost of a trip made by Mr. Justice Gray and Mr. Indian Superintendent Bowell.

They proceeded together to Kootenay at the most convenient season of the year. They had no intermediate places to visit, nor were they obliged to stop over at New Westminster or diverge to Burrard Inlet, whereas I had to make and did make a second special visit to these places after my return to Victoria, my duties in the Inland Revenue Department having required me to be in Victoria before completing my inspection for the Customs.

They had no stage expenses to incur, having been able to go by the Hope, and in every instance the shortest trails.

On enquiry to-day from John Graham, Esq., Dominion Auditor, and at the Indian Office, I have ascertained that their expenses, they being gone no longer than I was, were \$3,504.82.

Had I had another officer accompanying me on my trip, the expenses, notwith-

standing the greater distance I had to travel, and difficulties I had to encounter, would not have been more than one-third greater than they were, or say \$1,761, as the same camp outfit, with the addition of blankets, and the same attendants that I had, would have answered for a party of three or four, although invariably necessary for one alone.

As further evidence of the character of this trip and the expenses attendant on it, I beg to enclose you a certified copy of an account paid by the Local Government to James Wardle, the expressman, for bringing from Kootenay to Victoria on his October trip (the best season of the year for making it) a writ of some papers, all of which were contained in a good sized envelope. The amount paid him was \$300.

In respect to the number of horses I took with me, there can be no complaint by the Customs Department. As far as Osoyoos I had seven horses, one for myself and one for each of my men to ride, and four to pack. Six of them, being, from previous hard work, unfit for the railway service, were lent to me by John Robson, Esq., Paymaster and Purveyor of the Southern Pacific Railway Survey, and did not cost the Customs Department one cent for hire or feed, as in this method of travelling the horses have to find their own feed. The seventh horse was the one I purchased. I had to send back the Canadian Pacific Railway Survey horses from Osoyoos, and from that point I continued my journey with four horses and one man, having sent one of my men (Seymour) back to Kamloops with the Canada Pacific Railway Survey horses, and being assisted the remainder of my journey by Wardle, the expressman, and his men.

In every way I endeavoured to keep down expenses. I used my own saddle and bridle and borrowed others as well as "Aparajoes" for the pack horses. I have charged \$5 per day for hotel expenses (a sum barely insufficient to cover them) whereas the rate allowed in this Province is \$6 per day. It is quite apparent the nature of the trip I had to make was not and is not understood when I am told my "mode of travelling or, was such as was never contemplated much less sanctioned by the Department."

I can only repeat that I had no means of knowing what were the ideas of the Department, on the subject, or I would not have started on the trip without receiving the sanction to the mode of travelling I adopted, there being no other mode by which I could properly have been asked to make it.

I trust these explanations will be satisfactory, and that not only will I be re-imbursed the outlay I have incurred, but also be remunerated for the service rendered.

I have the honour to be, Sir,

Your obedient servant,

(Signed) C. T. DUPONT.

J. JOHNSON, Esq.,

Commissioner of Customs, Ottawa.

GOVERNMENT OF BRITISH COLUMBIA.

DEPARTMENT.

James Wardle, Kootenay Express Company for the undermentioned, on account of Requisition No.

Services in bringing down writ and papers from Kootenay to
Victoria, in October, 1875..... \$300.

Certified correct.

CHARLES GOOD.

Place where paid,

Date of payment, 11th September, 1876.

Received from the Treasury the above sum of three hundred dollars.

Signature of witness if recipient cannot sign his name.

(Signed) JAMES WARDLE.

True copy certified.

W. C. BERKLEY,

Provincial Auditor.

OFFICE OF THE INSPECTOR OF INLAND REVENUE,
VICTORIA, B.C., 18th September, 1876.

SIR,—I have the honour of enclosing a copy of my account for expenses incurred on tour of inspection on the mainland of this province for the Customs Department, in conformity with instructions contained in your communications No. 1 of 5th November, 1875, and No. 1 of 1st February, 1876. I have also the honour of enclosing a copy of my letter explanatory of the said account.

The originals of this account and letter were mailed at this place on the 18th February, and my reports upon the various matters into which I was directed to enquire some days previously. Two months having elapsed without acknowledgment of receipt of any of them, I am apprehensive lest they may have miscarried.

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

J. JOHNSON, Esq.,
Commissioner of Customs, Ottawa.

(Signed)

C. T. DUPONT,
Inspector of Inland Revenue.

VICTORIA, 18th July, 1876.

SIR,—I have the honour of enclosing herein contingent account with vouchers for expenses incurred on tour of inspection for Customs Department on the mainland of this province. My route on this occasion did not take me to any places at which business subject to excise was carried on, so that I cannot apportion any part of any expenses to the Inland Revenue Department. Had I been authorized to do so I could have inspected and been otherwise of service to the Post Office Department, and in view of the great expense of travelling in this Province I would very respectfully suggest the advisability of the appointment of one General Inspector who could, when occasion required, make at one and the same expense an examination of the business of the several Departments. In no one of them is there sufficient work to occupy fully the time of an Inspecting Officer, and on the other hand I feel warranted in saying, that in no province of the Dominion is there as much need of at least an annual inspection.

My expenses on this trip have exceeded the estimate I sent you for the following reasons:—

The season of the year at which I started necessitated my proceeding by stage to Kamloops, from which place to start with horses and camp out. I could not cross the Hope Mountain as the snow for more than a month later lay too deep on the trail, and to visit Osoyoos Lake there was no other way of proceeding. This involved the expenditure for stage fare, freight, &c., (\$225.40) charged in bill of F. J. Barnard & Co. I was obliged to take my camp outfit from Victoria, and also my guide, C. T. Seymour, temporarily transferred from the C.P.R.S. No allowance whatever being made for baggage, the total weight of freight charged for, 53 lbs., which included saddles, kitchen, tents, tarpaulins, blankets, certain provisions, &c., will show that I exercised due economy in this respect. I was also obliged to purchase an outfit of camp material, which item constitutes the heaviest part of Oppenheimer Bros'. account of \$163.31, and the whole of E. Molum's bill of \$35, and I purchased one horse for my own riding at a cost of \$125. By using my own saddle and borrowing others, as well as the apparajoes for the pack horses, I saved the Department this additional expense. The outfit is on hand, in good order, ready for any future occasion, and the horse being very much run down I thought it advisable to turn out on pasture in the upper country (he is in charge of Mr. Ingraham, of Grand Prairie), to recover before endeavouring to sell him. With these items deducted, which I did not take into calculation (amounting in all to \$548.71), and which, by making the trip at the proper season of the year, need not occur again, the trip would not much have exceeded the amount I named.

Two men are a necessity as assistants on such a trip, one man alone being unable to "pack" a horse, and the labour of attending to seven horses. The number required for such a trip (three for saddle and four for packing) to keep them from straying, hunting them in the morning, attention to "apparajoes" to save their backs, making camp and cooking, besides riding from thirty-five to fifty miles per day, fully occupied myself and men from 3:30 a.m., the hour at which my camp was struck in the morning, until 6 p.m., and sometimes as late as 8 p.m., my usual hour for camping again.

The exceptional high water of this season has contributed to increase the expense of my trip—by delays—rivers having had to be swam and rafted, and miles of country (almost swimming depth for horses) having had to be forded—horses becoming so exhausted that to get on I was obliged to hire frequent changes. I enter into these lengthy explanations that you may perceive that the expenditure on this trip has been exceptional. By choosing the proper season of the year the same services could be performed for about the sum of \$600 travelling expenses.

I have the honour to be, Sir,

Your obedient servant,

(Signed)

C. T. DUPONT,
Acting Inspector of Customs.

J. JOHNSON, Esq.,
Commissioner of Customs,
Ottawa.

(Voucher No. 1.)

KAMPLOOPS, April 25th, 1876.

\$125.00—

Received from C. T. Dupont, Esq., the sum of one hundred and twenty-five dollars for one bay saddle horse.

(Signed)

MARA & WILSON.

(Voucher No. 2.)

VICTORIA, B.C., 24th April, 1876.

C. T. DUPONT, Esq., Dr.,
To EDWARD MOLUM.

One tent, canvas sheet, &c..... \$35 00

Received,

(Signed)

EDWARD MOLUM.

(Voucher No. 3.)

VICTORIA, B.C., 25th April, 1876.

CUSTOMS DEPARTMENT, per C. T. DUPONT,

To OPPENHEIMER BROS.

	\$	cts.	\$	cts.
1 wash pan	1	00		
1 basting spoon.....	0	50		
1 meat fork.....	0	75		
3 oval pans, at \$5.00.....	1	87		
3 table spoons, at \$2.00.....	0	75		
1 dozen Leibeg Extract.....	7	88		
1 do assorted soups and meats	6	75		
$\frac{1}{2}$ do devilled hair, at \$5.75.....	2	88		
$\frac{1}{2}$ box curry powder.....	0	50		
1 bottle mustard.....	0	50		
1 do pepper.....	0	50		
$\frac{1}{2}$ dozen pickles, at \$7.00.....	3	50		
$\frac{1}{2}$ do Lgr. L. & P. sauce, at \$8.00.....	2	00		
2 packages matches	0	25		
3 cans coffee.....	2	40		
4 do tobacco (for Indians).....	4	00		
2 butcher knives.....	1	00		
1 bar cast soap.....	0	62		
4 lbs. tea, at 60c	2	40		
1 lb. flour, sack	0	13		
1 dozen yeast powder.....	2	63		
2 bottles lime juice.....	1	00		
1 pair gray blankets.....	10	50		
1 do scarlet.....	10	00		
2 fay pairs	3	50		
3 kettles.....	4	50		
1 coffee pot, \$1.50 ; one axe, \$2.25 ; one half axe, \$1.75	5	50		
1 tin cloves, 37c. ; one tin allspice, 38c. ; half dozen tin cups, 75c	1	50		
$\frac{1}{2}$ dozen marmalade, at \$6.50	3	25		
$\frac{1}{2}$ do knives and forks, at \$4.00.....	2	00		
$\frac{1}{2}$ do table spoons, at \$1.50.....	0	75		
$\frac{1}{2}$ do deep tin plates, at \$3.50.....	1	75		
1 tin pan, pressed	0	75		
1 Russian trow pan.	1	50		
1 axe handle	0	50		
10 lbs. apples (dried), at 14c.....	1	40		
10 lbs. peaches do at 16c.....	1	00		
6 tins condensed coffee.....	6	00		
1 dozen tins oysters.....	3	50		
36 lbs. rice.....	2	50		
.....salt.....	0	50		
1 duck cove, 11ft. 2in.....	15	00		
1 do 10ft. 3in.	13	00		
7 canvass sacks.....	5	00		
do dack for two baskets.....	3	00		
2 canvass jean bags, at \$5.00 each.. ..	10	00		
2 cases, wooden do	10	00		
2 padlocks.....	1	00		
Dray & Whitty.....	1	00		
				163 31

Received payment.

(Signed)

OPPENHEIMER BROS.

(Voucher No. 4.)

KAMLOOPS, B.C.,

187

C. T. DUPONT, Esq.

Bought of MARA & WILSON.

	\$ cts.	\$ cts.
30 lbs beans, at 8c.....	2 40	
½ dozen brandy.....	8 25	
3 lbs candles.....	1 50	
5 lbs crushed sugar.....	1 35	
5 lbs salt.....	0 63	
1 whisk broom.....	0 75	
3 flour sacks.....	0 54	
1 brush.....	2 50	
1 curry comb.....	0 75	
1 horse bell.....	1 75	
1 strap for ditto.....	0 75	
		21 20
Paid Indian, packing stuff to steamer.....		0 75
		21 95

Received payment,

By cash, \$21.95.

(Signed)

MARA & WILSON,

per R.R.

May 4th, 1876.

(Voucher No. 5.)

KAMLOOPS, 4th May, 1876.

Mr. DUPONT.

Bought of THE HUDSON BAY COMPANY.

	\$ cts.	\$ cts.
16½ lbs bacon at 25c.....	4 12	
14 lbs No. 1 shot, at 20c.....	2 80	
		6 92

Paid, May 4th, 1876,

(Signed)

S. T., pro J. TAIT.

(Voucher No. 6.)

OSOYOOS, 13th May, 1876.

To C. T. DUPONT.

	\$ cts.	\$ cts.
* 1 tent.....	9 16	
5 lbs sugar.....	1 25	
		10 41

Payment received,

(Signed)

THOS. KRUGER.

* Having started with only one tent, found it necessary to purchase a second small tent.—C.T.D

(Voucher No. 7.)

Osooroos, B.C., 15th May, 1876.

To C. T. DUPONT, Esq.

14 lbs. flour.....	\$1 00
4 do sugar	1 00
2 do bacon.....	0 50
1 coffee pot.....	1 25
2 yards drilling.....	0 60
½ bar marine soap.....	0 65
	<u>\$5 00</u>

Received payment.

(Signed)

THEO. KRUGER.

(Voucher No. 8.)

Mr. DUPONT,

Bought of M. OPPENHEIMER & Co.

16 lbs. ham.....	\$3 25
4 do sugar.....	1 00
11 do flour.....	0 50
4 yards sheeting...	1 00
1 do musquito bar.....	0 76
1 tin pan.....	1 00
	<u>\$7 50</u>

Received payment.

(Signed)

M. OPPENHEIMER & Co.

(Voucher No. 9.)

\$4.00

PENTICTIN.

Received from C. T. Dupont the sum of four dollars being amount due for sixteen pounds of bacon.

Received payment.

(Signed)

THOS. ELLIS.

(Voucher No. 10.)

\$25.00

KAMLOOPS, 26th May, 1876.

Received from C. T. Dupont, per C. T. Seymour, the sum of twenty-five dollars, being amount due for labour of self and horse from 7th day of May, 1876, up to 26th May, 1876.

(Signed)

his
JIM X INDIAN
mark.

Witness,

JOHN ELASSEY.

(Voucher No. 11.)

KAMLOOPS, 26th May, 1876.

Received from C. T. Dupont, per C. Seymour, the sum of six dollars for board and lodgings.

(Signed) McINTOSH & McPHADEN.

(Voucher No. 12.)

\$76.00

Received from Mr. C. T. Dupont seventy-six dollars for services as cook and assistant on trip to Kootenay, from 3rd May to 30th June, at the rate of (\$40) forty dollars per month.

(Signed) his
SEN x SIBLE
mark.

In presence of

JAS. WARDLE.

(Voucher No. 13.)

\$130.75

Received from C. T. Dupont one hundred and thirty dollars and seventy-five cents for hire of horses.

(Signed) JAMES WARDLE.

\$20.00

(Voucher No. 14.)

WALLA WALLA, WASHINGTON TERRITORY,
13th June, 1876.

Received from Mr. C. T. Dupont twenty dollars for conveying him, by waggon, from Ports Ranch to Walla Walla.

(Signed) HERMAUN TINKE.

(Voucher No. 15.)

Osoyoos, B.C., 13th June, 1876.

C. T. DUPONT, Esq.,

To THEO. KRUGER.

	\$ cts.	\$ cts.
15 lbs. flour	1 75	
4 lbs. bacon	1 50	
½ lb. Congou tea	0 62	
1 tin yeast powder	0 50	
3 lbs. Long Island sugar	0 75	
		5 12
Total.....		5 12

Received payment.

(Signed) THEODORE KRUGER.

(Voucher No. 16.)

C. T. DUPONT, Esq.,

To F. J. BARNARD & Co.

1876.		\$ cts.	\$ cts.
April 3.....	To paid freight or horse, Victoria to Yale	10 00	
do 28.....	Pass self and Seymour, Yale to Kamloops.....	55 40	
do 28.....	Freight 326 lbs., Victoria to Kamloops.....	65 20	
do 28.....	do 78 lbs., Yale to Kamloops	19 60	
do 28.....	do 133 lbs., do	26 60	
May 27.....	Package 12 lbs., Seymour to you, Victoria.....	2 50	
April 3.....	Horse feed hay and grain, 3rd April to date, 31 days, at \$1.50.	46 50	
			225 40
	Total		225 40

Paid 19th July, 1876.

(Signed) F. J. BARNARD & Co.
pro. G. A. SARGISON.

(Voucher No. 17.)

\$100.00

VICTORIA, 12th July, 1876.

Received from C. T. Dupont one hundred dollars for services as guide and assistant on trip to Kootenay.

(Signed) C. T. SEYMOUR.

(Voucher No. 18.)

8th July, 1876.

Mr. DUPONT,

To Steamer *Enterprise*.—Dr.

	\$	cts.
* Two packages and one passenger.....	10	00
† One do do	7	50
Total	17	50

* Self and Mr. Seymour per route to Kootenay.
 † Self alone, 2nd trip to Westminster and back.

Received payment.

(Signed), GEO. HARDISTY,
Purser.

(Voucher No. 19.)

CUSTOMS DEPARTMENT.

C. T. DUPONT, Esq.,

To E. MALLANDAINE, Architect.

	\$	cts.
1876.		
July 13, 14... * For map of British Columbia, showing in colors, the waters, trails, waggon-roads Custom Houses, with reference, as per instructions, &c.....	10	00

* Forwarded with report.

Received payment same time.

(Signed) EDWARD MALLANDAINE.

VICTORIA, B.C., July 14th, 1876.

THE CUSTOMS DEPARTMENT,

To C. T. DUPONT, Acting Inspector of Customs.

For expenses incurred in tour of inspection on mainland of British Columbia.

Date.	No. of Voucher.	Particulars.	Amount.
1876.			\$ cts.
April 25	1	Mara & Wilson, for horse for journey for self to ride.....	125 00
do 24	2	E. Molum, for tent and canvas sheet.....	35 00
do 25	3	Oppenheimer & Bros., outfit for camp and provisions.....	163 31
May 4	4	Mara & Wilson, provisions, &c.....	21 95
do 4	5	Hudson Bay Company, provisions, &c.....	6 92
do 13	6	T. Kruger, tent and sugar.....	10 41
do 15	7	do provisions.....	5 00
do 18	8	M. Oppenheimer & Co., provisions.....	7 50
do 19	9	T. Ellis, bacon.....	4 00
do 26	10	Indian, for services, self and horse, Kamloops to Osoyoos.....	25 00
do 26	11	McIntosh & McPhaden, board of C. T. Seymour.....	6 00
June 10	12	Sensible, as cook, from 3rd May to 30th June, at \$40 per month.....	76 00
do 10	13	Jas. Wardle, hire of horses used in trip.....	130 75
do 13	14	Hermann Tinke, conveyance from Ports Ranch to Walla Walla.....	20 00
do 13	15	T. Kruger, provisions.....	5 12
do 29	16	F. J. Barnard, stage fares to Kamloops.....	225 40
July 12	17	C. T. Seymour, services as guide and packer.....	100 00
do 8	18	Steamer <i>Enterprise</i> , fares to New Westminster.....	17 50
do 14	19	E. Mallandaine, map of British Columbia.....	10 00
		* Hotel expenses at New Westminster, 7 days.....	35 00
		* Meals on steamer from Victoria, New Westminster, self and Seymour.....	8 00
		* Hire of conveyance to Burrard Inlet.....	6 00
		* Expenses at Burrard Inlet.....	4 00
		* Steamer, fare to Yale, self and Seymour, including meals.....	19 00
		* Hotel expenses on road from Yale to Kamloops, self and Seymour, 5 days, at \$5 per day each.....	50 00
		* Steamer, fare, Savona's Ferry to Kamloops.....	8 00
		* Hotel expenses at Kamloops.....	10 00
		* Expenses at Dack's, from which place camped out.....	7 00
		* Provisions purchased on route not included above, and sundry minor expenses.....	47 50
		* Shoeing horses and ferrriages <i>en route</i>	29 00
		* Steamer and railway fares, Walla Walla to Victoria.....	40 00
		* Hotel expenses between Walla Walla and Victoria, 12 days.....	60 00
		* Conveyance, self and baggage, to and from home at Victoria.....	3 00
		CR.—By amount of advance.....	1,321 36
		To balance.....	600 00
			721 36

* These items paid in small sums at different times; vouchers unobtainable or omitted to be taken.
C.T.D.

I hereby solemnly and in my conscience declare that the foregoing account is just and true, and that the expenditure was made wholly for the public service.

(Signed) C. T. DUPONT.

Declared to at Victoria this 20th }
day of July, 1876, before me. }
R. P. RILHET, J.P. }

(No. 134.)

R E T U R N

To an ORDER of the HOUSE OF COMMONS, dated 19th March, 1877 ;—For a Return showing the title held by the Government to the land and other property connected with the Fish-breeding establishment at Newcastle, Ontario, with quantity of land so held ; also, the actual amount expended on buildings or other permanent improvements on said lands.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 4th April, 1877.

(No. 135.)

R E T U R N

To an ORDER of the HOUSE OF COMMONS, dated 26th March, 1877 ;—For Returns of all leases of the right to fish in the non-tidal waters of New Brunswick.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 4th April, 1877.

(No. 136)

RETURN

- To an ORDER of the HOUSE OF COMMONS, dated 26th March, 1877;—For
- 1st. The instructions given and to whom given for the division of the Ordnance property at Quebec, known as the Cove Field ;
 - 2nd. The cost of dividing ; also for advertising and of selling the same ;
 - 3rd. The names of the parties receiving such sums of money, and the amount received by each of them.
 - 4th. The amount of such sale, the names of the purchasers, the amount paid by each on each lot and the balance remaining unpaid.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 4th April, 1877.

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 12th March, 1877;—For a Return of the Government deposits in the different Banks of the Dominion on the 1st day of each month, from January 1st, 1876, to January 1st, 1877, inclusive; and also at the Agencies of such Banks and other Banking Houses in London, and specifying the amounts drawing interest and the rate thereof.

By Command,

R. W. SCOTT,

Secretary of State

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 29th March, 1877.

FINANCE DEPARTMENT, CANADA,
OTTAWA, March 28th, 1877.

SIR,—I have the honour to enclose a Return to an Address of the House of Commons for the balances deposited in the several Banks during the year 1876.

During the first three months, where the balance at Messrs. Baring's is marked (*), the balance was at our debit.

All the deposits at interest in Canada were at 5 per cent., except the following, which were at 4 per cent.

Bank of Montreal, deposited...	Feb. 25,	\$600,000	withdrawn	May 12,	\$500,000
" " " " " "	...Mar. 31,	400,000	" "	July 5,	500,000
" " " " " "	...Dec. 7,	2,416,666	66	" "	
Ontario Bank, " " " "	...Jan. 1,	100,000	" "	April 6,	50,000
" " " " " "			" "	May 8,	50,000
Bank of Liverpool, " " " "	...Feb. 29,	30,000			

Your obedient servant,

(Signed)

JOHN LANGTON,

Auditor.

THE HON. R. W. SCOTT,
Secretary of State.

ABSTRACT of Statement of Deposits in the several Banks in

	Dec. 30th, 1871. — Available.	Dec. 30th, 1871. — At Interest.	March 30th, 1872. — Available.	March 30th, 1872. — At Interest.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Molson's Bank.....	18,039 75	.....	29,456 41	.....
Quebec Bank.....	23,863 12	.....	55,517 68	.....
City Bank.....	10,000 00	.....	22,000 00	.....
Bank du Peuple.....	2,000 00	.....	2,000 00	.....
Bank Nationale.....	17,955 67	.....	13,677 89	.....
Union Bank of Lower Canada.....	34,531 41	.....	35,989 66	.....
Eastern Townships Bank.....	11,000 00	.....	11,000 00	.....
Bank of Montreal.....	1,115,482 12	600,000 00	1,499,645 60	600,000 00
do St. John, N.B.....	579,905 51	.....	336,805 71	.....
do Halifax, N.S.....	608,768 83	.....	306,820 38	.....
Mechanics' Bank.....	12,000 00	.....	16,000 00	.....
Banque Jacques Cartier.....	5,000 00	.....	5,000 00	.....
Bank of Commerce.....	11,058 93	.....	137,111 82	.....
Merchants' Bank.....	86,704 34	.....	189,089 10	.....
Ontario Bank.....	16,243 18	.....	12,443 18	.....
Royal Canadian Bank.....	15,344 45	.....	48,067 74	.....
Toronto Bank.....	51,590 13	.....	101,590 13	.....
Niagara District Bank.....	4,573 02	.....	4,573 02	.....
Bank of British North America.....	41,881 47	.....	18,807 76	.....
Dominion Bank.....	26,000 00	.....	26,000 00	.....
Bank of Hamilton.....	.....	.....	.....	.....
Merchants' Bank of Halifax.....	.....	.....	.....	.....
People's Bank of Halifax.....	833 33	.....	833 33	.....
Union Bank of Halifax.....	.....	.....	.....	.....
Bank of Nova Scotia.....	.....	.....	1,333 33	.....
Bank of New Brunswick.....	20,211 11	.....	96,349 29	.....
do B. N. America, St. John.....	71,444 44	.....	11,444 44	.....
Montreal City and District Savings Bank.....	1,198,205 51	.....	298,204 51	.....
Metropolitan Bank.....	128,277 78	.....	113,472 23	.....
Exchange Bank.....	.....	.....	.....	.....
St. Stephen's Bank.....	.....	.....	.....	.....
British Columbia Bank.....	.....	.....	.....	.....
Commercial Bank, Windsor.....	.....	.....	.....	.....
Maritime Bank, St. John.....	.....	.....	.....	.....
Bank of Yarmouth.....	.....	.....	.....	.....
Liverpool Bank of Nova Scotia.....	.....	.....	.....	.....
Totals.....	4,110,915 10	600,000 00	3,393,233 21	600,000 00

Canada in the last days of each quarter, for the year 1872.

June 29th, 1872. Available.	June 29th, 1872. At Interest.	Sept. 30th, 1872. Available.	Sept. 30th, 1872. At Interest.	December, 1872. Available.	December, 1872. At Interest.
\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
20,748 07		22,710 07		321 18	
36,885 46	200,000 00	73,968 04	200,000 00	25,751 62	100,000 00
22,000 00		59,000 00		26,500 00	
2,000 00		2,000 00		2,000 00	
44,020 12		46,020 12		23,013 08	
83,112 90		54,532 74		41,986 39	
31,000 00		66,139 90		36,139 90	
1,590,555 70	600,000 00	2,347,370 50	600,000 00	1,398,597 09	600,000 00
481,779 58		282,652 40		225,158 08	
302,657 83		22,657 81		87,322 12	
16,000 00		6,000 00		6,000 00	
5,000 00		25,000 00		10,000 00	
17,806 27		2,806 27		1,639 61	
132,822 00		85,717 99		303,899 75	
36,443 18		39,077 49		24,077 49	
49,876 71	70,000 00	27,876 71	70,000 00	37,868 88	
166,590 13	80,000 00	17,101 74	80,000 00	58,600 94	
9,858 02		19,858 02		15,207 62	
48,376 23		41,091 33		42,567 45	
30,000 00		13,000 00		8,000 00	
		4,000 00		4,000 00	
1,555 56		41,554 56		28,522 31	
833 33		833 33		833 33	
				316 96	
1,333 33		1,333 33		18,600 22	
44,724 06		26,868 04		32,938 18	
11,444 44		72,644 44		12,644 44	
515,872 51		622,842 29		218,386 29	775,000 00
108,555 57		117,066 70		62,066 70	
				25,000 00	
				20,539 18	
				34,208 90	
				23,424 27	
				171,000 00	
				1,098 76	
				996 46	
3,811,851 00	950,000 00	4,141,723 82	960,000 00	3,029,227 20	1,475,000 00

ABSTRACT of Statement of Deposits in the several Banks in Canada on the last days in each quarter for the year 1873.

	March 31st, 1873.		June 30th, 1873.		Sept. 30th, 1873.		Dec. 31st, 1873.	
	Available.	At Interest.	Available.	At Interest.	Available.	At Interest.	Available.	At Interest.
	\$	cts.	\$	cts.	\$	cts.	\$	cts.
Molson's Bank	321 18		170,722 23		170,722 23		170,722 23	
Quebec Bank	24,976 71		148,777 78		100,000 00		173,200 00	
City Bank	11,500 00		8,500 00		33,867 50		40,167 54	
Bank du Peuple	2,000 00		2,000 00		2,000 00		2,000 00	
Bank Nationale	18,818 08		26,435 58		45,709 33		35,899 82	
Union Bank of Lower Canada	48,949 77		84,594 21		80,453 27		73,616 48	
Eastern Townships Bank	51,139 90		41,139 90		57,034 49		41,871 16	
Bank of Montreal	2,029,990 09		2,394,011 73		1,028,682 93		972,539 71	
do St. John, N.B.	130,614 54		244,313 28		166,635 70		263,217 81	
do Halifax, N.S.	1,000 00		265,698 61		383,311 71		644,777 12	
Mechanics' Bank	10,000 00		1,000 00		1,000 00		1,000 00	
Bank Jacques Cartier	1,639 61		7,500 00		5,000 00		5,000 00	
Bank of Commerce	376,720 45		1,639 61		1,639 61		6,099 61	
Merchants' Bank	9,305 49		338,881 73		243,888 89		136,417 05	
Ontario Bank	12,868 88		10,805 49		8,229 15		20,182 11	
Royal Canadian Bank	28,600 94		208,868 88		73,868 88		146,416 67	
Toronto Bank	28,600 94		108,600 94		100,000 00		176,690 88	
Niagara District Bank	45,653 34		15,383 37		48,071 94		200,000 00	
Bank of British North America	3,000 00		61,184 37		48,832 04		5,668 37	
Dominion Bank	4,000 00		3,000 00		4,000 00		4,000 00	
Bank of Hamilton	65,674 20		87,711 97		23,993 22		80,770 20	
Merchants' Bank of Halifax	833 33		833 33		833 33		833 33	
People's Bank of Halifax	6,028 14		10,480 28		7,905 51		12,304 39	
Union Bank of Halifax	35,384 44		70,584 94		47,983 65		93,870 97	
Bank of Nova Scotia	176,727 36		134,120 57		75,454 00		117,186 78	
Bank of New Brunswick	19,562 40		24,991 91		9,509 42		14,296 65	
Bank of British North America, St. John	513,817 29		592,848 29		325,442 82		407,631 35	
Montreal City and District Savings Bank	72,066 70		52,066 70		17,066 70		17,066 70	
Metropolitan Savings Bank	30,000 00		20,000 00		7,500 00		7,500 00	
Exchange do	33,910 33		48,994 77		11,977 25		26,610 09	
St. Stephen	113,819 77		252,689 94		254,596 80		217,862 60	
British Columbia do	28,019 99		48,134 66		25,276 04		45,516 71	
Commercial Bank, Windsor	102,548 60		74,548 60		19,548 60		34,548 60	
Maritime Bank of St. John	23,354 65		44,780 10		27,573 80		46,628 11	
Bank of Yarmouth							50,000 00	

Liverpool Bank of Nova Scotia.....	39,105 60	42,086 09	42,086 09	42,086 09	42,086 09	42,086 09	42,086 09
Montreal Bank, Moncton, N.B.....	20,511 90	88,068 37	224,667 75	224,667 75	224,667 75	224,667 75	224,667 75
People's Bank, Fredericton, N.B.....		26,000 00	26,000 00	26,000 00	26,000 00	26,000 00	26,000 00
Merchants' Bank, Winnipeg.....							
Bank of Prince Edward Island.....			160,000 00	160,000 00	160,000 00	160,000 00	160,000 00
Merchants' Bank, P.E.I.....			15,000 00	15,000 00	15,000 00	15,000 00	15,000 00
Union Bank, P.E.I.....							
St. Lawrence Bank.....							
Ville Marie.....							
St. Jean.....							
St. Hyacinthe.....							
Barque Hochelaga.....							
Totals	4,111,701 30	5,507,580 94	3,864,666 69	3,601,890 21	2,848,805 58	4,086,995 12	4,392,005 58

ABSTRACT of Statements of Deposits in the several Banks in Canada in the last days in each quarter for the year 1874.

	March 31st, 1874.		June 30th, 1874.		Sept. 30th, 1874.		Dec. 31st, 1874.	
	Available.	At Interest.	Available.	At Interest.	Available.	At Interest.	Available.	At Interest.
	\$	cts.	\$	cts.	\$	cts.	\$	cts.
Molson's Bank.....	14,368	70	170,722	23	170,722	23	170,722	23
Quebec Bank.....	40,475	72	173,200	00	173,200	00	173,200	00
City Bank.....	15,095	64	50,000	00	50,000	00	50,000	00
Banque du Peuple.....	2,000	00	27,000	00	7,000	00	51,445	20
Bank Nationale.....	5,171	08	200,000	00	100,000	00	250,000	00
Union Bank.....	6,355	87	250,000	00	13,996	18	22,001	46
Eastern Townships Bank.....	43,817	32	40,000	00	33,046	74	37,452	34
Bank of Lower Canada.....	1,534,062	34	1,893,402	23	32,215	45	54,554	41
Bank of Montreal.....	236,944	62	578,311	67	286,921	87	847,358	45
do St. John, N.B.....	295,640	93	356,996	87	433,460	34	446,399	85
do Halifax, N.S.....	1,000	00	1,000	00	1,000	00	1,000	00
Mechanics.....	5,000	00	5,000	00	5,000	00	5,000	00
Bank Jacques Cartier.....	75,978	74	280,926	63	509,133	33	11,544	70
Bank of Commerce.....	70,360	70	84,815	80	85,346	08	389,329	53
Merchants' Bank.....	130,246	85	247,769	90	321,452	89	112,084	27
Ontario Bank.....	27,349	79	27,349	79	146,333	33	351,645	28
Royal Canadian Bank.....	51,893	84	51,893	84	7,349	79	17,572	33
Toronto Bank.....	6,095	87	13,595	87	11,593	84	18,030	82
Niagara District Bank.....	47,560	69	95,175	28	14,260	87	14,260	87
Bank of British North America.....	4,000	00	4,000	00	81,208	77	100,593	34
Dominion Bank.....	47,652	55	82,962	89	93,344	28	4,000	00
Bank of Hamilton.....	9,833	33	18,482	07	833	33	134,440	07
Merchants' Bank of Halifax.....	9,702	95	18,482	07	13,154	77	833	33
People's Bank of Halifax.....	52,403	14	102,598	83	46,919	89	18,861	72
Union Bank of Halifax.....	126,828	04	76,556	29	128,925	00	96,705	94
Bank of Nova Scotia.....	19,810	66	29,327	61	8,552	99	120,310	50
Bank of New Brunswick.....	102,757	35	197,332	60	285,496	13	4,000	00
Bank of British North America, St. John.....	6,922	04	1,389	16	1,389	16	276,561	52
St. John.....	7,500	00	27,500	00	12,500	00	6,196	53
Monreal City and District Savings Bank.....	10,861	61	29,628	89	16,425	91	12,860	00
Bank.....	227,584	30	143,215	92	254,050	35	30,067	94
Metropolitan Savings Bank.....	39,588	12	83,619	09	56,176	42	230,933	77
Exchange do.....	4,548	60	5,870	50	5,870	50	83,108	44
St. Stephen's do.....	21,839	89	59,333	99	61,780	24	5,870	50
British Columbia do.....	600,000	00	500,000	00	500,000	00	103,558	92
Commercial Bank, Windsor.....	243,888	90	193,888	90	193,888	90	276,561	52
Maritime Bank, St. John.....	30,000	00	30,000	00	30,000	00	6,196	53
Bank of Yarmouth.....	30,067	94	16,425	91	30,067	94	12,860	00
.....	230,933	77	254,050	35	254,050	35	30,067	94
.....	83,108	44	56,176	42	56,176	42	280,933	77
.....	5,870	50	5,870	50	5,870	50	83,108	44
.....	21,839	89	59,333	99	61,780	24	5,870	50
.....	600,000	00	500,000	00	500,000	00	103,558	92
.....	193,888	90	193,888	90	193,888	90	276,561	52
.....	30,000	00	30,000	00	30,000	00	6,196	53
.....	30,067	94	16,425	91	30,067	94	12,860	00
.....	230,933	77	254,050	35	254,050	35	30,067	94
.....	83,108	44	56,176	42	56,176	42	280,933	77
.....	5,870	50	5,870	50	5,870	50	83,108	44
.....	21,839	89	59,333	99	61,780	24	5,870	50
.....	600,000	00	500,000	00	500,000	00	103,558	92
.....	193,888	90	193,888	90	193,888	90	276,561	52
.....	30,000	00	30,000	00	30,000	00	6,196	53
.....	30,067	94	16,425	91	30,067	94	12,860	00
.....	230,933	77	254,050	35	254,050	35	30,067	94
.....	83,108	44	56,176	42	56,176	42	280,933	77
.....	5,870	50	5,870	50	5,870	50	83,108	44
.....	21,839	89	59,333	99	61,780	24	5,870	50
.....	600,000	00	500,000	00	500,000	00	103,558	92
.....	193,888	90	193,888	90	193,888	90	276,561	52
.....	30,000	00	30,000	00	30,000	00	6,196	53
.....	30,067	94	16,425	91	30,067	94	12,860	00
.....	230,933	77	254,050	35	254,050	35	30,067	94
.....	83,108	44	56,176	42	56,176	42	280,933	77
.....	5,870	50	5,870	50	5,870	50	83,108	44
.....	21,839	89	59,333	99	61,780	24	5,870	50
.....	600,000	00	500,000	00	500,000	00	103,558	92
.....	193,888	90	193,888	90	193,888	90	276,561	52
.....	30,000	00	30,000	00	30,000	00	6,196	53
.....	30,067	94	16,425	91	30,067	94	12,860	00
.....	230,933	77	254,050	35	254,050	35	30,067	94
.....	83,108	44	56,176	42	56,176	42	280,933	77
.....	5,870	50	5,870	50	5,870	50	83,108	44
.....	21,839	89	59,333	99	61,780	24	5,870	50
.....	600,000	00	500,000	00	500,000	00	103,558	92
.....	193,888	90	193,888	90	193,888	90	276,561	52
.....	30,000	00	30,000	00	30,000	00	6,196	53
.....	30,067	94	16,425	91	30,067	94	12,860	00
.....	230,933	77	254,050	35	254,050	35	30,067	94
.....	83,108	44	56,176	42	56,176	42	280,933	77
.....	5,870	50	5,870	50	5,870	50	83,108	44
.....	21,839	89	59,333	99	61,780	24	5,870	50
.....	600,000	00	500,000	00	500,000	00	103,558	92
.....	193,888	90	193,888	90	193,888	90	276,561	52
.....	30,000	00	30,000	00	30,000	00	6,196	53
.....	30,067	94	16,425	91	30,067	94	12,860	00
.....	230,933	77	254,050	35	254,050	35	30,067	94
.....	83,108	44	56,176	42	56,176	42	280,933	77
.....	5,870	50	5,870	50	5,870	50	83,108	44
.....	21,839	89	59,333	99	61,780	24	5,870	50
.....	600,000	00	500,000	00	500,000	00	103,558	92
.....	193,888	90	193,888	90	193,888	90	276,561	52
.....	30,000	00	30,000	00	30,000	00	6,196	53
.....	30,067	94	16,425	91	30,067	94	12,860	00
.....	230,933	77	254,050	35	254,050	35	30,067	94
.....	83,108	44	56,176	42	56,176	42	280,933	77
.....	5,870	50	5,870	50	5,870	50	83,108	44
.....	21,839	89	59,333	99	61,780	24	5,870	50
.....	600,000	00	500,000	00	500,000	00	103,558	92
.....	193,888	90	193,888	90	193,888	90	276,561	52
.....	30,000	00	30,000	00	30,000	00	6,196	53
.....	30,067	94	16,425	91	30,067	94	12,860	00
.....	230,933	77	254,050	35	254,050	35	30,067	94
.....	83,108	44	56,176	42	56,176	42	280,933	77
.....	5,870	50	5,870	50	5,870	50	83,108	44
.....	21,839	89	59,333	99	61,780	24	5,870	50
.....	600,000	00	500,000	00	500,000	00	103,558	92
.....	193,888	90	193,888	90	193,888	90	276,561	52
.....	30,000	00	30,000	00	30,000	00	6,196	53
.....	30,067	94	16,425	91	30,067	94	12,860	00
.....	230,933	77	254,050	35	254,050	35	30,067	94
.....	83,108	44	56,176	42	56,176	42	280,933	77
.....	5,870	50	5,870	50	5,870	50	83,108	44
.....	21,839	89	59,333	99	61,780	24	5,870	50
.....	600,000	00	500,000	00	500,000	00	103,558	92
.....	193,888	90	193,888	90	193,888	90	276,561	52
.....	30,000	00	30,000	00	30,000	00	6,196	53
.....	30,067	94	16,425	91	30,067	94	12,860	00
.....	230,933	77	254,050	35	254,050	35	30,067	94
.....	83,108	44	56,176	42	56,176	42	280,933	77
.....	5,870	50	5,870	50	5,870	50	83,108	44
.....	21,839	89	59,333	99	61,780	24	5,870	50
.....	600,000	00	500,000	00	500,000	00	103,558	92
.....	193,888	90	193,888	90	193,888	90	276,561	52
.....								

ABSTRACT of Statements of Deposits in the several Banks in Canada on the last days in each quarter for the year 1875.

	March 31st, 1875.		June 30th, 1875.		Sept. 30th, 1875.		Dec. 31st, 1875.	
	Available.	At Interest.	Available.	At Interest.	Available.	At Interest.	Available.	At Interest.
	\$	cts.	\$	cts.	\$	cts.	\$	cts.
Molson's Bank.....	127,631 99	170,722 23	122,312 06	170,722 23	186,403 02	120,722 23	69,478 29	120,722 23
Quebec Bank.....	104,940 98	173,200 00	113,546 47	173,200 00	129,211 45	173,200 00	110,383 63	173,200 00
City Bank.....	7,595 64	50,000 00	7,595 64	50,000 00	8,835 37	50,000 00	8,835 37	50,000 00
Banque du Peuple.....	33,154 29	350,000 00	133,154 29	350,000 00	57,967 59	75,000 00	32,967 59	75,000 00
Bank Nationale.....	41,822 86	100,000 00	66,677 86	350,000 00	33,817 85	150,000 00	27,021 11	150,000 00
Union Bank of Lower Canada.....	12,548 47	100,000 00	13,108 42	100,000 00	44,368 11	100,000 00	8,457 77	100,000 00
Eastern Townships Bank.....	49,823 40	65,000 00	96,126 77	105,000 00	61,978 97	105,000 00	77,204 87	105,000 00
Bank of Montreal.....	1,251,452 82	2,473,333 33	457,377 55	2,473,333 33	984,869 27	1,500,000 00	385,276 26	1,000,000 00
do St. John, N.B.....	396,253 38	.....	440,922 66	.....	218,146 88	.....	233,562 05	.....
do Halifax, N.S.....	302,728 03	.....	748,521 49	.....	356,285 51	.....	219,124 42	.....
Mechanics Bank.....	1,000 00	.....	1,000 00	.....	1,000 00	.....	1,000 00	.....
Bank Jacques Cartier.....	11,544 70	.....	11,544 70	.....	11,544 70	.....	11,544 70	.....
Bank of Commerce.....	205,110 72	538,888 89	302,147 25	438,888 89	117,851 46	288,888 89	248,869 50	.....
Merchants' Bank.....	73,277 77	100,000 00	230,233 30	.....	64,921 22	.....	68,135 89	.....
Ontario Bank.....	310,395 76	340,861 11	277,230 53	340,861 11	313,461 19	.....	150,488 97	100,000 00
Royal Canadian Bank.....	16,260 71	186,333 33	106,260 71	196,333 33	67,227 95	146,333 33	69,227 95	146,333 33
Toronto Bank.....	9,332 22	250,000 00	29,332 22	280,000 00	13,158 08	180,000 00	3,158 08	100,000 00
Niagara District Bank.....	4,498 37	40,000 00	4,721 62	50,000 00	.....	.....	.....	.....
Bank of British North America.....	27,405 03	.....	55,901 51	.....	27,153 87	.....	8,081 83	.....
Dominion Bank.....	.....	.....	.....	.....	.....	.....	.....	.....
Bank of Hamilton.....	4,000 00	.....	4,000 00	.....	.....	.....	.....	.....
Merchants' Bank of Halifax.....	83,239 91	.....	123,623 07	.....	.....	.....	.....	.....
People's Bank of Halifax.....	833 33	.....	833 33	.....	833 00	.....	833 00	.....
Union Bank of Halifax.....	13,349 38	.....	16,511 29	.....	15,279 45	.....	16,019 18	.....
Bank of Nova Scotia.....	113,121 80	80,000 00	74,545 42	80,000 00	48,705 35	40,000 00	59,300 04	40,000 00
Bank of New Brunswick.....	62,497 92	.....	119,482 30	.....	40,527 65	.....	77,104 50	.....
Bank of British North America, St. John.....	16,384 39	.....	11,705 17	.....	7,237 77	.....	7,237 77	.....
Montreal City and District Savings Bank.....	112,575 76	400,000 00	354,145 56	250,000 00	460,570 78	.....	265,439 83	60,000 00
Metropolitan Savings Bank.....	11,083 61	193,888 90	11,083 61	193,888 90	64,779 91	.....	4,779 91	30,000 00
Exchange do.....	3,556 16	30,000 00	3,556 16	30,000 00	.....	30,000 00	4,300 00	.....
St. Stephen's do.....	14,315 40	.....	25,138 79	.....	25,189 05	.....	24,914 34	.....
British Columbia do.....	185,475 51	.....	218,527 39	.....	191,248 98	.....	157,869 63	.....
Commercial Bank, Windsor.....	49,078 69	.....	82,850 16	.....	43,424 98	.....	43,662 14	.....
Maritime Bank.....	97,537 17	.....	17,537 17	.....	3,099 27	.....	3,099 27	.....
Bank of Yarmouth.....	67,976 85	.....	101,951 59	65,000 00	40,154 74	.....	53,643 66	.....

Liverpool Bank of Nova Scotia.....	42,086 09	42,086 09	42,086 09	12,086 09	12,086 09
Montreal Bank, Moncton, N.B.....	55,263 42	214,971 96	215,543 69	120,930 97	120,930 97
People's Bank, Fredericton, N.B.....	30,290 79	39,626 74	27,263 24	29,015 90	29,015 90
Merchants' Bank, Winnipeg.....	130,451 63	105,595 80	79,253 59	142,102 87	142,102 87
Bank of Prince Edward Island.....	73,039 70	173,308 08	25,329 74	53,202 05	53,202 05
Merchants' Bank, P. E. I.....	12,225 65	42,886 14	74,742 97	93,448 96	93,448 96
Union Bank, P. E. I.....	16,098 43	59,606 15	32,691 78	12,196 78	12,196 78
St. Lawrence Bank.....	1,561 61	52,691 78	12,369 87	12,369 87	12,369 87
Ville Marie.....	41,130 14	41,130 14	50,000 00	50,000 00	50,000 00
St. Jean.....	25,082 30	40,664 75	33,128 37	44,900 97	44,900 97
St. Hyacinthe.....	3,912 66	18,444 61	11,438 35	12,500 00	12,500 00
Banque Hochelaga.....	23,280 82	25,280 82	25,900 68	25,900 68	25,900 68
Ottawa Bank.....	41,284 47	41,927 49	19,927 49	11,925 07	11,925 07
Molson's Bank, Rimouski.....	.....	21,298 69	105,584 57	72,921 57	72,921 57
Federal Bank.....	.....	24,157 47	25,000 00	25,000 00	25,000 00
Ontario Bank, Winnipeg.....	.....	50,000 00	196,578 14	24,380 07	24,380 07
do Fort William.....	.....	50,000 00	.....	157,435 95	157,435 95
Imperial Bank.....	.....	.....	5,313 40	12,813 40	12,813 40
Ontario Bank, Prince Arthur's Ldg.....	.....	.....	97,761 20	84,101 09	84,101 09
Totals.....	4,320,210 66	5,917,227 79	5,609,727 79	3,121,644 45	3,482,138 14
					2,412,755 56

Union Bank of Nova Scotia	9,494 .2	16,226 29	10,528 31	8,196 42	.....
Yarmouth, of Yarmouth, N.S.	37,055 55	54,020 70	65,388 29	75,475 16	.....
Montreal, St. John, N.B.	297,797 08	283,823 08	429,477 02	459,369 43	.....
B. N. America do	2,237 77	2,237 77	2,237 77	2,237 77	.....
Maritime do	3,099 27	22,099 27	2,099 27	2,099 27	.....
New Brunswick do	102,735 41	9,975 72	67,547 62	16,542 63	.....
People's, Fredericton, N.B.	16,223 72	29,966 36	19,928 27	33,031 26	.....
St. Stephen, N.B.	15,238 30	27,195 03	22,634 54	38,896 81	.....
Bank of P. E. Island, P. E. I.	96,663 19	121,505 11	60,985 44	19,171 81	.....
Merchants', P. E. I.	45,798 14	48,492 73	44,975 65	58,227 61	.....
Union, P. E. I.	109,623 43	148,222 03	130,652 35	22,381 87	.....
Ontario, Winnipeg	65,890 85	71,306 75	39,914 77	99,689 64	.....
British Columbia	394,965 80	123,889 31	296,778 59	108,877 56	.....
Totals.....	4,759,229 94	4,067,912 30	3,773,664 09	3,720,688 63	722,500 00
Bank of Montreal, London, bearing interest at 4 per cent.	400,000 0 0	.....	407,271 4 3	.....	£ s. d. 967,051 17 8
Bank of Montreal, London, bearing interest at 4½ per cent.	200,000 0 0	.....	200,000 0 0	.....	.....
Quebec Bank, London, bearing interest at 4 per cent.	100,000 0 0	.....	100,000 0 0	.....	.....
Glyn, Mills, Currie & Co., interest variable.....	371,120 18 5	.....	130,426 4 2	.....	£ s. d. 97,532 14 1
Baring Bros. & Co.	*124,981 17 3	.....	228,424 15 9	.....	125,452 13 5

(No. 138.)

R E T U R N

To an ORDER of the HOUSE OF COMMONS, dated 28th March, 1877 ;—For Returns showing the number of Illicit Stills seized by the Revenue Officers of the Dominion in 1873, '74 and '75, giving the dates when the different seizures were made, where made, and the estimated value of the property seized.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 4th April, 1877.

(No. 139.)

R E T U R N

To an ORDER of the HOUSE OF COMMONS, dated 2nd April, 1877 ;—For copy of Survey, Plan, Estimates and Report on the improvement of Cascumpec Harbor, Prince Edward Island, made by Henry F. Perley, Esq., C.E., in the year 1874.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 7th April, 1877.

RETURN

To an ADDRESS OF THE SENATE, dated 22nd March, 1877; For copies of all correspondence, both by telegraph and by letter, which has taken place between the Director of the Geological Survey and the Minister of the Interior since 1st April, 1873, on the subject of removing the Staff and Museum from Montreal to Ottawa; also for a copy of the petition of J. W. Dawson and G. R. Grant, Executors and Administrators of the late Sir William Logan, presented to His Excellency the Governor General, relating to the said subjects

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 2nd April, 1877.

GEOLOGICAL SURVEY OF CANADA.

MUSEUM AND OFFICE:—

76 ST. GABRIEL STREET,

MONTREAL, 28th April, 1873.

(Memorandum.)

In deciding on the desirability or otherwise of the removal of the Geological Museum and of the Offices of the Geological Survey from Montreal to Ottawa, there are several points both for and against the proposed change which are deserving of consideration.

After having carefully considered these in all their bearings, I have no hesitation in saying that the reasons against the proposed removal to Ottawa immeasurably outweigh, in my opinion, any that can be adduced in its favour.

The latter, so far as they appear to me, or as I can learn them from those who advocate the change, are only two:—First, the placing the Survey and Museum more immediately and closely in connection with and under the control of the Ministerial Chief of the Department; and, second, the convenience of Members of Parliament, particularly of those who, during the Session, wish for information, either in relation to the operations of the Survey, or respecting the mines or mineral resources of any particular portion of the country which either has been or is about to be explored by the Survey.

Now the objects and uses of the Geological Survey and the associated Geological Museum are threefold: Economic, Educational and Scientific.

As regards the first of these objects, it would certainly appear to be best fulfilled by placing the Museum, and the information which it and the Scientific Corps connected therewith are capable of affording to the public, in the chief commercial centre of the country, easily accessible from all parts of the continent, and in the midst of the men who are directly interested in the development of the mining industry and mineral wealth of the Dominion, and the manufactures connected with them, rather than at the seat of Government in Ottawa, where, except to a limited extent, during the brief period of the Session of Parliament, it would be practically almost useless for general purposes of reference, and entirely so to the majority of persons wishing for special information and guidance before investing their money in mining enterprise. Looking to the educational objects of the Museum, there can be no question that in its present location, these are secured to the greatest possible extent. The collection is constantly utilized by the Principal and the Professors of McGill University, for purpose of reference and instruction in connection with the geological and other natural science courses of lectures given in that Institution, wherein also is the only endowed chair of geology in the Dominion. In Ottawa, no such useful purpose could be served by the geological collections, and indeed it might truthfully be affirmed, that, for educational purposes, they would be there practically all but useless.

In view of the promotion of the objects of the Survey in relation to the working out of the scientific geology of the country, its removal to Ottawa could not fail to operate in every respect most prejudicially.

While it remains in Montreal, the hearty and zealous coöperation and advice, as well as the gratuitous personal services of Sir William Logan are given to the work; and it is needless to say that Sir William's intimate knowledge of the country, and his lengthened experience in connection with the Survey, render his advice and assistance in all matters connected with the practical and scientific geology of Canada of inestimable value. In like manner, while here, the Survey has the benefit of the gratuitous assistance of Dr. Dawson, the value of whose services in special branches of our investigations it is as difficult, I might say impossible, to estimate, as they would be to replace.

These intimate and friendly, though non-official relations with the Survey, of both Sir William Logan and Dr. Dawson, would be practically broken off by its removal from Montreal; and the severance of the names of Logan and Dawson from active coöperation with the Canadian Geological Survey, could only be regarded as a grievous and irreparable loss to the country and to the interests of Canadian geology, in comparison with which, the small advantages to be secured by the removal of the headquarters of the Survey to Ottawa, are utterly insignificant, and I can hardly conceive it possible that it can be otherwise regarded by an unprejudiced and disinterested person, who has no other interests to serve than the promotion of the objects for which the Survey has been instituted and is supported by the country.

Another important point to be considered is the unavoidable damage and loss which will almost certainly result from the removal of the collections and their re-arrangement in Ottawa.

I hope that the foregoing reasons will be considered of sufficient importance to induce the Government to pause before deciding upon a step which I can only regard as in every respect injurious to the true interests and material progress of the work, with the superintendence of which I have the honour to be intrusted.

(Signed)

ALFRED R. SELWYN,

Director, Geological Survey.

(Telegram.)

OTTAWA, March 15th, 1877.

From Montreal to the Hon. David Mills.

No specimens in the collection given by Sir William. A few presented by persons in all parts of Canada. Four thousand dollars worth of instruments and a large number of valuable works of reference belong to Sir William. These given to the Survey while in Montreal. The duplicates would be of little value. To divide the collection would be to destroy it. If removed, the whole should go. Any duplicates might be given to either Museum of Natural History Society, the Fraser Institute, or McGill College. It would be useless to keep up a Geological Museum in Montreal without a Geological Staff to utilize it. The only reasons for not moving it are stated in my memorandum April twenty-eighth, eighteen hundred seventy-three, on the subject. Museum and Survey now occupy two buildings; they stand back to back, and are connected by fire-proof doors on three flats. The former faces Champ de Mars and is Government property; the latter, in Great St. James Street, belongs to Sir William; rented to Survey for twelve hundred dollars per annum; cost thirty thousand dollars (\$30,000). The grounds against removal given by Senators have no foundation. The only considerations are: Where will objects and purposes, educational and commercial, of the Institution, be best served? Is it worth while to incur the necessary outlay and the attendant risk of injury, both very great in removal? Total floor space now occupied, Offices and Museum, about thirty-three thousand square feet.

(Signed), ALFRED SELWYN.

To His Excellency The Right Honorable Sir Frederick Temple Hamilton Blackwood,
Earl of Dufferin, Viscount and Baron Clandeboye, K.C.B., &c., &c., &c., Governor
General of the Dominion of Canada.

The memorial of John W. Dawson, LL.D., Principal of McGill University, and George Robert Grant, of the city of Montreal, Gentlemen, in their capacity of Executors of the last will and testament of the late Sir William E. Logan, deceased, in his lifetime of the said City of Montreal, Knight, LL.D., F.R.S., and F.G.S.:—

HUMBLY SHEWETH:

That from the date of his appointment to the Geological Survey, in 1842, until his death in 1875, a period of thirty-three years, the late Sir W. E. Logan had expended out of his own private means, to defray the cost of geological explorations, collecting of specimens, wages of assistants, purchase of scientific instruments and books and for general expenses of the Survey, as appears by his books of account, a sum of about twenty thousand dollars, in addition to many other considerable items of expenditure within the knowledge of your memorialists, but which were not entered in the said books of account;

That the said late Sir W. E. Logan founded a chair of geology in connection with McGill College, towards which he donated a sum of twenty thousand dollars, and a gold medal on the same subject, with the view of facilitating the studies of young men availing themselves of the Geological Museum;

That he also erected the building in St. James Street, Montreal, having a frontage of fifty-two feet, mainly for the accommodation of the Survey, for offices of the Director and his assistants, and to afford additional space necessary for the display of specimens in the Museum; the said building costing a sum of thirty thousand dollars,

and for the occupation of which the Government were charged the nominal rent of twelve hundred dollars per annum;

That the late Sir W. E. Logan did all this conditionally, and in the belief that the Museum would be permanently maintained in Montreal;

That in the event of the removal of the Museum from this city to Ottawa, it may become the duty of your memorialists to recover the claims of the estate for which they are Executors, against the Government, though, in accordance with the known wishes of the late Sir W. E. Logan, they would prefer that the Museum remain in Montreal, in which case, such claim would be waived;

That as a cogent reason for the non-removal of the Museum, your memorialists would also represent the fact that some of the specimens upon which the estate has a claim, cannot be removed without serious and perhaps irreparable injury; also, that their removal from Montreal would seriously interfere with those scientific, educational and practical uses which Sir W. E. Logan had in view in their collection and preservation;

That any legislation for the removal of the Museum from Montreal should embrace due provision for refunding the claims of the said late Sir W. E. Logan's estate represented by your memorialists.

Your memorialists therefore humbly pray Your Excellency to withhold assent to the Bill now before Parliament, until the whole of the facts hereinbefore set forth are duly considered and relief given in the premises.

(Signed)

J. W. DAWSON, LL.D., F.R.S.,

Trustee and Executor.

do

G. R. GRANT,

Executor and Administrator.

MONTREAL, 19th March, 1877.

(No 141.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 12th March, 1877;—For a Return showing the quantity and price of land purchased for the purposes of the construction and maintenance of the Kingston and Ottawa Division of the Rideau Canal; also, copies of all leases or agreements disposing of any water power in connection with said Canal.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 5th April, 1877.

(No. 142.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 19th March, 1877;—For a Statement showing the expenditure incurred by the Post Office Department for carrying the Mails below Quebec, during the whole time when the Grand Trunk was stopped by snow, during the winters of 1874, 1875 and 1876, with the names of the persons employed carrying the said Mails; the distances travelled, the number of trips made, and the amount received by each of them.

By Command.

R. W. SCOTT,

Secretary of State

DEPARTMENT OF SECRETARY OF STATE,
OTTAWA, 5th April, 1877.

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

RAILWAY DEPARTMENT,

MONTREAL, 20th March, 1877.

SIR,—I now beg to submit the annual report, shewing the position of the railways of the Dominion of Canada, compiled from returns obtained from the different Companies, in pursuance of the directions of the Minister of Public Works.

The returns transmitted herewith are for the year ended 30th June, 1876, and are described as follows:—

No. 1.—Summary statement of capital, mileage, &c., of opened railways.

No. 2.—Summary statement of characteristics of roads and rolling stock of opened railways.

No. 3.—Summary statement of the operations of the year, and mileage.

No. 4.—Summary statement of description of freight carried.

No. 5.—Statement of passenger fares per mile.

No. 6.—Summary statement of earnings.

No. 7.—Summary statement of operating expenses.

No. 8.—Summary of accidents.

No. 9.—Lines of railway owned by coal mines.

No. 10.—Summary statement of capital and mileage of railways under construction.

No. 11.—Statement of aid granted to railways by Governments and Municipalities.

All these statements are in the same form as for the previous year, so that the changes can be readily seen.

The total mileage of railways opened on the 30th June, 1876, was 5,157 $\frac{1}{2}$, or an increase of 330 $\frac{3}{4}$ miles as compared with the previous year.

This is made up as follows:

	Miles.
Brantford, Norfolk and Port Burwell.....	33
Brockville and Ottawa Extension.....	29
Chatham Branch.....	9
Great Western.....	69
Intercolonial	185
Kingston and Pembroke	47 $\frac{1}{2}$
Montreal and Vermont Junction	23
New Brunswick.....	33
Port Dover and Lake Huron	63
South Eastern.....	21
Whitby and Port Perry.....	11 $\frac{1}{2}$

Less:—	Miles.
Decreased mileage returned by Cobourg, Peterboro' and Marmora	1
European and North American (in the United States).	188½
Massawippi Valley	2½
Toronto and Nipissing.....	1
	193½
Net increase in miles in operation	330½

From the total mileage (5,157½) has to be deducted mileage of railways in the United States owned by Canadian Companies, viz: Grand Trunk,—Portland and Detroit ends and Rouses Point Line, 228 miles. This makes the total mileage in Canada 4,929½ miles.

There are 79 miles of double track on the Great Western Railway. All the rest of the railway system has but one track.

The gauge of the total mileage is divided as follows:—

5 feet 6 inches.....	618½ miles.
4 " 8½ "	3,938½ "
3 " 6 "	600½ "
	5,157½ "

The returns show that the total capital raised to 30th June, 1876, for the railways in operation, was as follows:—

Ordinary share capital paid up.....	\$111,208,479 76
Preference do do	69,747,177 64
Bonded debt paid up.....	76,079,530 61
Amounts paid and loaned by	
Dominion Government.....	\$51,948,529 33
Ontario do	1,884,719 43
Quebec do	228,521 00
New Brunswick Government.....	2,090,000 00
Nova Scotia do	
Municipalities.....	5,426,505 70
	\$61,578,275 46
Less included in paid-up securities as above.....	817,995 00
	60,760,280 46
Total	\$317,795,468 47

The increases in the different items for the year are as follows :—

Ordinary share capital.....	\$ 2,155,560 25
Preference do	1,305,000 00
Bonded debt.....	4,004,139 05
Government and Municipal loans and bonuses.....	11,828,914 42
	\$19,293,613 72

The paid-up capital of the railways under construction was as follows:—

Ordinary share capital.....	\$ 3,023,188 74
Bonded debt.....	527,332 66
Government loans or bonuses.....	11,258,293 26
Municipal do	\$1,043,764 60
Less included in paid-up securities	62,000 00
	981,764 60
Total	\$16,090,579 26

as against \$20,095,276.39 in the previous year. This decrease arises from some of the railways which were under construction during the year ended 30th June, 1875, having been opened for traffic and included in the statement of railways in operation in this report. The total capital paid up, therefore, to 30th June, 1876 on railways in operation and actually under construction, amounted to the sum of \$333,886,047.73.

Of the mileage of railways open, 2,373 $\frac{3}{4}$ miles are laid with steel rails; 2,758 miles are laid with iron rails; and 25 $\frac{1}{2}$ miles are laid with wooden rails.

This, as compared with last year, shows an increase of 319 miles of steel rails and 11 $\frac{1}{2}$ miles of iron rails; shewing that steel continues to be substituted for iron rails.

The number of miles of sidings is given at 637, against 655 $\frac{1}{2}$ returned for the previous year.

The difference, no doubt, arises from the returns having been more accurately rendered for the last year.

There is an increase during the year of 20 engines, 37 passenger and baggage cars, and 488 box, cattle and platform cars.

One additional grain elevator has been erected during the year.

The number of level road crossings, not guarded by watchmen, has increased from 4,655 to 5,041.

The number of points where railways cross each other on the level, has increased from 58 to 81; the number of junctions between railways, from 95 to 113; and the junctions with branch lines, from 52 to 60.

The statement of train mileages is more complete than for the previous year.

The total train mileage is given at 18,103,628, or an increase of 423,450, as compared with the previous year.

The number of passengers carried was 5,544,814 or an increase of 354,398.

The number of tons of freight carried was 6,331,757, or an increase of 660,920 $\frac{3}{4}$.

The railways which carried the largest number of passengers and tons of freight, were the following:—

	No. of Pass'grs.	Tons of Freight.
Grand Trunk.....	1,972,535	2,113,852
Great Western.....	1,133,667	1,579,090
Intercolonial	574,930	342,196
Canada Southern.....	144,938	544,959
Northern	252,700	246,448
Midland.....	108,827	131,574
Toronto, Grey and Bruce.....	127,815	142,801
Toronto and Nipissing.....	95,980	95,670

Statements 4 and 5 are not yet sufficiently accurate to make it possible to draw any results from them.

The total earnings of the railways were as follows:—

Passenger traffic	\$ 6,254,866 74
Freight do	12,211,158 46
Mails and express freight.....	703,994 01
Other sources.....	188,064 90
Total.....	<u>\$19,358,084 11</u>

This is a total decrease, as compared with the previous year, of \$122,455.80, made up as follows:—

	Increase.	Decrease.
Passengers		\$156,067 83
Freight.....	137,587 95	.....
Mails and express freight.....	10,743 60	.....
Other sources.....	.....	104,719 52
	<u>\$148,381 55</u>	<u>\$260,787 35</u>

The cost of operating all the railways amounted to \$15,802,721.41, divided as follows:—

Maintenance	\$3,813,668 27
Working and repairs of engines.....	4,825,676 19
do do cars.....	1,588,296 01
General operating charges.....	5,575,080 94
	<u>\$15,802,721 41</u>

NOTE.—The European and North American Company has made no return of its expenses.

The above figures show an increase of \$27,188.91 as compared with the previous year.

The gross receipts were.....	\$19,358,084	11
And the gross expenses.....	15,802,721	41
Leaving a net profit of.....	\$3,556,362	70

Which shows that it has cost an average of 81.63 per cent. For the previous year the per centage was 81 per cent.

The total bonded debt of the different companies, it will be seen, is returned at \$76,079,530.61, so that the profit of \$3,556,362.70 is about sufficient to pay 4.67 per cent. upon the bonded debt, leaving, of course, nothing for Government or Municipal advances, or for preference or ordinary share capital.

The gross earnings of the mileage opened have averaged \$3,753 per mile, as against \$4,000.

The operating expenses have averaged \$3,064, against \$3,270 for the previous year.

The returns of accidents give the following results:—

	Killed.	Injured.	Total.
Passengers	5	9	14
Employés.....	48	238	286
Other persons.....	56	57	113
	<u>109</u>	<u>304</u>	<u>413</u>

As compared with the previous year, there is an increase in the total number killed of 17, and of those injured of 25.

The number of passengers carried was 5,544,814. The number killed shows an average of one out of every 1,108,963 carried; and of injured, one out of every 616,090.

There has been hardly any change in the mileage or working stock of the collieries in Nova Scotia and Cape Breton.

The number of miles of railway under construction at 30th June, 1876, was 2,142½, as against 2,275½ in the previous year.

The lines included in the present statement are those only upon which some work has actually been done during the year. There are a good many other lines chartered, to which certain Government and Municipal assistance has been promised, but until construction of the works has been actually commenced, it is not considered desirable to include them in these annual statements.

The total amount expended to 30th June, 1876, by the Dominion Government, including the Intercolonial, Prince Edward Island and Pacific Railways, and

expended or become liable for by the Local Governments of the different Provinces is as follows:—

Dominion Government.....	\$60,283,026 39
Ontario do	2,731,184 58
Quebec do	6,944,600 00
New Brunswick Government	2,328,000 00
Nova Scotia do	871,000 00
	<u>\$73,157,810 97</u>

And by the Municipalities as follows:—

In Ontario.....	\$6,702,853 78
Quebec.....	3,521,000 00
New Brunswick.....	251,500 00
Nova Scotia.....	220,200 00
	<u>\$10,695,553 78</u>

The total, therefore, which the Dominion and Local Governments and Municipalities have actually expended and become liable for on opened lines and those now actually under construction, amounted on 30th June, 1876, to a gross sum of \$83,853,264.75, being an increase in the year of the sum of \$5,734,035.84.

None of this sum of \$83,853,364.75 has returned, so far, any direct payment of interest.

I have the honour to be,

Sir,

Your obedient servant,

C. J. BRYDGES,

General Superintendent of Government Railways.

F. BRAUN, Esq., Secretary,
Department of Public Works,
Ottawa.

SUMMARY STATEMENTS.

No. 1.—SUMMARY STATEMENT of Capital,

No.	NAME OF RAILWAY.	Mileage.	ORDINARY SHARE CAPITAL.		
			Authorized.	Subscribed.	Paid up.
			\$ cts.	\$ cts.	\$ cts.
1	Brantford, Norfolk and Port Burwell.....	33	200,000 00	30,000 00	30,000 00
2	Brockville and Ottawa.....	86½	500,000 00	500,000 00	500,000 00
3	Canada Central.....	70½	7,000,000 00	837,500 00	75,000 00
4	Canada Southern.....	322½	15,100,000 00	15,100,000 00	15,100,000 00
5	Carillon and Grenville.....	13	200,000 00	100,000 00	94,000 00
6	Chatham Branch.....	9	150,000 00	103,310 00	50,000 00
7	Cobourg, Peterboro' and Marmora.....	46	.....	.....	.....
8	European and North American.....	91½	2,000,000 00	860,000 00	550,000 00
9	Fredericton.....	23	600,000 00	321,160 00	321,160 00
10	Grand Trunk.....	1388½	53,469,034 13	53,513,330 15	53,477,803 48
	Atlantic and St. Lawrence.....	.....	.....	.....	5,000,000 00
	Buffalo and Lake Huron.....	.....	.....	.....	.....
	Chicago, Detroit and Canada G. T. R'y .....	.....	.....	.....	1,074,736 33
11	Great Western.....	866½	29,273,300 00	26,744,500 00	26,591,361 65
12	London and Port Stanley.....	.....	.....	441,550 00	441,550 00
13	Wellington, Grey and Bruce.....	.....	1,500,000 00	221,200 00	221,200 00
14	London, Huron and Bruce.....	.....	400,000 00	22,210 00	22,210 00
15	Hamilton and North Western.....	33	1,000,000 00	268,400 00	145,000 00
16	Intercolonial.....	555	.....	.....	.....
17	do Northern Division.....	83½	.....	.....	.....
18	Kingston and Pembroke.....	47½	106,000 00	106,000 00	124,320 00
19	Massawippi Valley.....	34	800,000 00	400,000 00	400,000 00
20	Midland.....	129	.....	.....	834,114 99
21	Montreal and Vermont Junction.....	23	.....	.....	.....
22	Montreal, Portland and Boston.....	15	2,500,000 00	349,300 00	281,789 95
23	New Brunswick.....	132	3,500,000 00	28,000 00	28,000 00
24	New Brunswick and Canada.....	120	2,283,000 00	.....	1,178,000 00
25	do.....	167½	.....	.....	425,000 00
26	do.....	198½	.....	.....	.....
27	Prince Edward Island.....	63	250,000 00	100,000 00	80,000 00
28	Port Dover and Lake Huron.....	25½	5,000,000 00	211,400 00	96,210 00
29	Quebec and Lake St. John (Wood).....	12	48,000 00	42,100 00	42,100 00
30	St. Lawrence and Industry.....	59	2,710,090 80	.....	.....
31	St. Lawrence and Ottawa.....	65	2,000,000 00	1,328,160 00	833,251 00
32	Stanstead, Shefford and Chambly.....	43	.....	.....	.....
33	Toronto and Nipissing.....	79	3,000,000 00	197,100 00	193,350 00
34	Toronto, Grey and Bruce.....	191	3,000,000 00	665,800 00	622,230 00
	do do.....	.....	.....	.....	.....
35	Welland.....	16½	1,000,000 00	.....	798,712 03
36	Whitby and Port Perry.....	31½	300,000 00	158,986 14	110,080 33
37	Windsor and Annapolis.....	84	2,433,333 00	1,467,300 00	1,467,300 00
		5157½	.....	.....	111,208,479 76

Mileage, &c., of Opened Railways.

PREFERENCE SHARE CAPITAL.			BONDED DEBT.			Rate of Interest.
Authorized.	Subscribed.	Paid up.	Authorized.	Subscribed.	Paid up.	
\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	% c't.
			150,000 00			
			848,000 00	848,000 00	848,000 00	
				1,330,000 00	1,330,000 00	6
			14,360,000 00	11,189,441 95	11,189,441 95	7
600,000 00	600,000 00	600,000 00	500,000 00	400,000 00	400,000 00	8
			2,000,172 66			6
			200,000 00	100,000 00	100,000 00	6
61,869,290 56	61,869,290 56	61,904,817 24	51,948,373 33	19,849,236 72	19,849,236 72	
					3,484,000 00	
		2,555,000 00			3,715,982 20	
		1,095,000 00				
2,161,267 20	2,161,267 20	2,161,267 20	17,340,128 00	17,340,128 00	17,338,862 67	
			600,000 00	427,400 00	427,400 00	6
			2,589,066 66	2,589,066 66	2,589,066 66	
			912,720 00			
			2,771,000 00			6
			400,000 00	400,000 00	400,000 00	6
					2,284,067 76	6
			1,325,000 00			
			2,500,000 00	1,511,000 00	1,133,250 00	6
610,000 00	610,000 00	610,000 00	170,000 00	170,000 00	170,000 00	6
		21,184 00	4,192,633 34	4,192,633 34	4,192,633 34	6
			375,000 00	306,900 00	167,900 00	7 & 8
	100,000 00	10,000 00	100,000 00	100,000 00	100,000 00	7
789,909 20	789,909 20	789,909 20	486,666 66	464,767 62	464,767 62	
			3,200,000 00	894,000 00	894,000 00	6
			900,000 00	711,500 00	711,500 00	8
			2,000,000 00	1,747,188 36	1,747,188 36	6
			973,333 33	957,273 33	957,273 33	
			300,000 00	160,000 00	160,000 00	6
			2,068,333 00	1,424,960 00	1,424,960 00	6
		69,747,177 64			76,079,530 61	

No. 1.—SUMMARY STATEMENT of Capital.

No.	GOVERNMENT LOAN OR BONUSES.				MUNICIPAL.	
	Name of Government.	Loan.	Bonus.	Subscription to Shares or Bonds.	Paid up.	Loan. Bonus.
		\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
1	Ontario	70,000 00			70,000 00	186,000 00
2	.....				
3	Ontario		125,957 15		106,000 00	75,000 00
4	do		147,858 65		147,858 65	322,500 00
5	.....				
6	New Brunswick.....		32,000 00		29,000 00	
7	Ontario		18,000 00		18,000 00	120,000 00
8	New Brunswick.....		980,000 00	300,000 00	1,180,000 00	
9	do		230,000 00		230,000 00	80,000 00
10	Dominion	15,142,633 83			15,142,633 33	82,500 00
11	.....				
12	.....				
13	Ontario		241,276 00		241,276 00	682,000 00
14	do		178,630 08		178,630 08	311,500 00
15	do		406,500 00		67,000 00	719,000 00
16	Dominion		26,239,821 41		26,239,821 41	
17	do		3,947,792 95		3,947,792 95	
18	Ontario		118,282 50		115,274 50	450,000 00
19	.....				
20	Ontario		98,350 20		98,350 20	140,870 85
21	.....				
22	Quebec		85,000 00		14,000 00	10,000 00
23	New Brunswick.....		76,000 00		76,000 00	23,000 00
24	do		575,000 00		575,000 00	47,500 00
	Dominion		17,500 00		17,500 00	
25	Ontario		196,188 00		196,188 00	241,980 00
	Dominion	2,311,666 67			2,311,666 67	
26	do		3,196,562 60		3,196,562 60	
27	Ontario		126,000 00		126,000 00	200,408 00
28	Quebec		600,000 00		48,171 00	
29	.....				
30	.....				
31	Quebec		443,000 00		166,350 00	6,000 00
32	.....				
33	Ontario		104,860 00		104,860 00	388,500 00
34	do		375,282 00		375,282 00	988,000 00
	Dominion		2,656 00		2,656 00	
35	.....				
36	Ontario		40,000 00		40,000 00	222,094 93
37	Dominion		1,089,896 37		1,689,896 37	
		17,524,300 00	30,592,413 91	300,000 00	86,151,769 76	5,296,853 78

Mileage, &c., of Opened Railways.—Continued.

LOANS OR BONUSES.		TOTAL CAPITAL.		FLOATING DEBT.		Total Cost of Railway and Rolling Stock.
Subscription to Shares or Bonds.	Paid up.	Subscribed.	Paid up.	Amount.	Rate of Interest.	
\$ cts.	\$ cts	\$ cts.	\$ cts.	\$ cts.	¢ cent.	\$ cts.
	107,000 00	276,000 00	207,000 00	130,000 00	7	346,400 00
		1,348,000 00	1,348,000 00	88,230 56	7	
37,500 00	75,000 00	2,368,457 15	1,586,000 00			
	320,052 11	26,758,800 80	26,757,352 71	551,831 30		26,911,966 78
		100,000 00	94,000 00	16,000 00	7	110,000 00
		135,310 00	79,000 00	10,000 00	No In't.	83,700 00
	120,000 00	1,138,000 00	1,138,000 00	62,000 00	8	1,400,042 00
60,000 00	60,000 00	1,800,000 00	1,430,000 00			
	80,000 00	731,160 00	731,160 00			690,000 00
	82,500 00	150,456,990 76	150,456,990 77	3,179,735 95		148,217,680 83
			8,484,000 00			8,484,000 00
			6,270,982 20			6,270,982 20
			2,169,736 33			2,169,736 33
		46,245,895 20	46,091,491 52			38,346,401 11
		868,950 00	868,950 00			1,038,989 64
	682,000 00	3,733,542 66	3,733,542 66	67,963 90	7	3,280,526 08
	297,200 00	512,340 00	498,040 08	966,939 90		1,328,472 95
100,000 00	165,000 00	1,393,900 00	377,000 00	555,000 00		850,570 57
		26,239,821 41	26,239,821 41			26,239,821 41
		3,947,792 95	3,947,792 95			3,947,792 95
	450,000 00	674,282 50	689,594 50	46,000 00	8	800,625 31
		500,000 00	800,000 00			800,000 00
	140,870 85		3,357,403 80	462,644 90		3,924,189 00
15,000 00	25,000 00	459,300 80	320,789 95	52,000 00		
	23,000 00	1,638,000 00	1,260,250 00	365,500 00		1,623,000 00
	47,500 60		2,598,000 00	35,000 00	7	3,506,000 00
390,000 00	631,980 00		7,768,652 01	710,862 14		
		3,196,562 60	3,196,562 60			3,196,562 60
	198,043 78	833,308 00	571,943 78	146,885 20		718,828 98
100,000 00	10,000 00	1,011,400 00	254,381 00			244,501 00
		42,100 00	42,100 00			60,016 00
		1,254,676 82	1,254,676 82	190,393 11		1,466,881 22
578,000 00	438,000 00	3,249,160 00	1,893,606 00			1,320,000 00
	376,702 59	1,401,960 00	1,386,412 59	286,991 98		1,600,000 00
	969,561 44	3,778,926 36	3,716,917 80	442,364 20		4,159,282 00
			1,755,985 36	650,766 51		1,226,390 91
10,000 00	127,094 93	581,081 07	427,175 26	227,178 46		549,128 58
		3,982,156 37	3,982,156 37	190,249 28		3,768,191 17
1,290,500 00	5,426,505 70		317,795,468 47			

No. 2.—SUMMARY Statement of Characteristics of

No.	Name of Railway.	Total Length Laid.		Length of Siding.	Weight of Rails in lbs. per yard.	
		Iron Rails.	Steel Rails		Iron Rails.	Steel Rails
					Lbs.	Lbs.
1	Brantford, Norfolk and Port Burwell.....	33	.....	2	56	.....
2	Brockville and Ottawa.....	86½	.....	3½	58	60 & 75
3	Canada Central.....	70½	.....	22	60	.....
4	Canada Southern.....	87½	235	25½	60	60
5	Carrillon and Grenville.....	13	.....	1½	65	.....
6	Chatham Branch.....	9	.....	1	.....	.....
7	Cobourg, Peterboro' and Marmora.....	46	.....	4	56	.....
8	European and North American.....	91½	.....	4½	56	.....
9	Fredericton.....	23	.....	1½	56	.....
10	Grand Trunk.....	432½	956½	208	65	65
11	Great Western.....	215½	650½	160½	66	66
12	London and Port Stanley.....	.....	.....	.....	.....	.....
13	Wellington, Grey and Bruce.....	.....	.....	9¼	50 to 66	57½
14	London, Huron and Bruce.....	.....	.....	4.9.8	.....	57½
15	Hamilton and North Western.....	33	.....	2	.....	.....
16	Intercolonial.....	126½	428½	54	56	57½
17	Intercolonial Northern Division.....	.....	83½	3	.....	58
18	Kingston and Pembroke.....	47½	.....	1½	50	.....
19	Maasawippi Valley.....	34	.....	1	56	.....
20	Midland.....	129	.....	142.3	56	.....
21	Montreal and Vermont Junction.....	23	.....	1½	56 & 64	.....
22	Montreal, Portland and Boston.....	15	.....	.....	56	.....
23	New Brunswick.....	132	.....	2¾	40	.....
24	New Brunswick and Canada.....	120	.....	14	56	.....
25	Northern.....	159½	8	43.2.2	56 to 58	.....
26	Port Dover and Lake Huron.....	63	.....	.....	56	.....
27	Prince Edward Island.....	198½	.....	8	40	.....
28	Quebec and Lake St. John.....	25½	Wood	1½	.....	.....
29	St. Lawrence and Industry.....	12	.....	.....	40	.....
30	St. Lawrence and Ottawa.....	50	9	7	56	60 & 72
31	South Eastern.....	65	.....	2	45 to 56	.....
32	Stanstead, Shefford and Chambly.....	43	.....	5½	50	.....
33	Toronto and Nipissing.....	76	3	.....	40	56
34	Toronto, Grey and Bruce.....	191	.....	16	58 & 40	.....
35	Welland.....	16½	.....	5½	56	64
36	Whitby and Port Perry.....	31½	.....	2.9.0	56	.....
37	Windsor and Annapolis.....	84	.....	4½	.....	50 & 67
	Wood.....	2,758	2,373½	637	.....	.....
		25½	.....	.....	.....	.....

Roads and Rolling Stock of opened Railways.

Number of Engines.		Number of 1st Class Cars.		Number of 2nd Class and Emigrant Cars.		Number of Baggage, Mail and Express Cars.		Number of Cattle and Box Freight Cars.		Number of Platform Cars.	
Owned.	Hired.	Owned.	Hired.	Owned.	Hired.	Owned.	Hired.	Owned.	Hired.	Owned.	Hired.
	1		1						5		10
9		4		1		3		23		144	
3		3		3		2		17		22	
36	7	19		15		16		1,050	1013	236	
4		2		4		2		2		3	
1		1		1							
5		3		1		1				200	
7		4	1			4		20		90	
2		3		2		2		6		11	
434		163	30	111		84		5,457	800	2,116	
216		98		61		43		3,594		1,255	
3	1	4				2		13		16	
100	4	46		34		29		481		1,028	
8		3		4		3		150		149	
2		1				1				30	
10	7	9				17		64		248	
2		2				1		4	20		
8		6				4		25		54	
11		4		9		2		17		118	
33		19		6		10		201		532	
3		4				1		5		21	
14		14		9		5		128		72	
3				4				1		50	
2		2		2		1		5		12	
9		12		6		6		62		48	
3	2	4				3		10		30	
	2		2				2				
12		7				3		89		198	
20		12				6		205		236	
3		3		1		5		120		13	
3		1				1		10		54	
10		6		6		5		50		92	
976	24	459	34	280		262	2	11,809	1838	7,078	10

No. 2.—SUMMARY Statement of Characteristics of

No.	Number of Coal Cars.		Number of Ties per mile	Nature of Road Fastening.	Number of Grain Elevators.	Number of level road crossings.		Number of overhead Bridges.
	Owned	Hired.				Guarded by Watchmen	Not Guarded.	
1			2,113	Fish plate		3	35	
2			2,200	do and chairs	1		60	3
3			2,600	do do			88	3
4			2,800	Fish bar with 4 bolts and washers			300	10
5			1,760	Wrought iron chairs and fish plates		1	7	1
6							6	
7	150	ore	2,640	Wrought iron chairs and fish plates		1	36	
8			2,268	Fish plates			25	2
9			2,300	do			9	
10			2,500	do bolts and chairs	4	34	1,166	108
11			2,640	do and chairs	2	38	590	116
12								
13				Fish plate		3	188	4
14			2,640	do			80	1
15			2,510	do and bolts		2	80	6
16	900		2,500	Fish plates, bolts and scabbards		1	1,219	25
17			2,300	do do			38	3
18			2,640	Fish plates			34	
19			2,200	Various			31	1
20			2,250	Fish plates and chairs			2	1
21			2,600	do			51	
22			2,500	do			5	1
23			2,400	do and bolts			39	1
24			2,600	Fish plates			60	1
25			2,400	do	2	1	449	10
26			2,640	do and wooden washers	1		50	1
27			2,200	Fish plates			119	
28								
29			2,500	Fish plates			5	
30			2,640	do and scabbards	1	1	66	5
31			2,200	Fish plates				
32			2,400	do and wrought chairs			42	1
33			2,113	Fish plates			40	
34			2,112	do				7
35			2,650	do and chairs	2		23	3
36			2,400	do and bolts			29	
37			2,640	Fish plates			69	1
	1,050				13	80	5,041	315

Roads and Rolling Stock of opened Railways.—*Concluded.*

Height of overhead Bridges above Rail level.	Number of Level Crossings of other Railways.	Number of Junctions with other Rail- ways.	Number of Junc- tions with Branch Lines.	Radius of sharpest curve.	Number of feet per mile of heaviest gradient.	Gauge of Railway	Remarks.
Feet.				Feet.	Feet.	Ft. in.	
.....	2	2	.....	955	60	4 8½	
.....	.....	2	1	1,146	52 ⁸ / ₁₀	5 6	
16½	.....	1	.....	1,432	54	5 6	
19	10	11	2	1,432	15	4 8½	
16	.....	.....	.....	1,910	100	5 6	
.....	.....	.....	.....	.....	.....	4 8½	
.....	1	2	.....	673	96	5 6	
14	1	2	.....	.....	58	5 6	
.....	.....	1	.....	.....	60	5 6	
15½ to 28	22	45	11	1,100	52 ⁸ / ₁₀	4 8½	
18	18	9	16	1,910	52 ⁸ / ₁₀	4 8½	
.....	.....	.....	.....	.....	.....	4 8½	
18	1	1	1	1,146	70	4 8½	
18	1	2	1	1,375	41½	4 8½	
22	3	3	.....	1,146	82	4 8½	
16 to 35	.....	1	13	694	65	4 8½	
19½	.....	1	.....	1,320	65	4 8½	
.....	1	1	.....	955	79	4 8½	
15½	.....	2	1	478	75	4 8½	
.....	2	1	1	600	65	4 8½	
.....	.....	2	.....	.....	.....	4 8½	
18	.....	1	.....	1,433	52	4 8½	
14	.....	.....	2	462	85	3 6	
18	1	1	3	1,910	60	5 6	
18	4	3	2	1,432	60	5 6	
18	5	5	.....	722	70	4 8½	
.....	.....	.....	2	400	74	3 6	
.....	1	.....	.....	.....	.....	4 8½	
.....	.....	.....	.....	.....	.....	4 8½	
15 to 18	.....	1	1	1,146	52 ⁸ / ₁₀	4 8½	
.....	.....	3	.....	.....	.....	4 8½	
.....	.....	3	.....	819	60	4 8½	
21	2	.....	2	600	106	3 6	
17	2	1	1	462	110	3 6	
17	3	4	.....	1,930	84	4 8½	
.....	1	1	.....	1,433	105	4 8½	
32	.....	1	.....	699	75½	4 8½	
.....	81	113	60	.....	.....	.....

21 miles in the United States.

Ft. in. Gauge.	Miles.
5 6	618½
4 8½	3,938½
3 6	600½

Total.....5,157½

No. 3.—SUMMARY STATEMENT of the

Number.	Name of Railway.	Mileage.	Train Mileage.				Engine Mileage.
			Passenger Trains.	Freight Trains.	Mixed Trains.	Total Train Mileage.	
1	Brantford, Norfolk and Port Burwell	33			5,368	5,368	5,368
2	Brockville and Ottawa	86½	90,486	90,427	9,395	190,308	
3	Canada Central	70½	65,171	26,497	1,965	93,633	94,884
4	Canada Southern	322½	531,052	680,721	30,749	1,242,522	1,602,565
5	Carillon and Grenville	13	12,500	2,200		14,700	14,700
6	Chatham Branch	9					
7	Cobourg, Peterboro' and Marmora	46			19,300	19,300	19,300
8	European and North American	91½	13,196		13,196	26,392	33,781
9	Fredericton	23	16,652		30,228	46,880	46,880
10	Grand Trunk	1388½	2,046,144	5,631,179	705,971	8,383,294	10,914,971
11	Great Western	866½	1,235,303	1,955,671		3,190,974	4,086,244
12	London and Port Stanley		49,221	260		49,481	69,272
13	Wellington, Grey and Bruce		220,335	147,447		367,782	424,057
14	London, Huron and Bruce		27,539	20,592		48,131	51,859
15	Hamilton and North Western	33	48,545	6,996	20,864	76,405	76,405
16	Intercolonial	555	508,889	438,203		947,092	1,162,856
17	Intercolonial Northern Division	83½			46,545	46,545	
18	Kingston and Pembroke	47½			1,355	1,355	1,355
19	Massawippi Valley	34					
20	Midland	129	174,825	42,680	38,775	256,280	275,560
21	Montreal and Vermont Junction	23	40,992	98,100	4,536	143,628	
22	Montreal, Portland and Boston	15					
23	New Brunswick	132			65,540	65,540	
24	New Brunswick and Canada	120		39,880	69,760	109,640	114,340
25	Northern	167½	192,105	207,374	83,472	482,951	660,161
26	Port Dover and Lake Huron	63			33,200	33,200	33,200
27	Prince Edward Island	198½	21,311		139,735	161,046	230,955
28	Quebec and Lake St. John	25½					
29	St. Lawrence and Industry	12					
30	St. Lawrence and Ottawa	59	115,580	41,970	5,550	163,100	212,157
31	South Eastern	65	42,091	27,130	11,096	80,317	
32	Stanstead, Shefford and Chambly	43	34,220	33,575	9,347	77,142	
33	Toronto and Nipissing	79	258,883		936,408	1,195,291	205,105
34	Toronto Grey and Bruce	191		100,016	236,413	336,429	398,681
35	Welland	16½	31,350	14,950	2,575	48,875	50,000
36	Whitby and Port Perry	31½		10,280	19,280	29,560	34,450
37	Windsor and Annapolis	84	61,071		109,396	170,467	181,946
	Total	5157½	5,837,461	9,616,148	2,650,019	18,103,628	21,001,052

Operations of the Year and Mileage.

Total Number of Passengers carried.	Tons of Freight of 2,000 lbs. handled.	Average rate of Speed of Passenger Trains.	Average rate of Speed of Freight Trains.	Average Weight of Passenger Trains in motion. Tons.	Average Weight of Freight Trains in motion. Tons.	Remarks.
8,046	781	12	.....	.....	.....
59,315	72,838	20	14	.....	.....
82,519	32,425	22	12	.....	.....
144,938	554,959	32	15	144*	*366	*Light.
32,263	2,640	25	18	.....	.....
1,496	40,527	.....	15	.....	160	Not reported.
15,620	9,735	29	14	.....	.....
25,411	9,322	25	20	65	105	For three months.
1,972,535	2,113,852	24	12	140	383	
1,133,667	1,579,090	24	14	150	520	
101,987	22,329	.....	.....	.....	.....
184,622	32,485	21	12	85	330	
18,498	3,087	18	10	85	400	
65,458	54,173	25	16	.....	.....
574,930	342,196	.....	.....	.....	.....
957	2,450	16	16	.....	.....
.....	.....	12	12	.....	.....
.....	.....	22	12	65	150	
108,827	131,574	16	14	250	250	
66,968	399,786	24	9½	.....	.....
14,206	18,095	12	12	.....	.....	Not reported
30,037	78,846	18	10	100	125	
252,700	246,443	25	15	63½	340	
.....	9,632	18	.....	.....	.....
93,968	28,358	.....	.....	.....	.....
9,224	5,509	12	12	.....	.....	Nil.
75,656	48,874	20	12	100	170	
30,150	17,951	22	12	80	210	
42,458	46,209	20	10	.....	.....
95,980	95,670	20	12	90	265	
127,815	142,801	20	12	95	365	
62,265	75,834	22	16	125	400	
16,484	51,860	15	15	.....	.....
95,814	61,426	22	14	100	200	
5,544,814	6,331,757	.....	.....	.....	.....

No. 4.—SUMMARY STATEMENT o

Number.	Name of Railway.	Mileage.	Flour.		Grain.		Live Stock.	
			Barrels.	Tons.	Bushels.	Tons.	Number	Tons.
1	Brantford, Norfolk & Port Burwell	33			1,570	380		40
2	Brockville and Ottawa	86½	8,078	808	130,256	3,544	1,967	758
3	Canada Central	70½		4,230				299
4	Canada Southern	322½		37,205		191,837		68,954
5	Carillon and Grenville	13						
6	Chatham Branch	9						
7	Cobourg, Peterboro and Marmora	46	1,803	198	6,240	187		
8	European and North American	91½						
9	Fredericton	23	24,800	2,480	5,164	87	295	120
10	Grand Trunk	1388½						
11	Great Western	866½		172,384		385,731		76,507
12	London and Port Stanley		2,690	269	430,200	10,755	1,327	283
13	Wellington, Grey and Bruce		20,580	2,058	349,080	8,727	2,916	1,431
14	London, Huron and Bruce		4,070	407	32,040	801	83	42
15	Hamilton and North Western	33						
16	Intercolonial	555	180,480	18,048	234,407	4,219	33,714	4,508
	do Northern Division	83½						
17	Kingston and Pembroke	47½						
18	Massawippi Valley	34						
19	Midland	129	86,858	8,685	1,053,573	28,827		860
20	Montreal and Vermont Junction	23						
21	Montreal, Portland and Boston	15						
22	New Brunswick	132						
23	New Brunswick and Canada	120	31,500	3,150	39,000	975		2,040
24	Northern	167½	121,580	13,131	1,891,586	55,667	10,817	2,777
25	Port Dover and Lake Huron	63	500	50	50,000	1,500	5,000	200
26	Prince Edward Island	198½	19,032	1,893	407,133	7,102	710	195
27	Quebec and Lake St. John	25½						
28	St. Lawrence and Industry	12						
29	St. Lawrence and Ottawa	59		341		7,330		
30	South Eastern	65		5,512				69
31	Stanstead, Shefford and Chambly	43						
32	Toronto and Nipissing	79	43,792	4,379	610,422	18,313		1,572
23	Toronto, Grey and Bruce	191	97,900	9,790	1,296,292	35,024	22,038	7,346
34	Welland	16½	31,041	3,449	1,918,129	54,835		
35	Whitby and Port Perry	31½	5,900	590	374,842	10,432	752	470
36	Windsor and Annapolis	84	35,986	3,599			11,667	2,348
		5157½						

Description of Freight carried.

Lumber of all kinds except Firewood.		Firewood.		Manufactured Goods.	All other Articles.	Total Weight carried.	Remarks.
Feet.	Tons.	Cords.	Tons.	Tons.	Tons.	Tons.	
36,185,026	100 44,727		40	70 19,442	151 3,559	781 72,838	
	11,742				16,154	32,425	
	76,058		2,210		178,695	554,959	
				2,640		2,640	
17,130,000	26,493	1,100	1,600		12,049	40,527	Not reported.
					9,735	9,735	
184,000	730	2,343	3,100	2,805		9,322	
					2,113,852	2,113,852	
	167,619				776,849	1,579,090	
	1,191				9,831	22,329	
	4,215				16,054	32,486	
	330				1,507	3,087	
36,596,548	45,746	2,958	4,220	42,601	54,173	54,173	
					222,859	342,196	
	830		30	180	1,410	2,450	
	68,882			2,604	21,716	131,574	Not reported.
					399,786	399,786	
					18,095	18,095	Not reported.
	52,000		4,300	8,500	7,881	78,846	
	128,508		4,032	3,047	39,281	246,443	
4,000,000	5,000	1,054	1,500	1,000	382	9,632	
1,428,372	7,912	706	1,154		10,102	28,358	
		930	2,325		3,184	5,509	Nil.
	7,565			26,469	7,169	48,874	
	7,817	250			4,553	18,201	
					46,209	46,209	
6,903,328	18,694	24,406	42,711	8,431	6,570	95,670	
	6,158	23,316	39,868	17,201	27,414	142,801	
	2,500				1,350	13,700	
	31,157	2,534	3,890		5,318	51,860	
9,822,385	12,717	1,376	2,080	8,816	31,866	61,426	

No. 5.—Statement of Passenger Fares per mile.

Name of Railway.	Mileage.	Through Passengers.		Way Passengers.		Immigrants.		Remarks.
		1st class, per mile.	2nd class, per mile.	1st class, per mile.	2nd class, per mile.	Through, per mile.	Way, per mile.	
		Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	
1 Brantford, Norfolk and Port Burwell.....	33	3		3				
2 Brockville and Ottawa.....	86½	3½		3½		1	1	
3 Canada Central.....	70½	3	2	3	2	1½		
4 Canada Southern.....	322½	2½	2½	3	3	2*		*Raftsmen.
5 Carillon and Grenville.....	13	4	3	4½	2			
6 Chatham Branch.....	9	3	2	3				
7 Cobourg, Peterboro' and Marmora.....	46	3½		3				
8 European and North American.....	91½	3		3	4			
9 Fredericton.....	23	3		3				
10 Grand Trunk.....	1,388½	2½		2½	4			
11 Great Western.....	866½	2½	2½	2½	2½	1000		Varying. Excursion 1000.
12 London and Port Stanley.....								
13 Wellington, Grey and Bruce.....								
14 London, Huron and Bruce.....								
15 Hamilton and North Western.....								
16 Intercolonial.....	33	3		3		3	3	
17 do Northern Division.....	555	2	1½	3	2	1½		
18 Kingston and Pembroke.....	83½	3	2	3	2			
19 Massachusetts Valley.....	47½	3		3				
20 Midland.....	34							
21 Montreal and Vermont Junction.....	129	3						
22 Montreal, Portland and Boston.....	23	4	2½ to 3	2½ to 5		2 to 3		
23 New Brunswick.....	15							
24 New Brunswick and Canada.....	132	0-316	0-316	0-316	5-0-316	0-316	0-316	
25 Northern.....	120	3		3½				
26 Port Dover and Lake Huron.....	167½	2	2	3	3	1½	2	
27 Prince Edward Island.....	63							
28 Quebec and Lake St. John.....	198½	3	2	3	2			
29 St. Lawrence and Industry.....	25½							
30	12	4	3					

30 St. Lawrence and Ottawa	59	3½	2	4	1	.....
31 South Eastern	65	3	2	4	1	.....
32 Stanstead, Sheford and Chambly	43	3½	.....	3½	1d	.....
33 Toronto and Nipissing	79	3	.....	3	1d	.....
34 Toronto, Grey and Bruce	191	3	.....	.....	.....	.....
35 Welland	167	3½	.....	3½	.....	.....
36 Whitby and Port Perry	31½	2½	.....	3½	.....	.....
37 Windsor and Annapolis	84	2,10b	1,10b	3	2	.....

No. 6.— SUMMARY STATEMENT OF Earnings.

No.	Name of Railway.	Mileage.	Passenger Traffic.	Freight Traffic.	Mail, Express and Freight.	Other Sources.	Total.	Remarks.
			\$ cts.	\$ cts.	cts.	\$ cts.	\$ cts.	
1	Brantford, Norfolk and Port Burwell.....	33	943 12	1,370 52	6 48	.....	2,320 07	
2	Brockville and Ottawa	86½	57,713 64	118,199 11	5,186 38	1,070 56	182,169 69	
3	Canada Central	70½	72,473 69	33,268 98	5,671 38	775 52	112,189 57	
4	Canada Southern.....	322½	244,998 24	760,223 69	25,913 66	14,508 50	1,045,644 09	
5	Carillon and Grenville.....	13	12,431 51	3,408 23	618 00	.....	16,457 74	
6	Chatham Branch	9	95 00	232 00	78 00	.....	405 00	
7	Cobourg, Peterboro and Marmora.....	46	748 00	37,890 00	.....	.....	38,638 00	
8	European and North American.....	91½	19,000 00	10,000 00	1,275 00	600 00	30,875 00	
9	Fredericton	23	13,227 16	7,883 64	1,196 80	.....	22,307 60	
10	Grand Trunk	1,388½	2,711,160 95	6,349,717 30	368,720 34	110,127 66	9,539,726 25	
11	Great Western	866½	1,604,204 87	2,411,016 82	122,543 29	5,738 95	4,043,503 93	
12	London and Port Stanley .....	.....	39,176 71	33,462 90	2,755 43	.....	75,395 04	
13	Wellington, Grey and Bruce.....	.....	166,929 01	186,563 35	13,661 57	.....	367,153 93	
14	London, Huron and Bruce.....	.....	22,764 38	17,116 66	268 78	.....	40,149 82	
15	Hamilton and North Western	33	34,640 16	45,356 37	3,410 06	1,453 49	84,860 08	
16	Intercolonial	555	352,364 35	448,530 70	47,976 41	.....	848,861 46	
17	do Northern Division.....	83½	18,165 93	7,219 58	3,830 55	.....	29,216 06	
18	Kingston and Pembroke.....	47½	616 32	2,453 79	.....	.....	3,070 11	
19	Massawippi Valley	34	.....	.....	.....	.....	.....
20	Midland	129	79,554 55	198,004 12	6,764 17	.....	284,322 84	
21	Montreal and Vermont Junction.....	23	48,178 69	135,120 27	5,922 72	.....	189,221 68	
22	Montreal, Portland and Boston	15	.....	.....	.....	.....	.....
23	New Brunswick	132	20,472 78	35,155 81	.....	2,610 89	58,239 48	
24	New Brunswick and Canada.....	120	36,345 22	97,438 51	3,780 26	.....	137,563 99	
25	Northern	167½	233,307 69	491,878 14	19,801 96	33,296 64	778,284 43	
26	Port Dover and Lake Huron.....	63	9,122 61	7,715 89	342 62	30 00	17,201 12	
27	Prince Edward Island.....	198½	65,005 24	45,304 79	7,612 66	138 27	118,060 96	

28	Quebec and Lake St. John.....									
29	St. Lawrence and Industry	3,981 85	7,532 00	13,958 31	333 72	11,857 57				
30	St. Lawrence and Ottawa.....	108,808 90	76,568 98			199,326 19				
31	South Eastern.....	42,018 60	31,711 96			73,730 56				
32	Stanstead, Shefford and Chambly	28,238 27	65,139 29			93,377 56				
33	Toronto and Nippising.....	70,606 45	125,148 84			195,755 29				
34	Toronto, Grey and Bruce	119,224 85	236,016 08			355,240 93				
35	Welland.....	20,296 83	49,286 33			69,583 16				
36	Whitby and Port Perry.....	7,402 94	40,363 14			47,766 08				
37	Windsor and Annapolis.....	90,588 23	94,930 67			185,518 90				
	Total	6,254,866 74	12,211,158 46	703,994 01	188,064 90	19,358,084 11				
		5,157 1/2								

No. 7.—SUMMARY Statement of Operating Expenses.

No.	Name of Railway.	Mileage.	Maintenance of Line, Buildings, &c.	Working and Repairs of Engines.	Working and Repairs of Cars.	General Operating Charges.	Total.	Remarks.
			\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	
1	Brantford, Norfolk and Port Burwell.....	33	.....	881 25	.....	840 00	1,721 25	
2	Brockville and Ottawa.....	86½	49,817 46	34,650 18	7,034 09	39,883 64	131,305 37	
3	Canada Central.....	70½	33,134 54	15,487 99	1,317 94	44,431 71	94,382 18	
4	Canada Southern.....	322½	184,206 13	276,077 40	85,715 78	512,099 75	1,028,098 06	
5	Carleton and Grenville.....	13	.....	.....	.....	13,112 11	13,112 11	
6	Chatham Branch.....	9	.....	.....	.....	.....	.....
7	Cobourg, Peterboro' and Marmora.....	46	3,546 00	9,480 00	1,950 00	15,003 00	27,989 00	
8	European and North American.....	91½	.....	4,915 00	710 00	4,946 45	14,236 70	
9	Fredericton.....	23	3,685 25	2,712,342 54	760,313 33	2,593,600 46	7,554,799 89	
10	Grand Trunk.....	1,388½	1,488,543 56	834,081 21	438,494 37	1,239,770 82	3,219,079 44	
11	Great Western.....	866½	706,738 04	14,471 57	4,312 46	53,244 36	18,784 03	
12	London and Port Stanley.....	.....	197,334 87	87,875 39	22,771 55	30,563 44	381,226 17	
13	Wellington, Grey and Bruce.....	.....	6,000 00	3,525 09	3,525 00	10,403 35	30,563 44	
14	London, Huron and Bruce.....	.....	11,871 07	4,662 25	3,086 95	17,427 58	47,047 85	
15	Hamilton and North Western.....	33	462,359 52	244,646 80	108,082 53	277,685 48	1,092,774 33	
16	Intercolonial.....	555	27,316 02	16,013 82	8,092 67	14,946 50	66,369 01	
17	do Northern Division.....	53½	53,945 60	1,925 35	.....	7,311 20	63,182 15	
18	Kingston and Pembroke.....	47½	.....	75,271 34	.....	43,948 75	179,221 81	
19	Massawippi Valley.....	34	26,446 16	21,039 40	41,807 18	25,066 83	114,350 57	
20	Midland.....	129	.....	.....	.....	.....	.....
21	Montreal and Vermont Junction.....	23	.....	.....	.....	.....	.....
22	Montreal, Portland and Boston.....	15	.....	.....	.....	.....	.....
23	New Brunswick.....	132	37,266 05	45,507 32	10,026 96	44,220 16	44,220 16	
24	New Brunswick and Canada.....	120	148,312 21	95,259 21	34,270 79	194,199 12	116,848 41	
25	Northern.....	167½	.....	.....	.....	.....	472,041 33	
26	Port Dover and Lake Huron.....	63	77,286 77	61,357 57	12,301 14	63,964 95	214,930 43	
27	Prince Edward Island.....	198½	.....	.....	.....	.....	.....
28	Quebec and Lake St. John.....	25½	.....	.....	.....	.....	.....
29	St. Lawrence and Industry.....	12	4,450 78	1,314 29	145 53	3,396 95	9,307 65	

30 St. Lawrence and Ottawa.....	59	35,314 42	45,778 54	.....	50,026 56	131,119 52
31 South Eastern	65	30,722 94	13,832 67	.....	46,895 90	91,452 51
32 Stanstead, Sheford and Chambly	43	25,979 36	12,165 34	5,161 67	15,999 95	59,306 32
33 Toronto and Nippising.....	79	24,865 02	41,148 52	5,839 94	48,595 26	120,468 74
34 Toronto, Grey and Bruce.....	191	48,738 70	73,380 48	14,150 64	97,158 22	233,428 04
35 Welland.....	161	10,452 47	17,575 49	6,672 19	24,563 18	59,263 33
36 Whitby and Port Perry.....	314	8,016 41	8,283 61	2,045 77	11,321 58	29,667 40
37 Windsor and Annapolis	84	77,333 20	35,595 54	10,467 53	39,019 04	162,415 31
Total.....	6,1574	3,813,688 27	4,825,676 19	1,588,296 01	5,575,080 94	15,802,721 41

No 8—SUMMARY

No.	Name of Railway.	Mileage.	Passengers, Employés or Others.	Fell from cars or engines.		Jumping on or off trains or engines when in motion.		Walking, standing lying, or being on track.		At work on or near track, making up trains.		Putting arms or head out of win- dow.		Coupling cars.	
				Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
1	Brantford, Norfolk and Port Burwell.....	33	Others.....												1
2	Brockville and Ottawa }	86½													
3	Canada Central.....	70½	Others.....			1		1							
4	Canada Southern.....	322½	{ Employés.....	4		2				1				1	1
			{ Others.....					3	1						
5	Carillon and Grenville...	13													
6	Chatham Branch.....	9													
7	Cobourg, Peterboro' and Marmora.....	46	Others.....					1							
8	European & N. American...	91½													
9	Fredericton.....	23													
10	Grand Trunk.....	1388½	{ Passe'gers.....	1		2	2		1						
			{ Employés.....	3	37	2	6	5	3	3	16			5	85
			{ Others.....		1	1	6	31	27						
11	Great Western.....	866½	{ Passe'gers.....	2	1		1							1	2
			{ Employés.....	2	4				1	1	2				
			{ Others.....		1	1	2	7	3	1					
12	London and Port Stanley														
13	Wellington, Grey and } Bruce.....		{ Passe'gers.....												
			{ Employés.....		2			2		1				1	1
14	London, Huron and Bruce														
15	Hamilton & N. Western...	33	Others.....					1							
16	Intercolonial.....	555	Employés.....	1						3					2
17	Intercolonial, N. Division	83½	Others.....					1	1						
18	Kingston and Pembroke...	47½													
19	Massawippi Valley.....	34													
20	Midland.....	129	{ Employés.....	1											
			{ Others.....					1							
21	Montreal & Vermont Junc.	23	Others.....						1						
22	Mo'treal, Portland & Bos'n	15													
23	New Brunswick.....	132	Employé.....							2					
24	New Brunswick & Canada	120	Others.....					1							
25	Northern.....	167½	Employés.....				2	1		2					2
26	Pt. Dover and Lake Huron	63													
27	Prince Edward Island.....	198½	Employés.....							1					
28	Quebec and Lake St. John	25½													
29	St. Lawrence & Industry...	12													
30	St. Lawrence & Ottawa...	59	{ Employés.....												1
			{ Others.....					1							
31	Stanstead, Sheford and Chamby.....	43													
32	South Eastern.....	65													
33	Toronto and Nipissing.....	79	{ Employés.....												
			{ Others.....					1							
34	Toronto, Grey and Bruce...	191	Employés.....		1										1
35	Welland.....	16½													
36	Whitby & Port Perry.....	31½	{ Passe'gers.....												2
			{ Employés.....												
			{ Others.....												1
37	Windsor and Annapolis...	84	Employés.....				1								
	Total.....	5157½		14	47	9	20	57	38	7	26			10	97

OF ACCIDENTS.

Collisions or by train thrown from track.		Explosions.		Striking bridges.		Other causes.		Total.		Remarks.
Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	
									1	
								2		
2								10	1	
								3	1	
										Nil.
										Nil.
								1		
										Not reported.
										Nil.
	1			2	5	2	1	2	5	
1	5						43	23	209	
	3				1	1	7	33	45	
								2	2	
2								6	9	
	1						1	9	8	
										Included in Great Western
	1								1	
								1	4	
								2		
										Nil.
								1		
	3			1				2	8	
								1	1	
										Nil.
										Nil.
							1	2		
								1		
									1	
										Nil.
									2	
								1		
								1	6	
										Nil.
								1		
										Nil.
								1		
								1		
										Nil.
										Nil.
	1								1	
								1		
									2	
	1								1	
	2								4	
								1		
									1	
	18			3	6	4	52	109	304	

No. 9.—LINES of Railway owned by Coal Mines.

Name.	Length of Railway.	Gauge.	No. of Engines.	No. of Waggons.	Remarks.
NOVA SCOTIA.					
	Miles.	ft. in.			
Albion Mines	9	4 8½	5	404	{ *Main Line. { *Branch.
Intercolonal.....	9½	{ 5 6 * 4 8½*	3	93	
Nova Scotia Coal Company.....	6½	5 6	2	78	
Vale Colliery	7½	4 8½	2	.....
Acadia.....	4	4 8½	1	.....
Spring Hill	6	4 8½	1	.....
	42½	.....	14	575	
					Gauge. Miles. 5 ft. 6 in. 13½ 4 ft. 8½ in. 29½ Total .....42½
CAPE BRETON.					
Campbellton.....	2½	3 6	1	45	
Glace Bay	1½	2 8½	1	134	
Glasgow and Cape Breton.....	19	3 0	4	204	
Sydney and Louisburg.....	21	3 0			
Gowrie	1½	3 7½	1	80	
International.....	14	4 8½	3	140	
Lingan	1	3 6	1	100	
Sydney	4	4 8½	4	170	
Victoria	4	4 8½	.....	.....
	68½	.....	15	873	
					Gauge. Miles. 2 ft. 8½ in. 1½ 3 ft. 0 in. 40 3 ft. 6 in. 3½ 3 ft. 7½ in. 1½ 4 ft. 8½ in. 22 Total .....68½

No 10.—SUMMARY STATEMENT of Capital and Mileage of Railways under Construction.

Number.	NAME OF RAILWAY.	Mileage.	Gauge ft. in.	ORDINARY SHARE CAPITAL.			BONDED DEBT.			Rate of Interest. p'r cent.
				Authorized. \$	Subscribed. \$	Paid up. \$ cts.	Authorized. \$	Subscribed. \$ cts.	Paid up. \$ cts.	
1	Albert.....	46	4 8 1/2	300,000	216,950	152,000 00				
2	Brantford, Norfolk and Port Burwell.....	43	4 8 1/2							
3	Canada Central.....	120	4 8 1/2							
4	Credit Valley.....	152	4 8 1/2							
5	Grand Junction.....	90	4 8 1/2	1,000,000	200,000	40,000 00				
6	Hamilton and North Western.....	130	4 8 1/2							
7	Intercolonial.....	105 1/2	4 8 1/2							
8	Kingston and Pembroke.....	93	4 8 1/2							
9	Lake Champlain and St. Lawrence Junction.....	100	3 6	1,000,000	400,000	10,000 00				
10	Levis and Kennebec.....	90	4 8 1/2	3,000,000	3,000,000	1,085,024 56	1,460,000	486,666 66	486,666 66	
11	Montreal and Ottawa Junction.....	81 1/2	4 8 1/2							
12	Montreal, Portland and Boston.....	38	4 8 1/2							
13	New Brunswick.....	58	3 6							
14	Petitcodiac and Elgin.....	14	4 8 1/2							
15	Quebec Central.....	93	4 8 1/2	1,500,000	491,970	245,985 00	1,809,780			
16	Quebec, Montreal, Ottawa and Occidental.....	322	4 8 1/2							
17	Quebec and Lake St. John.....	11	4 8 1/2							
18	Spring Hill and Parrshoro'.....	27	4 8 1/2	1,000,000	366,300	366,300 00	1,000,000			
19	St. Francis and Megantic Int'l.....	27 1/2	4 8 1/2	1,500,000		650,000 00				
20	St. Martins and Upham.....	30	4 8 1/2			2,566 18				
21	South Eastern.....	95	4 8 1/2							
22	Western Counties.....	90	4 8 1/2	2,000,000	500,800	471,314 00	1,362,666	340,666 00	340,666 00	7
23	Pacific Railway Survey.....									
24	Pembina Branch.....									
25	Fort William and Shebandowan.....									
26	Red River and Lake of the Woods.....									
27	Georgian Bay Branch.....	292								
28	Fort Francis Locks.....									
29	Rails and Fastenings.....									
30	Telegraph Line.....									
		2,142 1/2		11,300,000	5,176,020	3,023,188 74	6,632,446	827,332 66	827,332 66	

No. 10.—SUMMARY STATEMENT of Capital and Mileage of Railways under Construction.

Number.	GOVERNMENT LOANS OR BONUSES.				MUNICIPAL LOANS OR BONUSES.			TOTAL CAPITAL.			FLOATING DEBT.	
	Name of Government.	Loan.	Bonus.	Subscription to Shares or Bonds.	Loan.	Bonus.	Subscription to Shares or Bonds.	Subscribed.	Paid up.	Amount.	Rate of Interest.	
		\$	\$ cts.	\$ cts.	\$	\$	\$	\$ cts.	\$ cts.	\$	per cent.	
1	New Brunswick		25,000 00			28,000		269,950 00	205,000 00			
2	do											
3	do											
4	Ontario		304,000 00			760,000		1,064,000 00				
5	do		180,000 00			275,000		495,000 00	185,000 00	75,000	6	
6	do											
7	Dominion		4,987,930 00					4,987,930 00	4,987,930 00			
8	do											
9	Quebec		40,000 00		41,000			481,000 00	38,000 00			
10	do		360,000 00				62,000	3,846,666 66	1,679,981 22	35,000		
11	do											
12	do											
13	do											
14	New Brunswick		60,000 00			13,000		73,000 00	73,000 00			
15	do		447,000 00			250,000		1,198,970 00	315,985 00			
16	do		4,867,000 00			2,469,000		7,326,000 00	2,462,405 82			
17	do											
18	Nova Scotia		135,000 00					501,300 00	460,555 00			
19	Quebec		102,900 00						752,600 00			
20	New Brunswick	150,000							26,565 18			
21	do											
22	Nova Scotia		736,000 00			120,200	100,000	1,697,666 00	1,526,980 00			
23	Dominion		791,121 19					791,121 19	791,121 19			
24	do		175,965 00					175,965 00	175,965 00			
25	do		179,804 15					179,804 15	179,804 15			
26	do		113,055 75					113,055 75	113,055 75			
27	do		111,394 10					111,394 10	111,394 10			
28	do		76,529 34					76,529 34	76,529 34			
29	do		1,711,412 62					1,711,412 62	1,711,412 62			
30	do		187,284 91					187,284 91	187,284 91			
		150,000	15,591,097 06		41,000	3,905,200	162,900		16,090,579 28			

No. 11.—STATEMENT of Aid granted to Railways by Governments and Municipalities.

Municipalities.	Name of Railway.	Loan.	Total.	Bonus.	Total.	Subscription to Shares or Bonds.	Total.
		\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
IN ONTARIO.							
Town of Brantford.....	Brantford, Norfolk and Port						
do Burford.....	Burwell.....			70,000 00			
do Norwich.....	do.....			30,000 00			
do Tilsonburg.....	do.....			30,000 00			
Township of Houghton.....	do.....			12,000 00			
do Bayham.....	do.....			10,000 00			
Town of Vienna.....	do.....			30,000 00			
do Pembroke.....	Canada Central.....			4,000 00	186,000 00		
do Renfrew.....	do.....			75,000 00			
do Horton.....	do.....					30,000 00	
						7,500 00	37,500 00
County of Elgin.....	Canada Southern.....			200,000 00			
Township of Townsend.....	do.....			30,000 00			
do Durham.....	do.....			15,000 00			
do St. Anderton.....	do.....			15,000 00			
Township Malder.....	do.....			25,000 00			
do Amherstburg.....	do.....			15,000 00			
South Norwich.....	do.....			7,500 00			
	Cobourg, Peterboro and Marmora.....			120,000 00	322,500 00		
	Grand Trunk.....			32,500 00	120,000 00		
do Stratford.....	do.....			25,000 00			
do Belleville.....	do.....			25,000 00			
Township of London.....	London, Huron and Bruce.....			15,000 00			
do Stephen.....	do.....			17,500 00			
do Osburne.....	do.....			25,000 00			
do Hay.....	do.....			15,000 00			
	<i>Carried forward</i>			72,500 00	786,000 00		37,500 00

No. 11.—STATEMENT of Aid granted to Railways by Governments and Municipalities.—Continued.

Municipalities, &c.	Name of Railway.	Loan.	Total.	Bonus.	Total.	Subscription to Shares or Bonds.	Total:
		\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
IN ONTARIO.—Continued.							
Township of Goderich.....	<i>Brought forward</i>			72,500 00	786,000 00		37,500 00
do E. Wawanosh.....	London, Huron and Bruce.....			15,000 00			
do Hullet.....	do.....			25,000 00			
do Tuckersmith.....	do.....			25,000 00			
do Turnberry.....	do.....			10,000 00			
do Merris.....	do.....			5,000 00			
do Stanley.....	do.....			10,000 00			
Village of Clinton.....	do.....			10,000 00			
do Exeter.....	do.....			20,000 00			
do Kincardine & Wingham.....	do.....			10,000 00			
City of London.....	do.....			9,000 00			
				100,000 00	311,500 00		
County of Perth.....	Port Dover and Lake Huron.....			40,000 00			
Oxford and N. Norwich.....	do.....			50,000 00			
do E. Oxford.....	do.....			25,000 00			
Town of Stratford.....	do.....			25,000 00			
do Woodstock.....	do.....			30,000 00			
do Simcoe.....	do.....			20,000 00			
Township of Woodhouse.....	do.....			10,000 00			
do South Norwich.....	do.....			15,000 00			
Private Bonus.....	do.....			10,000 00			
				408 00	200,408 00		
Township of Albion.....	Toronto, Grey and Bruce.....			40,000 00			
do Caledon.....	do.....			45,000 00			
do Mono.....	do.....			45,000 00			
do Amaranth.....	do.....			30,000 00			
do Arthur.....	do.....			35,000 00			
Town of Orangeville.....	do.....			15,000 00			
do Mount Forrest.....	do.....			20,000 00			
City of Toronto.....	do.....			350,000 00			
County of Grey.....	do.....			300,000 00			
do Owen Sound.....	do.....			5,000 00			

Township of Minto.....	do	15,000 00			
do Howick.....	do	35,000 00			
do Gorrie and Wroxeter.....	do	5,000 00			
do Teeswater.....	do	5,000 00			
do Culross.....	do	38,000 00			
do Turnberry.....	do	5,000 00			
988,000 00					
City of Toronto.....	Toronto and Nipissing.....	150,000 00			
Township of Scarborough.....	do	10,000 00			
do Markham.....	do	30,000 00			
do Uxbridge.....	do	50,000 00			
do Scott.....	do	10,000 00			
do Brock.....	do	50,000 00			
do Eldon.....	do	44,000 00			
do Kexley.....	do	15,000 00			
do Somerville.....	do	15,000 00			
do Loxton, Digby and	do	12,500 00			
Langford.....	do	2,000 00			
Town of Uxbridge.....					
388,500 00					
Township of Fergus.....	Wellington, Grey and Bruce.....	10,000 00			
do Peel.....	do	40,000 00			
do Elora.....	do	10,000 00			
do Maryboro'.....	do	40,000 00			
do Nichol.....	do	10,000 00			
do Wallace.....	do	35,000 00			
do Minto.....	do	65,000 00			
do Bruce.....	do	278,000 00			
do Howick.....	do	20,000 00			
do Listowell.....	do	15,000 00			
do Grey.....	do	35,000 00			
do Elmar.....	do	30,000 00			
do Morris.....	do	30,000 00			
do N. Wawanosh.....	do	18,000 00			
do Ashfield.....	do	10,000 00			
do Turnberry.....	do	28,000 00			
do Kincardine.....	do	8,000 00			
682,000 00					
City of Hamilton.....	Hamilton and North Western.....	200,000 00		100,000 00	
County of Haldimand.....	do	65,000 00			
do Halton.....	do	65,000 00			
Village of Georgetown.....	do	10,000 00			
County of Peel.....	do	30,000 00			
do Simcoe.....	do	300,000 00			
Town of Collingwood.....	do	29,000 00			
Township of Innesfil.....	do	20,000 00			
719,000 00					
4,075,408 00					
100,000 00					
137,500 00					

Carried forward.....

No. 11.—STATEMENT of Aid granted to Railway by Governments and Municipalities.—Continued.

Municipalities, &c.	Name of Railway.	Loan.	Total.	Bonus.	Total.	Subscription to Shares or Bonds.	Total.
		\$	\$	\$	\$	\$	\$
		cts.	cts.	cts.	cts.	cts.	cts.
IN ONTARIO.—Continued.							
City of Kingston.....	Brought forward.....						
County of Frontenac.....	Kingston and Pembroke.....			300,000 00	4,075,408 00		137,500 00
	do			150,000 00	450,000 00		
Township of Thorah.....	Midland.....			50,000 00			
Town of Port Hope.....	do			30,000 00			
Orillia and Matchedash.....	do			12,500 00			
Town of Orillia.....	do			12,500 00			
Township of Tay.....	do			21,370 85			
do Omamee.....	do			2,000 00			
do Mara.....	do			12,500 00	140,870 85		
Town of Barrie.....	Northern.....			30,000 00			
City of Toronto.....	do			100,000 00		190,000 00	
Town of Orillia.....	do			12,500 00			
Townships of Collingwood, Eu- phrasia and St. Vincent,	do						
County of Simcoe.....	do			99,480 00			
Township of Whitby.....	Whitby and Port Perry.....						
Town of Whitby.....	do			15,000 00			
Township of Reach.....	do			50,000 00			
do Scugog.....	do			30,000 00			
Brown and Patterson Manufac- turing Company.....	do			2,000 00			
Victoria.....	do			94 93			
Port Perry.....	do			85,000 00			
Town of Whitby.....	do			20,000 00			
City of Toronto.....	do			20,000 00			
Town of Milton.....	Credit Valley.....			100,000 00	222,094 93		10,000 00
Village of Streetsville.....	do			30,000 00			
do Brampton.....	do			20,000 00			
County of Peel.....	do			20,000 00			
do Halton.....	do			70,000 00			
	do			75,000 00			

No. 11.—STATEMENT of Aid granted to Railways by Governments and Municipalities. — *Concluded.*

Municipalities, &c.	Name of Railway.	Loan.	Total.	Bonus.	Total.	Subscription to Shares or Bonds.	Total.
<i>IN QUEBEC—Continued.</i>							
	<i>Brought forward.....</i>						
Town of Levis.....	Levis and Kennebec.....						
Parish of St. Anselme.....	do.....						
do Sherbrooke.....	Quebec Central.....			50,000 00		50,000 00	
do Dunswell.....	do.....			25,000 00		12,000 00	
do Wisdon.....	do.....			25,000 00			
County of Megantic (consolidat'd)	do.....			150,000 00			
City of Montreal.....	Quebec, Montreal, Ottawa and Occidental.....				250,000 00		
do Quebec.....	do.....			1,000,000 00			
do Three Rivers.....	do.....			1,000,000 00			
County of Ottawa.....	do.....			100,000 00			
Parish of St. Andrews.....	do.....			200,000 00			
do St. Thérèse.....	do.....			25,000 00			
Village of St. Thérèse.....	do.....			12,000 00			
do St. Jérôme.....	do.....			12,000 00			
Parish of St. Jérôme.....	do.....			15,000 00			
do St. Scholastique.....	do.....			10,000 00			
do Lachute.....	do.....			10,000 00			
do Côte St. Louis.....	do.....			25,000 00			
do St. Sauveur de Quebec..	do.....			25,000 00			
City of Quebec.....	Quebec and Lake St. John.....				2,459,000 00	100,000 00	100,000 00
			41,000 00				2,725,000 00
<i>IN NEW BRUNSWICK.</i>							
City of St. John.....	European and North American.....					60,000	
do Fredericton.....	Fredericton.....			50,000			
County of York.....	do.....			30,000			
					80,000		60,000 00

No. 11.—STATEMENT of Aid granted to Railways by Governments and Municipalities.

Name of Railway.	Loan.	Total.	Bonus.	Total.	Subscription to Shares or Bonds.	Total.
	$ cts.	$ cts.	$ cts.	$ cts.	\$ cts.	\$ cts.
DOMINION GOVERNMENT.						
Grand Trunk Railway.....	15,142,633 33					
Intercolonial.....						
do Northern Division.....			26,239,821 41			
do Unopened.....			3,947,792 95			
New Brunswick and Canada.....			4,987,930 00			
Northern.....			17,500 00			
Prince Edward Island.....	2,311,066 67					
Pacific.....			3,196,562 60			
Toronto, Grey and Bruce.....			3,346,567 06			
& Windsor and Annapolis.....			2,656 00			
		17,454,300 00	1,089,896 37	42,838,726 39		
ONTARIO GOVERNMENT.						
Branford, Norfolk and Port Burwell.....						
Canada Central.....			125,957 15			
Canada Southern.....	70,000 00		147,858 65			
Cobourg, Peterboro' and Marmora.....			18,000 00			
Wellington, Grey and Bruce.....			241,276 00			
London, Huron and Bruce.....			178,630 08			
Hamilton and North Western.....			406,500 00			
Kingston and Pembroke.....			118,282 57			
Midland.....			98,350 20			
Northern.....			196,188 00			
Port Dover and Lake Huron.....			126,000 00			
Toronto and Nipissing.....			104,860 00			
Toronto, Grey and Bruce.....			375,282 00			
Whitby and Port Perry.....			40,000 00			
Credit Valley.....			304,000 00			
Grand Junction.....			180,000 00			
		70,000 00		2,661,184 58		

QUEBEC GOVERNMENT.									
Montreal, Portland and Boston									85,000 00
Quebec and Lake St. John									600,000 00
South Eastern									443,000 00
Levis and Kennebec									360,000 00
Lake Champlain and St. Lawrence									40,000 00
Quebec, Montreal, Ottawa and Occidental									4,867,000 00
Quebec Central									447,000 00
St. Francis and Megantic International									102,600 00
									6,944,600 00
NEW BRUNSWICK GOVERNMENT.									
Chatham Branch									32,000 00
European and North American									880,000 00
Fredricton									230,000 00
New Brunswick									76,000 00
New Brunswick and Canada									575,000 00
Albert									25,000 00
Péticodiac and Elgin									60,000 00
St. Martins and Upham									150,000 00
									1,878,000 00
NOVA SCOTIA GOVERNMENT.									
Spring Hill and Parrsboro'									135,000 00
Western Counties									736,000 00
									871,000 00
									55,183,510 97
									300,000 00
									300,000 00

SUMMARY.

	Loan.	Total.	Bonus.	Total.	Subscription to Shares or Bonds.	Total.	Grand Total.
	\$ cts.	\$ cts.	\$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
—							
Dominion Government.....	17,454,300 00		42,828,726 39			60,283,026 39	
Ontario do	70,000 00		2,661,184 58			2,731,184 58	
Quebec do			6,944,600 00			6,944,600 00	
New Brunswick do	150,000 00		1,878,000 00		300,000 00	2,328,000 00	
Nova Scotia do			871,000 00			871,000 00	
		17,674,300 00		55,183,510 97		300,000 00	73,157,810 97
<i>Municipalities, &c.</i>							
In Ontario			6,165,353 78		537,500 00		6,702,853 78
Quebec			2,725,000 00		755,000 00		3,521,000 00
New Brunswick.....	41,000 00		191,500 00		60,000 00		251,500 00
Nova Scotia			120,200 00		100,000 00		220,200 00
		41,000 00		9,202,053 78		1,452,500 00	10,695,553 78
		17,715,300 00		64,385,564 75		1,752,500 00	83,853,364 75

RETURN
OF
PERSONS APPOINTED TO OFFICE

BETWEEN

1ST JANUARY AND 7TH NOVEMBER, 1873;

SHEWING

INCREASES AND DECREASES OF SALARY

DURING SAME PERIOD, AND

CANCELLATIONS OF APPOINTMENTS, &c.

Printed by Order of Parliament.



OTTAWA:
PRINTED BY MACLEAN, ROGER & Co., WELLINGTON STREET.

1877.

R E T U R N

To an ADDRESS of the HOUSE OF COMMONS, dated 5th March, 1877;—For a Return of the names of persons appointed to Office between the 1st January and the 7th November, 1873; the names of the Officials whose salaries were increased during the same period, the names of those so appointed whose appointments were cancelled subsequent to the 7th November. A Statement showing whether the positions which were filled up by those whose appointments were cancelled have remained unfilled or have been since filled up—and if so, when and by whom—and whether the salaries of those Officials which were increased during the period named have been since reduced or increased, and showing the reduction or increase in each Office respectively.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 28th April, 1877.

RETURN showing the names of all persons appointed to office in the Governor General's November, 1873; of all persons whose salaries were increased during the same appointments, with the names and salaries of such persons as may have been reductions of and increases made to the salaries of those so appointed or

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
			\$ cts.		\$ cts.	\$ cts.
H. Cotton.....	2,000 00	.....	.....	.....	50 00	2,050 00
J. Kidd.....	1,400 00	.....	.....	July.....	50 00	1,450 00
F. D. Burrows.....	850 00	.....	.....	Jan. 21st.....	250 00	1,100 00
	4,250 00	.....	.....	.....	350 00	4,600 00

RECAPIT

Salaries payable 1st January, 1873, to persons whose salaries were increased between *Appointments* between 1st January and 7th November, 1873

Increases do do do do

Reductions by death, resignation and superannuation, &c., of persons above alluded to,

Salaries payable 7th November, 1873, to persons who were appointed between 1st who had their salaries increased between those dates

Increases of salaries to those persons between 7th November, 1873 and 5th March,

Less reductions by cancellation of appointments.....

do death, resignation and superannuation.....

Salaries, 5th March, 1877, of those affected by this Return.....

Office (except those appointed to fill vacancies), between the 1st January and the 7th period, with the amounts of such increases; all subsequent cancellations of such appointed to fill vacancies caused by such cancellations; and of all subsequent increased between said dates.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
.....	2,050 00	.....	.....	.....	Superannuated
.....	.....	.....	50 00 250 00 50 00 50 00	1,850 00	\$50 increase under Civil Service Act.
.....	1,100 00	.....	.....	.....	Died 4th January, 1875.
.....	3,150 00	.....	400 00	1,850 00	

ULATION.

	No.	Amount.	No.	Amount.
		\$ cts.		\$ cts.
that date and 7th November, 1873.....				4,250 00
.....	3	Nil. 350 00		
between 1st January and 7th November, 1873.....		Nil		350 00
January and 7th November, 1873, and to those 1877.....		400 00		4,600 00
.....		Nil.		400 00
.....		3,150 00		5,000 00
.....		3,150 00		3,150 00
.....				1,850 00

E. G. P. LITTLETON,
Governor General's Secretary.

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
F. Newby.....		Oct. 22.....	700 00			700 00
W. A. Himsworth ..	2,600 00			July 9, 1873....	600 00	3,200 00
J. O. Coté.....	1,800 00			do ...	50 00	1,850 00
F. H. Himsworth.....	1,400 00			do ...	50 00	1,450 00
H. Alexander.....	1,100 00			do ...	50 00	1,150 00
W. H. Lee.....	1,100 00			do ...	50 00	1,150 00
B. Grenier.....	480 00			do ...	20 00	500 00
Total.....	8,480 00		700 00		820 00	10,000 00

RECAPIT

Salaries payable 1st January, 1873, to persons whose salaries were increased between
Appointments between 1st January and 7th November, 1873.....
Increases do do do

Reductions by death, resignation and superannuation, &c., of persons above alluded to,

Salaries payable 7th November, 1873, to persons who were appointed between 1st
 whose salaries were increased between those dates

Increases between 7th November, 1873 and 5th March, 1877.....
Less reductions by cancellation of appointments

Salaries, 5th March, 1877, of those affected by this Return.....

to office in the Department of the Privy Council, &c.—Continued.

SUBSEQUENT.				Salaries, March, 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts	
.....		March 9, 1874..	{ 50 00 50 00 50 00 }	850 00	Increases under Civil Service Act.
.....				3,200 00	
.....		Sept. 7, 1874..	50 00	2,200 00	\$50 under Civil Service Act.
.....		Nov. 24, 1874..	300 00		
.....		Sept. 7, 1874..	{ 50 00 50 00 50 00 }	1,600 00	Increases under Civil Service Act.
.....		do 20, 1876..			
.....		do 7, 1874..	50 00	1,300 00	do do
.....		do 20, 1876..	50 00		
.....		do 7, 1874..	50 00	1,300 00	do do
.....		do 20, 1876..	50 00		
.....				500 00	
.....			950 00	10,950 00	

ULATION.

	No.	Amount.	No.	Total.
		\$ cts.		\$ cts.
that date and 7th November, 1873				8,480 00
.....	1	750 00		
.....	6	820 00		
between 1st January and 7th November, 1873.				1,520 00
.....				Nil.
January and 7th November, 1873, and to those				10,000 00
.....		950 00		
.....		Nil.		
.....		Nil.		950 00
.....				10,950 00

W. A. HIMSWORTH,
Clerk, Privy Council.

RETURN showing the names of all persons appointed to

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
R. Goulet.....		March 25.....				
J. Clayton		April 5.....				
A. W. Burrowes.....		June 4.....				
F. Roxborough		August 4.....	450 00			450 00
J. Robertson		do 4.....	400 00			400 00
J. Hughes		do 4.....	390 00			390 00
R. Pope		October 21	1,600 00			1,600 00
A. G. Learoyd		do 22.....	400 00			400 00
C. Ballentyne		do 30.....	400 00			400 00
J. Burns		do 30.....	550 00			550 00
W. S. Gliddon.....		November 3	200 00			200 00
L. A. Catellier	1,100 00			July 10.....	400 00	1,500 00
H. J. Morgan.....	1,100 00			July 10.....	300 00	1,400 00
A. G. Kingston.....		March 5	300 00	September 10..	100 00	400 00
W. M. Jones.....	1,600 00			July	50 00	1,650 00
J. A. Belanger	1,200 00			do	50 00	1,250 00
E. Brosseau	1,100 00			April	50 00	1,150 00
W. Gliddon	700 00			July	50 00	750 00

office in the Department of the Secretary of State, &c.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
					Transferred to Department of Interior on organization of that Department.
					Transferred to Department of Interior on organization of that Department.
					Transferred to Department of Interior on organization of that Department.
			{ 50 00 }	600 00	Increases under Civil Service Act, Sta- tionery Branch.
			{ 50 00 }		
			{ 50 00 }		
			{ 50 00 }	550 00	Increases under Civil Service Act, Sta- tionery Branch.
			{ 50 00 }		
			{ 30 00 }		
			{ 30 00 }	480 00	Increases under Civil Service Act, Sta- tionery Branch.
			{ 30 00 }		
			{ 50 00 }		
			{ 50 00 }	1,750 00	Increases under Civil Service Act, Clerk of the Crown in Chancery.
			{ 50 00 }		
			{ 50 00 }		
			{ 50 00 }	550 00	Previously Temporary Clerk.
			{ 50 00 }		
			{ 50 00 }		
			{ 50 00 }	550 00	do do
			{ 50 00 }		
			{ 50 00 }		
			{ 50 00 }	550 00	do do
			{ 50 00 }		
			{ 50 00 }		
Cancelled	200 00	Jan. 8, 1874...	{ 300 00 }	500 00	Cancelled and re-appointed.
			{ 100 00 }		
			{ 50 00 }		
			{ 50 00 }	1,650 00	Promoted by Order in Council, July 10th, 1873, to be Deputy Registrar, vice E. J. Langevin, appointed Under Secretary of State; increase of \$50 were under Civil Service Act.
			{ 50 00 }		
			{ 50 00 }		
			{ 50 00 }	1,550 00	
			{ 50 00 }		
			{ 50 00 }		
			{ 50 00 }	550 00	Appointed 3rd Class Clerk.
			{ 50 00 }		
			{ 50 00 }		
			{ 50 00 }	1,800 00	Increases under Civil Service Act.
			{ 50 00 }		
			{ 50 00 }		
			{ 50 00 }	1,400 00	do do
			{ 50 00 }		
			{ 50 00 }		
			{ 50 00 }	1,300 00	do do
			{ 50 00 }		
			{ 50 00 }		
			{ 0 00 }	900 00	do do
			{ 50 00 }		

RETURN showing the names of all persons appointed to office

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
A. Potvin.....	400 00			October	50 00	450 00
The Under Sec'y of State ...	2,600 00			July 9.....	600 00	3,200 00
	9,800 00		4,690 00		1,650 00	16,140 00

New appointments between 1st January and 7th November, 1873—9
 Increases do do do do 9
 18
 Cancellations 1

APPOINTMENTS in the Department of the Secretary of State, cancelled by Orders in new appointments

ORIGINAL APPOINTMENTS.

Date.	Name.	Office.	Salary.
			\$ cts.
November 3, 1873.....	W. S. Gliddon	Messenger	200 00

RECAPIT

Salaries payable 1st January, 1873, to persons whose salaries were increased between Appointments between 1st January and 7th November, 1873.....
 Increases do do do
 Reductions by death, resignation and superannuation, &c., of persons above alluded to, Salaries payable 7th November, 1873, of persons who were appointed between 1st who had their salaries increased between those dates
 Increases between 7th November, 1873 and 5th March, 1877
 Less reduction by cancellation of appointments.....
 do death, resignation and superannuation.....
 Salaries, 5th March, 1877, of those affected by this Return

in the Department of the Secretary of of State, &c.—*Concluded.*

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
.....			{ 50 00 }	600 00	Increases under Civil Service Act.
.....			{ 50 00 }		
.....			{ 50 00 }	3,200 00	
.....	200 00	.....	2,540 00	18,480 00	

Amount.....	\$4,690 00
do	1,650 00
	6,340 00
.....	\$200 00

Council of 13th November, 1873, and 7th of April, 1874, with the names and dates of in place thereof.

REPLACED BY

Date.	Name.	Office.	Salary.
January 9, 1874	J. Larkin.....	Messenger	\$ cts. 300 00

U L A T I O N .

	No.	Amount.	No.	Amount.
		\$ cts.		\$ cts.
that date and 7th November, 1873..				9,800 00
.....	9	4,690 00		
.....	9	1,650 00		
.....				6,340 00
between 1st January and 7th November, 1873.				Nil.
January and 7th November, 1873, and to those				16,140 00
.....		2,540 00		
.....		200 00		
.....				2,340 00
.....				Nil.
.....				18,480 00

EDOUARD J. LANGEVIN,
Under Secretary of State.

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
OUTSIDE SERVICE.						
RAILWAY DEPARTMENT.						
<i>Appointments.</i>						
Phillip Fulmer.....		January 13.....	400 00			400 00
John C. Spencer.....		do	500 00			500 00
Jos. Jones.....		do	400 00			400 00
Thos. R. Patton.....		do	400 00			400 00
Hans Mills.....		do	400 00			400 00
Robert Roach.....		do	400 00			400 00
Fergusson Armstrong.....		do	1,000 00			1,000 00
Alfred Brush.....		do	600 00			600 00
T. W. Tapper.....		do	800 00			800 00
L. Sutherland.....		do	400 00			400 00
R. Luttrell.....		do 27.....	2,200 00			2,200 00
Hall & Harrington.....		August 25.....	800 00			800 00
A. R. McDonald.....		October 18.....	1,000 00			1,000 00
C. Schreiber.....		do 22.....	4,000 00			4,000 00
<i>Promotions and Increases of Salaries.</i>						
W. G. Robertson.....	1,000 00			January 13.....	200 00	1,200 00
W. U. Jones.....	800 00			do	200 00	1,000 00
E. T. Trites.....	600 00			do	200 00	1,000 00
G. G. Bulley.....	500 00			October 27.....	200 00	1,000 00
				January 13.....	500 00	1,000 00
J. M. Lyons.....	300 00			do	200 00	500 00
W. P. Huggan.....	300 00			do	200 00	600 00
D. W. Colpits.....	500 00			October 14.....	100 00	600 00
D. A. Story.....	300 00			January 13.....	100 00	600 00
R. G. Roach.....	500 00			do	200 00	600 00
				October 22.....	100 00	600 00
				January 13.....	100 00	600 00
D. Pottinger.....	800 00			do	400 00	1,200 00
W. Stevens.....	300 00			do	100 00	400 00
W. Rennols.....	350 00			do	50 00	400 00
J. D. Gladwin.....	300 00			do	100 00	400 00
H. McIntosh.....	300 00			do	100 00	400 00
S. Keys.....	300 00			do	100 00	400 00
F. H. Holsworth.....	300 00			do	200 00	500 00
W. S. Hamilton.....	300 00			do	100 00	400 00
Wm. McKenzie.....	300 00			do	100 00	400 00

to office in the Department of Public Works, &c.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
				400 00	Station Master.
				500 00	do do
				400 00	do do
				400 00	do do
				400 00	do do
				400 00	do do
	1,000 00				Chief Clerk in Locomotive Department. Resigned.
	600 00				Clerk to Cashier, Head Office. Abs- conded.
			200 00	1,000 00	Ticket Agent at Halifax.
	400 00				Ticket Agent and Clerk at Truro Station. Resigned.
			800 00	3,000 00	Division Superintendent from St. John East.
	800 00				Ticket Agents at St. John. Resigned.
	1,000 00				Inspector of Roadway and Rolling Stock Resigned.
				4,000 00	Railway Engineer as per Order in Council, August 19, 1873.
	400 00			800 00	Station Master.
			200 00	1,200 00	Cashier at Campbelltown.
			200 00	1,200 00	Paymaster at Moncton.
	1,000 00				From Audit Clerk of Nova Scotia Rail- way, to 1st Clerk on Intercolonial Railway. Resigned.
			300 00	800 00	Clerk at Rivière-du-Loup.
			400 00	1,000 00	Clerk Accountants Office.
	600 00				From Clerk to Ticket Clerk. Resigned.
			50 00	650 00	Clerk at Halifax.
	600 00				From Clerk at Halifax to Clerk in Store Department, Moncton. Resigned
			600 00	1,800 00	General Store Keeper.
	400 00				Station Master. Dismissed.
				400 00	do do
			200 00	600 00	Freight Clerk, Truro.
				400 00	Station Master.
	400 00				do do Resigned.
			100 00	600 00	do do
				400 00	do do
				400 00	do do

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th November, 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
OUTSIDE SERVICE.						
RAILWAY DEPARTMENT.						
<i>Promotions and increases of Salaries.—Continued.</i>						
John Frazer.....	300 00			January 13.....	100 00	400 00
Wm. Frazer.....	400 00			do	50 00	450 00
Jas. McDonald	400 00			do	200 00	600 00
J. A. Cameron	500 00			do	100 00	600 00
J. S. Moore.....	400 00			do	200 00	600 00
Jas. Sutherland	300 00			do	100 00	400 00
H. Hermans Scharfes.....	400 00			do	80 00	480 00
C. R. Palmer.....	400 00			do	50 00	450 00
H. C. Brownell.....	300 00			do	100 00	400 00
S. McCready.....	400 00			do	100 00	500 00
J. W. Henderson	400 00			do	200 00	600 00
J. W. Wallace.....	400 00			do	100 00	500 00
W. W. Price.....	400 00			do	200 00	600 00
H. Palmer.....	340 00			do	60 00	400 00
O. A. Barbarie	340 00			do	60 00	400 00
A. Robertson.....	500 00			do	200 00	700 00
F. E. Smith.....	400 00			do	100 00	500 00
J. W. Wortman.....	400 00			do	50 00	450 00
A. McN. Travis.....	400 00			do	100 00	500 00
J. McIntyre.....	340 00			do	60 00	400 00
G. H. Pick.....	800 00			do	100 00	900 00
Jeffrey Foote.....	600 00			do	200 00	800 00
C. D. Thompson.....	600 00			do	200 00	800 00
A. W. Clarke.....	700 00			do	300 00	1,000 00
S. Watson.....	552 50			do	167 50	720 00
E. L. Perkins.....	600 00			do	100 00	700 00
W. Jack.....	600 00			do	100 00	700 00
John Cartin	600 00			do 21.....	200 00	800 00
T. S. Foot.....	1,600 00			August 19.....	200 00	1,800 00
H. W. McCann.....	1,600 00			do	200 00	1,800 00
E. J. Blanchard.....	600 00			October 14.....	200 00	800 00
A. C. McDougall	600 00			do 22.....	300 00	900 00
B. M. Holsworth.....	400 00			January 13.....	200 00	600 00
Total.....	25,622 50		13,300 00		8,227 50	47,150 00
<i>Permanent Staff.</i>						
<i>(Appointments.)</i>						
L. D. Dion		July 9.....	700 00			700 00
C. F. Street.....		do	1,100 00			1,100 00

N.B.—Figures marked thus (*) denotes increase of Salary as per Civil Service Act.

to office in the Department of Public Works, &c.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount. \$ cts.	Dates of Orders in Council.	Amount. \$ cts.		
	400 00			450 00	Station Master. Dismissed.
				600 00	do do
			100 00	700 00	do do
				600 00	do do
				400 00	do do
			120 00	600 00	do do
			30 00	480 00	do do
	400 00			do do	Resigned.
	50 00			450 00	do do
	420 00			180 00	Ticket Agent, Moncton.
			700 00	1,200 00	Assistant Auditor.
				600 00	Station Master.
			80 00	480 00	do do
			200 00	600 00	do do
				700 00	do do
			300 00	800 00	do do
			250 00	700 00	Clerk Audit Office.
				500 00	Station Master.
	400 00			do do	Resigned.
			300 00	1,200 00	Assistant General Freight Agent.
	800 00				Ticket Agent. Dismissed.
			400 00	1,200 00	Cashier at Moncton.
	1,000 00				Store Keeper.
				720 00	do do Dismissed.
				700 00	Clerk in Store Department.
			200 00	900 00	Station Master.
	300 00			500 00	Clerk Freight Office at Richmond.
			200 00	2,000 00	Accountant.
	1,800 00				Paymaster. Resigned.
	800 00				Fuel Inspector. Dismissed.
	900 00				Private Secretary to Superintendent.
					Resigned.
				600 00	Station Master.
	14,470 00		5,930 00	38,610 00	
			{ *50 00 }		
			{ *50 00 }	850 00	Supernumerary Clerk from September 25th, 1872.
			{ *50 00 }		
			{ *50 00 }	1,250 00	Appointed on account of special qualifications.
			{ *50 00 }		

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
OUTSIDE SERVICE.						
RAILWAY DEPARTMENT.						
<i>Permanent Staff.</i>						
<i>(Appointments.)—Con.</i>						
T. P. French.....		August 30.....	1,600 00			
Thos. Vincent.....		October 21.....	300 00			300 00
F. E. A. Evanturel.....		do 22.....	1,000 00			1,000 00
L. H. Filteau.....		do 22.....	700 00			700 00
<i>(Promotions.)</i>						
A. P. Bradley.....	1,000 00			February 17...	100 00	} 1,400 00
A. P. Bradley.....				November 4...	300 00	
A. J. Duffy.....	400 00			July 9.....	300 00	700 00
L. N. Fortier.....	{ 400 00 *50 00 }			do.....	250 00	700 00
Wm. Curran.....	{ 400 00 *50 00 }			do.....	250 00	700 00
Wm. Hutchison.....	1,400 00			October 31.....	100 00	1,500 00
O. Dionne.....	{ 1,150 00 *50 00 }			November 4...	200 00	1,400 00
G. F. Baillaigé.....	2,400 00			{ No Order in Council }	600 00	3,000 00
Thos. S. Scott.....	2,400 00				600 00	3,000 00
Total.....	{ 9,550 00 *150 00 }		5,400 00		2,700 00	16,200 00

N.B.—Figures marked thus (*) denote increase of Salary as per Civil Service Act.

to office in the Department of Public Works, &c.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
				1,600 00	Declined.—Place filled by S. E. St. O. Chapleau. Appointed on account of special qualifications.
	300 00			1,000 00	Resigned.—Messenger. Supernumerary Clerk from Feb., 1873.
			{ *50 00 *50 00 *50 00 }	850 00	Supernumerary Clerk from March 8th, 1870.
April 7, 1874...	300 00	April 10, 1874.	{ *50 00 *50 00 300 00 *50 00 *50 00 }	1,550 00	Assistant Accountant.
			{ *50 00 *50 00 }	850 00	Correspondence Clerk.
			{ *50 00 *50 00 }	850 00	In charge of Records.
	700 00				Resigned.
{ April 7, 1874 Deceased.....	100 00 1,500 00	{ April 10, 1874	100 00		Deceased.—Promoted from Clerk of Works to Auditor of Estimates.
April 7, 1874...	200 00	do	{ 200 00 *50 00 *50 00 *50 00 }	1,550 00	Assistant Accountant.
				3,000 00	Assistant Chief Engineer.
				3,000 00	Chief Architect.
	3,100 00		{ 600 00 *1,050 00 1,650 00 }	14,750 00	

RETURN showing the names of all persons appointed
CANALS, BOOMS

NAMES.	Average number of days employed.	Rate per day.	Salaries or Wages, Jan. 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov, 1873.		Total Annual Amount.	Increases between 1st January and 7th November, 1873.		
				Dates of Orders in Council.	Salaries or Wages.		Dates of Orders in Council.	Amount of Increase.	
								\$ cts.	cts.
OUTSIDE SERVICE.									
WELLAND CANAL.									
Wm. Strong.....	8 m.			April	38 per mo	304 00			
R. Higgins	8 m.			June	38 do	304 00			
Dewhurst.....			1,200 00				August 19...	100 00	
Perry & Numa.....				September 6					
WILLIAMSBURGH CANAL.									
T. W. Rose.....			1,000 00				July 8.....	100 00	
A. Beer.....	219			October 1...	1 25	273 75			
RIDEAU CANAL.									
C. Milne.....	222	94	208 68				July 10....	13 32 6	
J. McGillivray.....	365	94	343 10				do 10....	21 90 6	
H. McGillivray.....	222	94	208 68				do 10....	13 32 6	
J. Kearby.....	222	75	166 50				do 10....	55 50 25	
F. Driscoll.....	222	75	166 50				do 10....	55 50 25	
C. H. Thomas.....		75	166 50				do 10....	55 50 25	
Pat. Raie.....	222	75	166 50				do 10....	55 50 25	
J. Lucas.....	222	75	166 50				do 10....	55 50 25	
P. Miller.....	222	75	166 50				do 10....	55 50 25	
J. Padevale.....	222	94	208 68				do 10....	13 32 6	
M. Gleason.....	365	94	343 10				do 10....	21 90 6	
J. Gleason.....	222	94	208 68				do 10....	13 32 6	
G. Perus.....	222	94	208 68				do 10....	13 32 6	
H. Glover.....	222	94	208 68				do 10....	13 32 6	
J. Howard.....	222	94	208 68				do 10....	13 32 6	
C. Virtue.....	222	94	208 68				do 10....	13 32 6	
H. Layng.....	222	94	208 68				do 10....	13 32 6	
J. Sherwood.....	222	94	208 68				do 10....	13 32 6	
J. Keys.....	212	94	208 68				do 10....	13 32 6	
W. J. Addison.....	365	1 00	365 00				do 10....	91 25 25	
W. Gleason.....	222	70	155 40				do 10....	66 60 30	
R. Bolton.....	365	70	255 50				do 10....	109 50 30	
J. M. Simmons.....	365	70	255 50				do 10....	109 50 30	
J. McGillivray.....	365	70	255 50				do 10....	109 50 30	
A. Boyd.....	365	80	292 00				do 10....	73 00 20	
W. Johnston.....	365	80	292 00				do 10....	73 00 20	
J. Johnston.....	365	80	292 00				do 10....	73 00 20	
A. Foster.....	365	80	292 00				do 10....	73 00 20	
R. W. Cooper.....				January		600 00			
A. Newsome.....	222	75	166 50				July 10....	55 50 25	
S. Phillips.....	222	75	166 50				do 10....	55 50 25	
J. Phillips.....	222	75	166 50				do 10....	55 50 25	
J. L. McCann.....	222	75	166 50				do 10....	55 50 25	
B. Agar.....	222	75	166 50				do 10....	55 50 25	
W. Lavender.....	222	75	166 50				do 10....	55 50 25	
A. Jones.....	222	75	166 50				do 10....	55 50 25	

to office in the Department of Public Works, &c.

AND SLIDES.

Total Salaries or Wages, on 7th Nov., 1873.	SUBSEQUENT.				Salaries, Mar. 5th, 1877.	REMARKS.
	Reductions.		Increases.			
	Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
\$ cts	\$ cts.	\$ cts.	\$ cts.	\$ cts.		
304 00				304 00		
304 00				304 00		
1,300 00		1,300 00			Resigned. Government land valuator, \$10 per day.	
1,100 00		1,100 00			Superintendent; deceased.	
273 75				273 75	Lock laborer.	
222 00				222 00	Laborer.	
365 00				365 00	do	
222 00				222 00	do	
222 00				222 00	do	
222 00		22 20		199 80	do	
222 00		222 00			Not on pay list.	
222 00				222 00		
222 00				222 00		
222 00		222 00			Not on pay list, 1877.	
365 00				365 00	Laborer, Rideau Canal.	
222 00				222 00	do do	
222 00				222 00	do do	
222 00				222 00	do do	
222 00				222 00	do do	
222 00				222 00	do do	
222 00		222 00			Not on payroll, 1877.	
222 00				222 00	Laborer, Rideau Canal.	
222 00				222 00	do do	
456 25			91 25	547 50	Lock master do	
222 00				222 00	do do	
365 00				365 00	do do	
365 00				365 00	do do	
365 00				365 00	do do	
365 00				365 00	do do	
365 00				365 00	do do	
365 00				365 00	do do	
365 00				365 00	do do	
600 00				600 00	Wharfinger.	
222 00				222 00	Laborer, Rideau Canal.	
222 00		222 00			Not on pay list, 1877.	
222 00				222 00		
222 00		222 00			do	
222 00				222 00	Laborer, Rideau Canal.	
222 00				222 00	do do	
222 00				222 00	do do	

RETURN shewing the names of all persons appointed to

CANALS, BOOMS

NAMES.	Average number of days employed.	Rate per day.	Salaries or Wages, Jan. 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Total Annual Amount.	Increases between 1st January and 7th November, 1873.	
				Dates of Orders in Council.	Salaries or Wages.		Dates of Orders in Council.	Amount of Increase.
OUTSIDE SERVICE.								
RIDEAU CANAL.— <i>Con.</i>								
		\$ c.	\$ cts.		\$ cts.	\$ cts.	\$ cts.	\$ c.
							per ann.	per day.
E. Best.....	222	75	166 50				July 10.....	55 50 25
M. Mooney.....	365	75	273 75				do 10.....	91 25 25
B. Johnston.....	222	75	166 50				do 10.....	55 50 25
D. Mahoney.....	365	75	273 75				do 10.....	91 25 25
B. Cooper.....			365 00				Aug. 13.....	85 00
H. R. Symmes.....			1,400 00				do 13.....	200 00
A. Brousseau.....	78	(*)	93 60				Sept. 27.....	140 40 80
T. Larue.....	78	1 00	78 00				do 27.....	39 00 50
J. Blondin.....	78	1 00	78 00				do 27.....	39 00 50
T. Lacroix.....	78	1 00	78 00				do 27.....	39 00 50
J. D. Foreman.....			600 00				Aug. 30.....	200 00
P. Deane.....	365	80	292 00				July 10.....	73 00 20
W. M. Richey.....	365		300 00				do 10.....	65 00
Jos. Deane.....	365		300 00				do 10.....	65 00
H. Pilson.....	365	70	255 50				do 10.....	73 00 20
R. Hardy.....	365	70	255 50				do 10.....	73 00 20
W. A. Newsome.....	365	70	255 50				do 10.....	73 00 20
W. W. Mills.....	365	70	255 50				do 10.....	73 00 20
W. McCann.....	365	70	255 50				do 10.....	73 00 20
J. T. Jones.....	365	70	255 50				do 10.....	73 00 20
W. C. Pearson.....	365	79	255 50				do 10.....	73 00 20
John Little.....	222	75	166 50				do 10.....	33 30 15
J. Driscoll.....	222	75	166 50				do 10.....	33 30 15
P. McGowan.....	335	75	251 25				do 10.....	50 25 55
J. Beckett.....	222	75	166 50				do 10.....	33 30 15
W. Reid.....			340 00				May 1.....	25 00
J. A. Massi.....			1,000 00				Aug. 30.....	91 25
P. Lefort.....			280 00				July 8.....	100 00
L. Godin.....			340 00				April 3.....	85 00
O. Bourbonnais.....			340 00				Aug. 30.....	91 25
A. Boyer.....			340 00				May 1.....	25 00
S. Smith.....			340 00				Aug. 30.....	91 25
A. Poirier.....			280 00				May 1.....	25 00
L. Leduc.....			280 00				Aug. 30.....	91 25
J. Brophy.....	365	90	328 50				April 3.....	85 00
H. E. Mason.....	365	70	255 50				Aug. 30.....	91 25
W. Cox.....	365	70	255 50				May 1.....	25 00
O. Hartley.....	365	70	255 50				Aug. 30.....	91 25
G. C. Hartley.....	365	70	255 50				April 3.....	85 00
P. Foreman.....	365	80	292 00				Aug. 30.....	91 25
H. Cummins.....	365	90	328 50				April 3.....	85 00

*\$36 per month.

Office in the Public Works Department, &c.—Continued.

AND SLIDES.—Continued.

Total Salaries or Wages, on 7th Nov., 1873.	SUBSEQUENT.				Salaries, Mar. 5th, 1873.	REMARKS.
	Reduction.		Increases.			
	Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
\$ cts.		\$ cts.		\$ cts.		
222 00				222 00	Laborer, Rideau Canal.	
365 00				365 00	do	
222 00				222 00	do	
365 00		365 00			Not on pay-list, 1877.	
450 00				450 00		
1 600 00	Deceased.....	1,600 00			Superint'd't, St. Maurice Riv. Works	
234 00				234 00	Slidemaster do	
117 00				117 00	Station-master do	
117 00				117 00	do do	
117 00				117 00	do do	
800 00				800 00	Superintendent, St. Anne's Lock.	
365 00				365 00	Lockmaster, Rideau Canal.	
365 00				365 00	do do	
365 00				365 00	do do	
328 50	Deceased....	328 50			do do	
328 50				328 50	do do	
328 50				328 50	do do	
328 50				328 50	do do	
328 50				328 50	do do	
328 50				328 50	do do	
328 50				328 50	do do	
199 80				199 80	Bridge Tender do	
199 80				199 80	do do	
301 50				301 50	do do	
199 80				199 80	do do	
456 25				456 25	Lockmaster, Beauharnois Canal.	
1,100 00	Resigned.....	1,100 00			Superintendent do	
456 25				456 25	Lockmaster do	
365 00		365 00			Not on pay-list, 1877.	
456 25				456 25	Lockmaster, Beauharnois Canal.	
456 25				456 25	do do	
456 25				456 25	do do	
456 25				456 25	do do	
365 00		182 50		182 50	do do employed	
					for six months.	
365 00			91 25	456 25	Lock Tender, Carillon & Grenville.	
365 00				365 00	do do	
365 00				365 00	do do	
365 00		182 50		182 50	do do six months	
730 00				730 00	Assistant Superintendent.	
365 00				365 00	Lock Tender, Carillon & Grenville	
365 00				365 00	do [Canal.]	

RETURN shewing the names of all persons appointed

CANALS, BOOMS

NAMES.	Average number of days employed.	Rate per day.	Salaries or Wages, Jan. 1st, 1873.		Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Total Annual Amount.	Increases between 1st January and 7th November, 1873.	
			\$	cts.	Dates of Orders in Council.	Salaries or Wages.		Dates of Orders in Council.	Amount of Increase.
OUTSIDE SERVICE.		cts.	\$	cts.		\$	cts.	\$	cts.
RIDEAU CANAL.— <i>Con.</i>								per ann.	per day.
W. P. Forbes.....			800	00				August 30....	300 00
W. A. McDonald.....			1,000	00				July 8.....	100 00
W. Sauvage.....			280	00				April 3.....	85 00
L. Papineau.....			280	00				do	85 00
J. Cobeb.....			280	00				do	85 00
C. Dubac.....			280	00				do	85 00
E. Malhiot.....			280	00				do	85 00
O. Edson.....			280	00				do	85 00
P. Fegor.....			280	00				do	85 00
J. Brennan.....			300	00				do	65 00
T. Bell.....			300	00				do	65 00
J. Labossun.....			300	00				do	65 00
A. Hender.....			300	00				do	65 00
J. Lynch.....					October.....	365 00	365 00		
E. Languedoc.....			280	00				April 3.....	85 00
P. Leblanc.....			300	00				do	65 00
S. Malhiot.....			300	00				do	65 00
F. H. Berger.....			300	00				do	65 00
N. Berger.....			300	00				do	65 00
M. Conway.....			1,000	00				{ July 8.....	100 00
C. F. Clark.....			1,200	00				{ August 30....	300 00
J. D. Belcher.....					July 10.....	1,000 00	1,000 00	do 19.....	100 00
J. Loughlan.....			120	00				August 25....	80 00
H. Merrill.....			1,600	00				do 19.....	200 00
Total.....			32,676	43			2,846 75		8,146 72

The Order in Council of 13th November, 1873, cancelled no appointments made in this Department. The Order in Council of 7th April, 1874, cancelled that of 4th November, 1873, promoting Mr. to the position of Auditor of Estimates, on the Permanent Staff, at a salary of \$1,500 and that of Clerks, which increased their salaries, the former from \$1,200 to \$1,400, the latter from \$1,100 to

to Office in the Department of Public Works, &c.—Continued.

AND SLIDES.—Continued.

Total Salaries or Wages on 7th Nov., 1873.	SUBSEQUENT.				Salaries Mar. 5th, 1877.	REMARKS.
	Reductions.		Increases.			
	Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
\$ cts.		\$ cts.		\$ cts.		
1,100 00				75 00	1,175 00	Supt., Carillon and Grenville Canal.
1,100 00				500 00	1,600 00	Superintendent, Cornwall Canal.
365 00					365 00	Bridge Tender, Chambly Canal.
365 00					365 00	do do
365 00					365 00	do do
365 00					365 00	do do
365 00					365 00	do do
365 00		365 00				Not on Pay List.
365 00					365 00	Bridge Tender, Chambly Canal.
365 00		365 00				Not on Pay List.
365 00					365 00	Lockmaster, Chambly Canal.
365 00					365 00	do do
365 00					365 00	do do
365 00					365 00	do do
365 00					365 00	do do
365 00					365 00	Bridge Tender, do
365 00					365 00	Lockmaster, do
365 00					365 00	do do
365 00					365 00	do do
365 00					365 00	do do
1,400 00				400 00	1,800 00	Superintendent, Lachine Canal.
1,300 00					1,300 00	Paymaster, do
1,000 00					1,000 00	Superintendent, Trent River Works.
200 00					200 00	Lockmaster, do
1,800 00					1,800 00	Supt., Ottawa River Works.
43,669 90		8,385 70		1,157 50	36,441 70	

W. Hutchison from the position of Clerk of Works on the Outside Service, at a salary of \$1,400, same date, promoting Messrs. O. Dionne and A. P. Bradley, from Senior Second Class to First Class \$1,400.

RETURN shewing the names of all persons appointed to

TOTALS.

NAMES.	Salaries January 1, 1873.	Appointments, other than to fill vacancies between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries 7th Novemb'r, 1873.
		Number.	Salaries.	Number.	Salaries.	
	\$ cts.		\$ cts.			\$ cts.
Inside Service.....	9,700 00	6	5,400 00	9	2,700 00	16,200 00
Railways	25,622 50	14	13,300 00	54	8,227 50	47,150 00
Canals, Booms and Slides...	32,676 43	8	2,846 75	108	8,146 72	43,669 90
Total	67,998 93	28	21,546 75	171	19,074 22	107,019 90

RECAPIT

Salaries payable 1st January, 1873, to persons whose salaries were increased between Appointments made between 1st January and 7th November, 1873
Increases do do do

Reductions by death, resignation and superannuation, &c., of persons above alluded to

Salaries payable 7th November, 1873, to persons who were appointed between 1st who had their salaries increased between those dates.....
Increases to salaries of those persons between 7th November, 1873, and 5th March,

Reductions by cancellation of appointments by Orders in Council of 13th November, Reductions by death, resignation, superannuation, &c., between 7th November, 1873,

Salaries payable 5th March, 1877, after effect is given to such appoint

office in the Department of Public Works.—Continued.

TOTALS.

SUBSEQUENT.				Salaries March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Number.	Amount.	Number.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
.....	3,100 00	.....	1,650 00	14,750 00	
.....	14,470 00	.....	5,930 00	38,610 00	
.....	8,385 70	.....	1,157 50	36,441 70	
.....	25,955 70	.....	8,737 50	89,801 70	

ULATION.

	No.	Amount.	No.	Amount.
		\$ cts.		\$ cts.
that date and 7th November, 1873.....				67,998 93
.....			28	21,546 75
.....			171	19,074 22
.....				108,619 90
between 1st January and 7th November, 1873.....				1,600 00
January and 7th November, 1873, and to those				107,019 90
1877.....				8,737 50
.....				115,757 40
1873. and 7th April, 1874.....		Nil.		
and 5th March, 1877.....		25,955 70		25,955 70
.....				89,801 70
ments, increases and reductions				

F. BRAUN,
Secretary.
Per CHAPLEAU.

RETURN shewing the names of all persons appointed to office on the recom

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th November, 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November, 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
A. C. Chadwick		January 10	2,000 00			2,000 00
J. L. Tasse		May 17	2,600 00			2,600 00
Jos. Pratt, M.D.		do 20	600 00			600 00
J. Pominville, M.D.		do 20	600 00			600 00
J. B. Daoust		do 17	1,400 00			1,400 00
Rev. J. U. Leclerc		do 20	1,200 00			1,200 00
Rev. J. Allan		do 20	1,200 00			1,200 00
H. B. McKay		do 17	1,000 00			1,000 00
1 Warden's-Clerk		June 16	600 00			600 00
1 Chief Keeper		do 16	800 00			800 00
1 Storekeeper		do 16	700 00			700 00
1 Steward		do 16	650 00			650 00
1 Hospital Overseer		do 16	500 00			500 00
1 Schoolmaster		do 16	600 00			600 00
1 Messenger		do 16	400 00			400 00
1 Farmer-Gardener		do 16	550 00			550 00
6 Trade Instructors, at \$700 each (Now 7)		do 16	4,200 00			4,200 00
6 Keepers, at \$500 each (Now 8)		do 16	3,000 00			3,000 00
22 Guards, ranging from \$350 to \$450 each (Now 24)		do 16	8,600 00			8,600 00
H. A. Jones	600 00			July 1	100 00	700 00
James Halliday	500 00			do 1	200 00	700 00
Angus Shaw	460 00			do 1	100 00	560 00
John Swift	450 00			do 1	110 00	560 00
Mrs. M. B. Atkin	300 00			do 1	200 00	500 00
H. Bernard	2,600 00			do 9	600 00	3,200 00
H. N. Wright		July 10	700 00			700 00
John Curley		do 10	400 00			400 00
J. A. Lazier		do 10	2,000 00			2,000 00
L. A. Oliver		September 8	4,000 00			4,000 00
J. McCord		do 8	3,500 00			3,500 00
M. Doherty		do 22	4,000 00			4,000 00
L. Belanger		do 22	4,000 00			4,000 00
H. W. Chaquon		do 22	4,000 00			4,000 00
W. D. Jarvis		do 25	1,400 00			1,400 00
C. F. Young		do 25	1,400 00			1,400 00
J. F. McLeod		do 25	1,400 00			1,400 00
W. Winder		do 25	1,400 00			1,400 00
J. Carvell		do 25	1,400 00			1,400 00
J. M. Walsh		do 25	1,000 00			1,000 00
E. A. Brisebois		do 25	1,000 00			1,000 00
E. D. Clark		do 25	1,400 00			1,400 00
J. Breden		October 2	1,000 00			1,000 00
Lt.-Col. G. A. French		do 18	2,000 00			2,000 00
H. S. Macdonald		do 22	2,000 00			2,000 00
G. H. Dartnell		do 22	2,000 00			2,000 00
Anthony La Course		do 22	2,000 00			2,000 00

mentation of the Minister of Justice (outside and inside service), &c.

SUBSEQUENT.				Salaries March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
				2,000 00	Junior County Court Judge, Wellington } <i>Superannuated.</i>
	2,600 00			600 00	
				600 00	
Dec. 15, 1875...	1,400 00			1,200 00	
				1,200 00	
		Dec. 15, 1875...	400 00	1,400 00	
				600 00	
				800 00	
				700 00	
				650 00	Organization of St. Vincent de Paul Penitentiary
				500 00	
				600 00	
				400 00	
				550 00	
			120 00	4,320 00	
		Dec. 1, 1876....	1,000 00	4,000 00	
		Dec. 1, 1876....	700 00	9,300 00	
				700 00	Clerk, Kingston Penitentiary.
				700 00	Hospital Overseer, do
				560 00	Farmer-Gardener, do
				560 00	Messenger, do
				500 00	Matron, Rockwood Asylum.
	3,200 00				Retired on superannuation.
				700 00	Trade Instructor, Halifax Penitentiary.
				400 00	Messenger, do
				2,000 00	Junior Judge, Co. Hastings, Ontario.
				4,000 00	
				3,500 00	Judges, Superior Court of Province of Quebec; appointed under Statute of that Province, 36 Vic, cap. 10.
				4,000 00	
				4,000 00	
				4,000 00	
				1,400 00	Superintendent and Inspector, North- West Mounted Police.
	1,400 00				do
			1,200 00	2,600 00	Now Commissioner.
				1,400 00	Superintendent and Inspector, North- do [West Mounted Police.
	1,400 00		400 00	1,400 00	Superintendent and Sub-Inspector, North-West Mounted Police.
	1,000 00				do
	400 00			1,000 00	Pay and Quarter-master, North-West Mounted Police.
	1,000 00				Superintendent and Sub-Inspector, North-West Mounted Police.
	2,000 00				Commissioner, North-West Mounted Police.
				2,000 00	} Junior Judges, Leeds and Grenville County Court, Ontario Co., Pro- vince of Ontario, Waterloo.
				2,000 00	
				2,000 00	

RETURN shewing the names of all persons appointed to office on the

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th November, 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November, 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
L. N. F. Crozier.....		November 4...	1,000 00			1,000 00
A. Shuitliff.....		do 4...	1,000 00			1,000 00
R. Lyon.....		do 6 ..	2,000 00			2,000 00
C. Drinkwater.....		July 8.....	600 00			600 00
do	1,150 00			July 9	50 00	1,300 00
do				October 22.....	100 00	
F. White.....	850 00			July 9.....	50 00	1,300 00
do	200 00			(October 16.....	200 00	
E. Radford.....	800 00			July 9.....	50 00	850 00
	7,910 00		77,800 00		1,760 00	87,470 00

Appointments.....
Promotions.....

Cancellations.....

RECAPIT

Salaries payable 1st January, 1873, to persons whose salaries were increased between
Appointments between 1st January and 7th November, 1873.....
Increases do do do

Reductions by death, resignation and superannuation, to persons above alluded to,
Salaries, 7th November, 1873, of persons who were appointed between 1st January
salaries were increased between those dates.....
Increases between 7th November, 1873 and 5th March, 1877.....

Less reductions by cancellation of appointments.....
do death, resignation and superannuation.....

Salaries, 4th March, 1877, of those affected by this Return.....

recommendation of the Minister in the Department of Justice.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
			400 00	1,400 00	} Superintendents and Sub-Inspectors, North-West Mounted Police.
				1,000 00	
				2,000 00	
	600 00				} Junior County Court Judge, Co. Carle- ton, Ontario.
	1,300 00				
	1,600 00		{ 200 00		} Private Secretary. Resigned.
	850 00		{ 100 00		
	18,750 00		4,520 00	73,240 00	{ Transferred to Department of Secre- tary of State. Resigned.

.....75 ...	\$77,800 00
.....11 ...	1,760 00
.....86 ...	79,560 00
.....	Nil.

U L A T I O N .

	No.	Amount.	No.	Total.
		\$ cts.		\$ cts.
that date and 7th November, 1873.....				7,910 00
	75	77,800 00		
	11	1,760 00		
				79,560 00
between 1st January and 7th November, 1873..		Nil.		87,470 00
and 7th November, 1873, and to those whose				4,520 00
				91,990 00
		Nil.		18,750 00
				\$73,240 00

Z. A. LASH,
Deputy Minister of Justice.

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
INSIDE SERVICE.						
John Leslie.....		Aug.	{ 120 00 850 00 }			{ 120 00 850 00 }
William Howe.....	500 00			{ July 1 Aug. 25.....	50 00 550 00	{ 1,100 00
J. V. DeBoucherville.....	1,000 00			Oct. 30.....	100 00	1,100 00
Lient.-Col. Coffin.....	2,000 00			do 30.....	200 00	2,200 00
John Penner.....		Oct. 21.....	800 00			800 00
T. J. S. Kirkpatrick.....		Aug. 6.....	900 00			900 00
F. H. Cowper Cox.....		do 25.....	700 00			700 00
P. B. Symes.....		do 25.....	700 00			700 00
F. S. Checkley.....		do 25.....	700 00			700 00
W. B. Richardson.....		do 25.....	400 00			400 00
J. A. Fraser.....		Oct. 22.....	300 00			300 00
C. C. Rogers.....	600 00			July.....	100 00	700 00
R. Jessop.....		Sept. 6.....	300 00			300 00
P. B. Douglas.....		do 6.....	1,100 00			1,100 00
F. P. Austin.....	1,200 00			July.....	50 00	1,250 00
W. Mills.....	1,200 00			do.....	50 00	1,250 00
W. M. Goodeve.....	800 00			Aug. 25.....	300 00	1,100 00
F. Clayton.....		April 15.....	900 00	do 25.....	200 00	1,100 00
K. J. Henry.....	450 00			do 25.....	250 00	700 00
R. Sinclair.....	1,250 00			June 1.....	150 00	1,400 00
OUTSIDE SERVICE.						
W. Livingston.....		Aug. 6.....	400 00			400 00
C. L. Kene.....		Oct. 21.....	900 00			900 00
L. E. Otis.....		Jan. 10.....	100 00	March 7.....	100 00	200 00

to office in the Department of the Interior.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.	
Reductions.		Increases.				
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.			
	\$ cts.		\$ cts.	\$ cts.		
} Dec. , 1873..	{ 120 00 850 00 }	.....	.....	.....	Transferred to Department of Justice.
.....	.....	.....	{ 50 00 50 00 50 00 }	1,250 00	Under Civil Service Act, except \$550.
April 7, 1874..	100 00	July 18, 1874..	100 00	1,100 00	do	
do 7, 1874..	200 00	.....	.....	2,000 00	{ Increase cancelled by Order in Coun- cil, 7th April, 1874.
.....	.....	.....	50 00	850 00	Under Civil Service Act.
.....	.....	.....	900 00	.....	.....
.....	.....	Statutory increases for years 1874, 1875 and 1876.	{ 50 00 50 00 50 00 }	850 00	Services rendered and salary paid from 1st July, 1873.
.....		{ 50 00 50 00 50 00 }	850 00	do	do
.....		{ 50 00 50 00 50 00 }	850 00	do	do
.....		{ 50 00 50 00 50 00 }	550 00	do	do
Sept. 29, 1875..	300 00		Resigned 29th September 1875.
.....	{ 50 00 50 00 50 00 }	850 00
Feb. 12, 1877..	300 00		Dismissed 12th February, 1877.
.....	{ 50 00 50 00 50 00 }	1,250 00	Under Civil Service Act.
.....	{ 50 00 50 00 50 00 }	1,400 00	do
.....	{ 50 00 50 00 50 00 }	1,400 00	do
.....	.....	.....	{ 50 00 50 00 50 00 }	1,250 00	.....
.....	.....	.....	{ 50 00 50 00 50 00 }	1,250 00	The increases in 1873 under Order in Council of 25th August took effect from 1st July previous.
.....	.....	.....	{ 50 00 50 00 50 00 }	850 00	.....
.....	.....	.....	50 00	1,450 00	Under Civil Service Act.
.....	.....	.....	.....	400 00	Indian Agent and Commissioner.
.....	.....	.....	.....	900 00	Visiting Indian Superintendent.
.....	.....	.....	.....	200 00	Indian Agent.

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
OUTSIDE SERVICE.--Con.						
J. Shaw.....		Sept. 17.....		April 1.....	200 00	1,400 00
W. Plummer.....	1,200 00			Aug. 19.....	600 00	2,600 00
J. W. Powell.....	2,000 00			Sept. 19.....	180 00	1,380 00
Dr. Dee.....	1,200 00			Dec. 10.....	42 00	500 00
Dr. McCargow.....	280 00				178 00	
J. T. Gilkinson.....	1,400 00			Oct. 1.....	210 00	1,610 00
M. Hill.....	250 00			July 10.....	100 00	350 00
A. B. Cowan.....	200 00			Sept. 6.....	300 00	500 00
A. W. Burrows.....		June 4.....	1,000 00	do 6.....	100 00	1,100 00
A. Nesbitt.....		do 2.....	1,000 00	do.....	100 00	1,100 00
G. F. Newcomb.....		do 2.....	1,000 00	do 6.....	100 00	1,100 00
D. Codd.....	1,000 00			Aug. 25.....	200 00	1,200 00
W. Sinclair.....		Sept. 6.....	700 00			700 00
R. Goulet.....		Mar. 25.....	1,200 00			1,200 00
Deputy Minister of Interior, previously under Secretary of State for the Pro- vinces.....	2,600 00			July 9.....	600 00	3,200 00
Total.....	19,130 00		14,070 00		5,010 00	33,210 00

RECAPIT

Salaries payable 1st January, 1873, to persons whose salaries were increased between that
Appointments between 1st January and 7th November, 1873.....
Increases do do
Reductions by death, resignation and superannuation, &c., of persons above alluded to,

Salaries, 7th November, 1873, of those appointed or those whose salaries were increased
Increases between 7th November, 1873, and 5th March, 1877.....

Less reductions by death, resignation, superannuation and dismissal.....
do cancellation of appointments.....
do do increases.....

Salaries, 5th March, 1877, of those affected by this Return.....

to office in the Department of the Interior.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
					Ordnance Land Agent, Kingston.
				1,400 00	Visiting Supt. and Commissioner.
				2,600 00	Indian Superintendent.
				1,380 00	Indian Medical Attendant.
				500 00	do
				1,610 00	Visiting Supt. and Commissioner.
				350 00	Indian Agent.
June 14.....	250 00			250 00	Indian Land Agent.
Sept. 7, 1874..	1,100 00				Dismissed from service.
				1,100 00	Dominion Lands Agent.
				1,100 00	Timber Inspector.
		Nov. 4, 1874..	200 00	1,400 00	Dominion Lands Agent.
		Jan. 23, 1875..	300 00	1,000 00	Clerk, Dominion Lands Office.
				1,200 00	
				3,200 00	
	3,220 00		2,500 00	37,490 00	

ULATION.

	No.	Amount.	No.	Amount.	No.	Total.
date and 7th November, 1873.....			19	14,070 00		19,130 00
between 1st January and 7th November, '73			25	5,010 00		
				Nil.		19,080 00
between 1st January and 7th November, '73						38,210 00
						2,500 00
	5	2,920 00				40,710 00
		Nil.				
	2	300 00				3,220 00
						37,490 00

Correct.

E. A. MEREDITH,
Deputy of the Minister of the Interior

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
R. Bustin		January 30	500 00			
R. D. Anglin		February 10	400 00	Feb. 20, 1873...	100 00	500 00
S. Chevallier		do 12	100 00			100 00
J. Thompson		do 17	800 00			800 00
J. Murray		do 17	550 00			550 00
E. Shortis		do 21	500 00			500 00
J. Keefer		March 3	500 00			
L. T. Merriman		April 1	400 00			400 00
G. H. Fawcett		February 6	300 00			300 00
J. B. Steacy		April 3	500 00			500 00
D. Browne		do 3	1,000 00			1,000 00
S. Calkin		do 25	100 00			100 00
W. Taylor		May 10	240 00			240 00
A. K. Dysart		do 15	500 00			500 00
J. Ehler		do 27	60 00			60 00
J. E. Carter		do 27	60 00			60 00
M. J. Anderson		do 30	800 00			800 00
J. L. Ellison		do 30	400 00			400 00
G. B. Spencer		June 6	2,000 00			2,000 00
J. Emslie		do 6	1,000 00			1,000 00
G. H. Young		do 6	800 00			800 00
R. Marion		do 6	650 00			650 00
R. Jones		do 6	650 00			650 00
F. Boswell		do 6	650 00			650 00
S. White		do 24	550 00			550 00
J. C. Conroy		November 6	500 00			500 00
P. Beniteau		October 27	500 00			500 00
G. Gott		do 27	500 00			500 00
S. W. McMichael		November 3	400 00			400 00
T. R. Ferguson		October 22	1,200 00			1,200 00
M. H. Grass			50 00			50 00
J. Costello		October 27	400 00			400 00
W. Glenny		do 31	550 00			550 00
L. H. Schofield		November 6	700 00			700 00
D. Dawson		October 16	400 00			400 00
J. U. Spillette		do 31	500 00			500 00
J. T. Thompson		November 5	500 00			500 00
J. Louther		October 18	500 00			500 00
E. H. Thompson		do 18	500 00			500 00
J. C. Douglas		do 18	500 00			500 00
E. Fowler		do 18	500 00			500 00
W. Burns		do 18	500 00			500 00
C. W. Baxter		do 18	500 00			500 00
J. Ferguson		July 1	800 00			800 00
W. L. Baby		October 27	500 00			500 00
W. McGarey		November 4	550 00			550 00
A. Bourrett		do 4	550 00			550 00
L. Sampson		August 14	600 00			600 00
T. Harden		November 3	600 00			600 00
J. B. Dion		August 16	600 00			600 00
M. Gauvin		November 5	800 00			800 00
E. Doucet		do 5	550 00			550 00

to office in the Customs Department, &c.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
		Feb. 7, 1876 ...	100 00	600 00	Resigned—never served.
				100 00	
				800 00	
		Feb. 23, 1874 .	50 00	600 00	Died in August, 1873.
				500 00	
				400 00	
		{ March 14, 1874	100 00	500 00	
		{ April, 1875.....	50 00		
		{ do 1876	50 00		
July 31, 1876...	400 00	Feb. 23, 1874...	100 00	600 00	Dismissed June 24th, 1874. do do
				600 00	
				100 00	
				240 00	
				500 00	
				800 00	Resigned in May, 1875.
				400 00	
				2,000 00	
				1,000 00	Resigned in August, 1874.
				800 00	
				650 00	
Nov. 13, 1873..	500 00	Feb. 23, 1874...	50 00	600 00	Appointment cancelled Nov. 13, 1873. Resigned.
				500 00	
Nov. 13, 1873..	400 00	{ Sept. 15, 1874..	500 00	700 00	
		{ Oct. 27, 1876..	200 00		
		June 6, 1874 ...	50 00	1,200 00	Appointment cancelled Nov. 13, 1873. do April 7, 1874.
				100 00	
				400 00	
Nov. 13, 1873..	550 00			400 00	do Nov. 13, 1873. do April 7, 1874.
April 7, 1874...	700 00			500 00	
				500 00	
Nov. 13, 1873..	500 00			500 00	
April 7, 1874...	500 00			500 00	
				500 00	
		{ April 17, 1874..	50 00	600 00	
		{ Aug. 27, 1875..	50 00		
		{ do 27, 1875..	100 00		
				600 00	do April 7, 1874. do and re-appointed. Superannuated in November, 1874. Appointment cancelled Nov. 13, 1873.
				500 00	
				800 00	
				500 00	
April 7, 1874...	550 00			500 00	
do 7, 1874...	550 00		550 00	550 00	
Nov. 13, 1873..	600 00			600 00	do April 7, 1874
April 7, 1874...	800 00			550 00	

RETURN shewing the names of all persons appointed

NAMES.	Salaries January, 1st, 1873.	Appointments other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
J. Allen		August 14.....	100 00			100 00
L. Boright		do	60 00			60 00
J. Mathieu		Nov. 3.....	500 00			500 00
T. Savoy		Oct. 22.....	200 00			200 00
P. Wheeler		do	400 00			400 00
H. W. Bradford.....		Nov. 6.....	400 00			400 00
J. M. F. Whiting.....		August 13.....	550 00	Oct. 31, 1873...	50 00	600 00
J. W. Peters		July 7.....	300 00	do	50 00	350 00
T. B. Foley		Sept. 3.....	550 00			550 00
A. McGillivray.....		Nov. 3.....	200 00			200 00
W. H. Lovett.....		do 4.....	150 00			150 00
D. Campbell		Oct. 18.....	100 00			100 00
D. McDonald.....		Nov. 4, 1873...	300 00			300 00
C. McLennan.....		Nov. 3, 1873...	2,000 00			2,000 00
G. Bremner		do	1,200 00			1,200 00
R. Crawford.....		do	1,000 00			1,000 00
J. B. McKenna		do	500 00			500 00
J. Irving		do	1,000 00			1,000 00
W. H. Wilson		do	800 00			800 00
H. A. McKenna.....		do	800 00			800 00
J. Ross.....		do	500 00			500 00
J. Foster.....		do	600 00			600 00
B. McPhillips.....		do	500 00			500 00
3 Landing Waiters. No names, at \$500 each		do	1,500 00			1,500 00
3 Tide Waiters. No names, at \$400 each.....		do	1,200 00			1,200 00
J. McDonald		do	800 00			800 00
G. A. Hughes.....		do	800 00			800 00
H. Griffin.....		do	400 00			400 00
W. Dalziel		do	300 00			300 00
J. Bertram		do	800 00			800 00
J. J. Arseneau.....		do	600 00			600 00
S. Clark		do	400 00			400 00
J. Custin		do	300 00			300 00
J. Schurman		do	300 00			300 00
J. F. McDonald.....		April 18.....	150 00			150 00
W. Powers		Oct. 18.....	456 25			456 25
W. Buchanan.....		June 24.....	550 00			550 00
N. Tupper.....		Oct. 22.....	1,300 00			1,300 00
J. F. Tuck		August 14.....	200 00			200 00
W. C. Baker		Oct. 18.....	300 00			300 00
J. G. Miller.....		July 1.....	800 00	Oct. 31, 1873...	100 00	900 00
W. H. Lester.....		Feb. 21.....	600 00	do	200 00	800 00
J. Broseau.....		April 3.....	600 00	do	100 00	700 00
P. Guertin		do	600 00	do	100 00	700 00
W. Forsythe, jr... ..		Jan. 30.....	500 00	{ July 9.....	50 00	600 00
A. Armstrong.....		Feb. 17.....	550 00	{ Oct. 31.....	50 00	
J. L. Thompson		do	500 00	do	50 00	550 00
F. Violette.....		March 21.....	50 00	do	50 00	100 00
G. Baird		do	50 00	do	50 00	100 00
D. Boyd.....		April 14.....	100 00	do	50 00	150 00

to office in the Department of Customs, &c.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
				100 00	
Nov. 13, 1873.	500 00	June 20, 1874.	60 00	120 00	Appointment cancelled, Nov. 13, 1873.
					Services dispensed with, March 7, 1874.
				400 00	
Nov. 13, 1873.	400 00				Appointment cancelled, Nov. 13, 1874.
Feb. 23, 1874.	50 00	Feb. 23, 1874.	50 00	600 00	
do	50 00	do	50 00		Gone since Oct., 1875.
		do	50 00	600 00	
April 7, 1874.	200 00		200 00	200 00	Appointment cancelled and reappointed
Nov. 13, 1873.	150 00				do do Nov. 13, 1873.
				100 00	
Nov. 13, 1873.	300 00				do do do
do	2,000 00				do do do
do	1,200 00	Jan. 8, 1874.	1,200 00	1,200 00	do do and reappointed
do	1,000 00				do do Nov. 13, 1873.
do	500 00	Jan. 8, 1874.	400 00	400 00	do do and reappointed
do	1,000 00	do	1,000 00	1,000 00	do do do
do	800 00	do	800 00	800 00	do do do
do	800 00	do	750 00	750 00	do do do
do	500 00	do	400 00		do do and resigned
					May 1, 1874.
do	600 00	do	500 00	500 00	Appointment cancelled and reappointed
do	500 00	do	500 00	500 00	do do do
do	1,500 00				Cancelled Nov. 13, 1873.
					do do
do	1,200 00				
do	800 00	Jan. 8, 1874.	700 00		Appointment cancelled and reappointed
					Died in Dec., 1876.
do	800 00				Cancelled Nov. 13, 1873.
do	400 00				do do
do	300 00	Jan. 8, 1874.	300 00	300 00	do and reappointed.
do	800 00				do Nov. 13, 1873.
do	600 00				do do
do	400 00				do do
do	300 00				do do
do	300 00				do and reappointed. Resigned
					in Nov., 1874.
do	150 00				Services dispensed with, Oct., 1875.
do		Aug. 27, 1875.	43 75	500 00	
		Feb. 23, 1874.	50 00	660 00	
Feb. 23, 1874.	100 00			1,200 00	
				200 00	
		{ Nov. 6, 1874	100 00	} 450 00	
		{ Jan. 1876	50 00		
Feb. 23, 1874.	100 00			800 00	
do	200 00	Feb. 23, 1874.	100 00	700 00	
do	100 00	do	100 00	700 00	
do	100 00	do	100 00	700 00	
do	50 00	do	50 00	600 00	
do	50 00	do	100 00	650 00	
do	50 00	do	50 00	550 00	
do	50 00	do	50 00	100 00	
do	50 00	do	50 00	100 00	
do	50 00	do	50 00		Died in Oct., 1875.

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.		Appointments, other than to fill vacancies between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873	
	\$	cts.	Dates of Orders in Council.	Salaries. \$ cts.	Dates of Orders in Council.	Amount of Increase. \$ cts.	\$	cts.
D. Murray.....			April 26.....	300 00	October 31.....	50 00		350 00
M. McKenzie.....			do 3.....	100 00	do 31.....	50 00		150 00
J. Withers.....			May 30.....	400 00	do 31.....	100 00		500 00
A. C. Bleakney.....			February 26...	600 00	do 21.....	100 00		700 00
W. McClain.....			May 30.....	500 00	do 31.....	50 00		550 00
H. H. Cunningham.....	400 00				October 31.....	200 00		600 00
W. A. Beamish.....	700 00				do 31.....	100 00		800 00
R. L. Lazier.....	400 00				do 31.....	200 00		600 00
W. McIntosh.....	300 00				do 31.....	100 00		400 00
D. Curtis.....	1,200 00				July 9.....	100 00		1,300 00
A. L. Wilson.....	600 00				{ July 9.....	50 00		750 00
					{ October 31.....	100 00		
G. Easton.....	1,200 00				July 9.....	100 00		1,300 00
C. Sibbald.....	700 00				{ July 9.....	50 00		850 00
					{ October 31.....	100 00		
A. Stewart.....	625 00				{ July 9.....	25 00		750 00
					{ October 31.....	100 00		
D. Jones.....	400 00				October 31.....	100 00		500 00
E. A. Dunham.....	700 00				do 31.....	100 00		800 00
J. G. Pennefather.....	1,000 00				{ July 9.....	100 00		1,200 00
					{ October 31.....	100 00		
J. E. Monk.....	300 00				{ July 9.....	50 00		500 00
					{ October 31.....	150 00		
A. R. McGregor.....	500 00				{ June 1.....	100 00		700 00
					{ October 31.....	100 00		
J. Duck.....	200 00				October 31.....	200 00		500 00
W. Legget.....	1,500 00				do 31.....	300 00		1,800 00
G. Liddell.....	1,000 00				do 31.....	100 00		1,100 00
J. Smeaton.....	550 00				do 31.....	100 00		650 00
T. Magrath.....	550 00				do 31.....	100 00		650 00
J. H. Cannon.....	500 00				{ July 9.....	50 00		650 00
					{ October 31.....	100 00		
T. McLaughlan.....	500 00				{ July 9.....	50 00		650 00
					{ October 31.....	100 00		
P. Culhane.....	500 00				{ July 9.....	50 00		650 00
					{ October 31.....	100 00		
J. G. Elwood.....	730 00				October 31.....	70 00		800 00
J. P. Brown.....	900 00				do 31.....	100 00		1,000 00
A. H. Godard.....	300 00				do 31.....	100 00		400 00
W. A. Rooth.....	200 00				do 31.....	200 00		400 00
J. S. Scofield.....	200 00				do 31.....	100 00		300 00
G. Wilson.....	100 00				do 31.....	100 00		200 00
T. Dorothy.....	300 00				do 31.....	200 00		500 00
J. McClellan.....	450 00				{ July 9.....	50 00		600 00
					{ October 31.....	100 00		
C. Treble.....	600 00				October 31.....	100 00		700 00
W. Eden.....	600 00				{ April 1.....	50 00		750 00
					{ October 31.....	100 00		
R. G. Warren.....	600 00				do 31.....	100 00		700 00
J. Magwood.....	300 00				do 31.....	300 00		600 00
E. Nalty.....	250 00				do 31.....	50 00		300 00
S. S. Walsh.....	550 00				do 31.....	150 00		700 00
W. Beatty.....	1,400 00				do 31.....	200 00		1,600 00
C. R. M. Sewell.....	1,300 00				do 31.....	100 00		1,400 00

to office in the Department of Customs, &c.—Continued.

SUBSEQUENT				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.		
Feb. 23, 1874...	50 00	Feb. 23, 1874...	50 00	350 00	
do 23 ...	50 00	do	50 00	150 00	
do 23 ...	100 00	{ do	100 00 }	700 00	
		{ Jan. 23, 1875	200 00 }		
November 7 ...	300 00	{ do 23	50 00 }	500 00	
		{ do 23, 1876	50 00 }		
Feb. 23, 1874...	50 00	Feb. 23, 1874...	100 00	600 00	
do	200 00	Feb. 23, 1874...	100 00	500 00	
do	100 00	do	100 00	800 00	
do	200 00	do	100 00	500 00	
do	100 00	do	100 00	400 00	
do	100 00	Feb. 23, 1874...	50 00	.....	Services dispensed with in 1876.
				.....	Died in September, 1876.
				1,300 00	
do	100 00	Feb. 23, 1874...	50 00	800 00	
do	100 00	do	50 00	700 00	
do	100 00	.....	.....	.....	Superannuated, May, 1874.
do	100 00	February 23...	100 00	800 00	
do	100 00	.....	.....	1,100 00	
do	150 00	February 23...	50 00	400 00	
do	100 00	do 23...	100 00	700 00	
do	200 00	{ Feb. 23, 1874	100 00 }	500 00	
do	300 00	{ May 7	100 00 }	1,800 00	
do	100 00	Feb. 23, 1874...	300 00	1,100 00	
do	100 00	do	100 00	650 00	
do	100 00	do	100 00	650 00	
do	100 00	do	100 00	650 00	
do	100 00	do	100 00	650 00	
do	70 00	do	70 00	.....	Died in March, 1875.
do	100 00	do	100 00	1,000 00	
do	100 00	do	100 00	400 00	
do	200 00	do	100 00	300 00	
do	100 00	do	100 00	300 00	
do	100 00	do	100 00	200 00	
do	200 00	do .....	.....	300 00	
do	100 00	do	50 00	550 00	
do	100 00	do	100 00	700 00	
February 23...	100 00	February 23...	50 00	.....	Superannuated, December, 1875.
do 23...	100 00	do 23...	100 00	700 00	
do 23...	300 00	.....	.....	.....	Died in March, 1874.
do 23...	50 00	February 23...	50 00	300 00	
do 23...	150 00	do 23...	150 00	700 00	
do 23...	200 00	do 23...	100 00	.....	Died in March, 1876.
do 23...	100 00	do 23...	100 00	.....	Died in September, 1876.

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments other than to fill vacancies between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
F. Shepherd.....	1,000 00			October 31..	100 00	1,100 00
T. Birss	900 00			do 31..	100 00	1,000 00
J. S. Amos	850 00			do 31..	50 00	900 00
W. G. Monday	600 00			July 9	150 00	750 00
P. S. McHenry	550 00			do 9	50 00	600 00
P. O'Heir	500 00			{ October 31..	50 00	} 600 00
C. M. Kelly	550 00			do 31..	50 00	
E. J. W. Burton	1,100 00			do 31..	100 00	1,200 00
W. R. Niagara	1,100 00			November 1..	800 00	1,900 00
J. Hopkirk	900 00			October 31..	100 00	1,000 00
J. S. Smythe	800 00			do 31..	100 00	900 00
H. Gillespie	800 00			do 31..	200 00	1,000 00
E. McColl	600 00			{ July 9	50 00	} 800 00
T. Meagher.....	550 00			{ October 31..	150 00	
J. Kidd	500 00			do 31..	150 00	700 00
J. Murphy.....	550 00			do 31..	150 00	700 00
T. Robinson	550 00			do 31..	150 00	700 00
W. H. Davy	400 00			do 31..	100 00	500 00
H. Dugdale	200 00			September 1..	100 00	300 00
J. B. Strathy	1,700 00			October 31..	100 00	1,800 00
D. Cameron	1,200 00			do 31..	200 00	1,400 00
E. S. Collette	1,000 00			do 31..	200 00	1,200 00
R. Irvine	700 00			do 31..	100 00	800 00
R. F. Evans	600 00			do 31..	100 00	700 00
E. Anderson	800 00			do 31..	100 00	900 00
F. Church	350 00			do 31..	50 00	400 00
J. Benson	800 00			July 9	100 00	900 00
F. Beaman	450 00			July 9	50 00	500 00
F. Farncomb	600 00			October 31..	200 00	800 00
R. Welch	550 00			do	200 00	750 00
C. R. Sing	200 00			do	200 00	400 00
Z. Wilson	1,500 00			do	100 00	1,600 00
B. Gordon	1,000 00			do	200 00	1,200 00
W. McGay	750 00			{ July 9	100 00	} 950 00
				{ October 31..	100 00	
				{ July 7	50 00	
				{ July 9	50 00	
C. Carleton.....	750 00			{ October 31..	50 00	} 900 00
				do	100 00	
J. T. Bartram.....	750 00			do	100 00	850 00
A. Heney	600 00			do	200 00	800 00
J. Little	550 00			do	50 00	600 00
G. J. Horan	600 00			do	100 00	700 00
J. Burns	240 00			do	160 00	400 00
W. N. Rutledge.....	300 00			do	200 00	500 00
J. D. Beaty	200 00			do	200 00	400 00
W. H. McLean.....	400 00			do	100 00	500 00
F. W. Mandeville.....	400 00			do	100 00	500 00
H. Lowe	400 00			do	100 00	500 00
H. D. Jessup	1,200 00			do	100 00	1,300 00
G. Twomley	900 00			do	100 00	1,000 00
M. Dowsley.....	700 00			do	100 00	800 00

to Office in the Department of Customs, &c.—Continued.

SUBSEQUENT				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
February 23...	100 00	February 23...	100 00	1,100 00	
do 23...	100 00	do 23...	100 00	1,000 00	
do 23...	50 00	{ do 23...	50 00	1000 00	
		{ May 7, 1875..	100 00		
				750 00	
		May 7, 1875....	100 00	700 00	
do 23...	50 00			5 0 00	
do 23...	50 00		50 00	6 0 00	
do 23...	100 00			1,100 00	
				1,900 00	
do 23...	100 00		100 00		Services dispensed with, Jan. 1, 1875.
do 23...	100 00	February 23...	100 00		
do 23...	200 00	do 23...	100 00		Superannuated, February 1, 1875.
do 23...	150 00	do 23...	100 00	750 00	Dismissed, June, 1875.
do 23...	150 00	do 23...	50 00	600 00	
do 23...	150 00	do 23...	50 00	600 00	
do 23...	150 00	do 23...	50 00	600 00	
do 23...	150 00	do 23...	50 00	600 00	
do 23...	100 00	do 23...	50 00		Dismissed, December, 1876.
				300 00	
do 23...	100 00	do 23...	100 00	1,800 00	
do 23...	200 00	do 23...	200 00	1,400 00	
do 23...	200 00	do 23...	100 00	1,100 00	
do 23...	100 00	do 23...	50 00	750 00	
do 23...	100 00	do 23...	50 00	650 00	
do 23...	100 00	do 23...		800 00	
do 23...	50 00	do 23...	50 00	400 00	
		do 23...		900 00	
					Superannuated, October, 1876.
February 23...	200 00	February 23 ...	100 00	700 00	
Dec. 7, 1873...	200 00			550 00	
February 23 ...	200 00	do ...	100 00	300 00	
do ...	100 00	do ...	100 00	1,600 00	
do ...	200 00	do ...	200 00		Died in May, 1876.
do ...	100 00	do ...	100 00	950 00	
do ...	50 00	do ...	100 00	950 00	
do ...	100 00	{ do ...	100 00	1,200 00	
do ...	200 00	{ June 9, 1876.	350 00		
do ...	50 00	February 23 ...	200 00	800 00	
do ...	100 00	do ...	50 00		Died in January, 1875.
do ...	100 00	do ...	50 00	650 00	
do ...	160 00	do ...	160 00		Superannuated, September, 1875.
do ...	200 00	do ...	100 00	400 00	
do ...	200 00	do ...	100 00		Resigned in August, 1875.
do ...	100 00	do ...	50 00	250 00	
{ July 31, 1876	200 00				
{ February 23.	100 00	{ do ...	50 00	250 00	
{ July 31, 1876	200 00				
February 23...	100 00				Resigned, January, 1874.
do ...	100 00			1,200 00	
do ...	100 00	do ...	50 00	950 00	
do ...	100 00	do ...	100 00	800 00	

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.		Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.	
	\$	cts.	Dates of Orders in Council.	Salaries. \$ cts.	Dates of Orders in Council.	Amount of Increase. \$ cts.	\$	cts.
W. Geraldson.....	600	00			October 31...	100 00	700	00
A. S. Geraldson.....	400	00			do ...	100 00	500	00
J. W. Verner.....	1,100	00			do ...	100 00	1,200	00
G. N. Mathison.....	600	00			do ...	100 00	700	00
J. King.....	600	00			do ...	100 00	700	00
G. W. Thomas.....	500	00			do ...	100 00	600	00
J. Clark.....	1,100	00			do ...	100 00	1,200	00
J. B. Benson.....	700	00			do ...	150 00	850	00
C. R. Ellis.....	600	00			do ...	100 00	700	00
J. S. Clark.....	200	00			do ...	200 00	400	00
J. Wilson.....	1,000	00			do ...	100 00	1,100	00
J. Livingstone.....	500	00			do ...	100 00	600	00
P. Brown.....	500	00			do ...	100 00	600	00
J. Bowker.....	650	00			do ...	100 00	750	00
J. Cousins.....	500	00			October 31...	100 00	600	00
S. Thebo.....	200	00			do 31...	100 00	300	00
J. S. Clouston.....	200	00			do 31...	100 00	300	00
R. English.....	200	00			do 31...	100 00	300	00
W. Hemphill.....	600	00			do 31...	200 00	800	00
J. E. Smith.....	2,600	00			do 31...	600 00	3,200	00
T. C. Scott.....	1,600	00			do 31...	400 00	2,000	00
R. Inglis.....	1,200	00			do 31...	100 00	1,300	00
J. Douglas.....	1,400	00			do 31...	200 00	1,600	00
C. B. Mackay.....	1,200	00			do 31...	200 00	1,400	00
J. Woodhouse.....	1,000	00			do 31...	100 00	1,100	00
D. Delamere.....	1,000	00			do 31...	100 00	1,100	00
T. McLean.....	600	00			{ July 9... Oct. 31...	100 00 200 00	900	00
J. Scanlan.....	700	00			October 31...	200 00	900	00
J. B. Robinson.....	600	00			{ July 9... Oct. 31...	100 00 200 00	900	00
G. Watson.....	660	00			{ July 9... Oct. 31...	140 00 100 00	900	00
T. Spence.....	550	00			{ July 9... Oct. 31...	50 00 50 00	650	00
J. Clark.....	550	00			{ July 9... Oct. 31...	50 00 50 00	650	00
J. Milbourne.....	500	00			October 31... { July 9... Oct. 31...	50 00 50 00 150 00	550	00
W. Jardine.....	550	00			{ July 9... Oct. 31...	50 00 150 00	750	00
J. B. Fleming.....	450	00			{ July 9... Oct. 31...	50 00 50 00	550	00
J. P. Dunn.....	900	00			October 31...	100 00	1,000	00
T. McCarthy.....	650	00			do 31...	150 00	800	00
H. Sinclair.....	600	00			do 31...	100 00	700	00
H. D. Wilson.....	600	00			do 31...	100 00	700	00
H. B. Gowan.....	500	00			{ July 9... Oct. 31...	50 00 50 00	600	00
J. Green.....	550	00			{ July 9... Oct. 31...	50 00 50 00	650	00
G. Munro.....	500	00			{ April 1... Oct. 31...	50 00 50 00	630	00

to office in the Department of Customs, &c.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
February 23...	100 00	February 23...	100 00	700 00	
do ...	100 00	do ...	150 00	550 00	
do ...	100 00				Superannuated, August 1st, 1874.
do ...	100 00	{ Feb. 23.....	150 00	{ 1,200 00	
do ...	100 00	{ July 23.....	450 00		
do ...	100 00	Feb. 23.....	100 00	700 00	
do ...	100 00	do	50 00	550 00	
do ...	100 00	do	100 00	1,200 00	
do ...	150 00	do	100 00		Died in February, 1876.
do ...	100 00	do	100 00		Superannuated, June, 1874.
do ...	200 00	do	100 00	300 00	
do ...	100 00	do	100 00	1,100 00	
do ...	100 00	do	100 00	600 00	
do ...	100 00	do	100 00	600 00	
do ...	100 00	do	100 00	750 00	
do ...	100 00	do	100 00	600 00	
February 23...	100 00	February 23...	100 00	600 00	
do 23...	100 00	do 23...	100 00		Died March, 1874.
do 23...	100 00	do 23...	100 00		Left Service in September, 1873.
do 23...	100 00	do 23...	100 00	300 00	
do 23...	200 00				Died in February, 1874.
do 23...	600 00	February 23...	400 00	3,000 00	
do 23...	400 00	do 23...	400 00		do December, 1876.
do 23...	100 00	do 23...	200 00	1,400 00	
do 23...	200 00	{ do 23 .	200 00	{ 2,000 00	
do 23...	200 00	{ Dec. 22, 1876	400 00		
do 23...	100 00	February 23...	200 00	1,400 00	
do 23...	100 00	do 23...	100 00		do January 1st, 1877.
do 23...	100 00	do 23...	100 00		do September, 1875.
do 23...	200 00	do 23...	100 00	800 00	
do 23...	200 00	{ do 23...	200 00	{ 1,200 00	
		{ Dec. 22, 1876	300 00		
do 23...	200 00	.....	.....	.....	Resigned, January, 1874.
do 23...	100 00	February 23...	100 00	900 00	
do 23...	50 00	.....	.....	.....	do March 1st, 1874.
do 23...	50 00	February 23...	50 00	650 00	
do 23...	50 00	do 23...	50 00		Died in October, 1874.
do 23...	150 00	.....	.....	600 00	
do 23...	50 00	.....	.....	500 00	
do 23...	100 00	February 23...	100 00		Superannuated, January, 1877.
do 23...	150 00	{ do 23...	150 00	{ 900 00	
do 23...	100 00	{ Aug. 22, 1875	100 00		
do 23...	100 00	February 23...	100 00		do August, 1875.
do 23...	100 00	do 23...	100 00		do May, 1875.
do 23...	50 00	do 23...	50 00	600 00	
do 23...	50 00	do 23...	50 00		do August, 1875.
do 23...	50 00	do 23...	50 00	600 00	

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts		\$ cts.		\$ cts.	\$ cts.
B. Anderson.....	550 00			{ April 14... 50 00 Oct. 31... 150 00		750 00
C. Loarden.....	500 00			{ July 9... 50 00 Oct. 31... 50 00		600 00
L. P. Sherwood.....	600 00			{ July 9... 50 00 Oct. 31... 50 00		700 00
D. McLeod.....	550 00			{ July 9... 50 00 Oct. 31... 50 00		650 00
C. Baker.....	800 00			October 31... 100 00		900 00
A. K. Boomer.....	800 00			do 31... 100 00		900 00
J. W. Horgan.....	750 00			October 31... 150 00		900 00
J. R. McCaffrey.....	750 00			do 50 00		800 00
W. Howe.....	600 00			do 100 00		700 00
J. Stitt.....	800 00			do 150 00		950 00
H. Duff.....	750 00			do 150 00		900 00
R. G. Patton.....	750 00			do 150 00		900 00
R. Yorston.....	550 00			{ July 9 50 00 October 31... 100 00		700 00
C. Slein.....	400 00			do 100 00		500 00
R. Leatch.....	500 00			do 50 00		550 00
A. Scott.....	550 00			do 50 00		600 00
J. Hamilton.....	900 00			July 9 100 00		1,000 00
A. Macaulay.....	400 00			October 31... 200 00		600 00
C. Fraser.....	600 00			do 100 00		700 00
W. Brockdorff.....	200 00			{ July 9 100 00 October 31... 200 00		500 00
W. Warren.....	800 00			July 9 100 00		900 00
F. F. Pole.....	550 00			October 31... 50 00		600 00
R. Brennan.....	500 00			do 50 00		550 00
W. Benson.....	1,300 00			do 100 00		1,400 00
W. Morton.....	900 00			do 200 00		1,100 00
M. Cowan.....	800 00			do 100 00		900 00
J. L. Marentette.....	600 00			do 50 00		650 00
J. Clark.....	550 00			do 50 00		600 00
F. Perkins.....	550 00			do 50 00		600 00
J. Watson.....	500 00			{ July 9 50 00 October 31... 50 00		600 00
R. W. Richardson.....	500 00			{ July 9 50 00 October 31... 50 00		600 00
F. H. Morrin.....	500 00			do 50 00		550 00
J. Richardson.....	600 00			do 50 00		650 00
G. Gilkes.....	500 00			{ July 9 50 00 October 31... 50 00		600 00
W. H. VanIngen.....	950 00			do 50 00		1,000 00
J. H. Tomkins.....	650 00			{ April 1 50 00 October 31... 200 00		900 00
H. Lacroix.....	650 00			do 150 00		800 00
C. E. Perry.....	600 00			September 1... 200 00		800 00
J. B. Grant.....	600 00			October 31... 200 00		800 00
A. Workman.....	300 00			do 31 100 00		400 00
J. J. Kavanagh.....	600 00			do 31 100 00		700 00

to office in the Department of Customs, &c.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
February 23....	150 00	February 23....	100 00	700 00	
do 23....	50 00	do 23....	50 00	600 00	
do 23....	50 00	.....	.....	650 00	
do 23....	50 00	February 23....	50 00	.....	Died in January, 1877.
do 23....	100 00	{ do 23....	100 00	} 1,000 00	do May, 1875.
do 23....	100 00	{ Aug. 27, 1875	100 00		
Feb. 23, 1874....	150 00	{ Feb. 23, 1874	50 00	} 900 00	
do ...	50 00	{ Aug. 27, 1875	100 00		
do ...	100 00	Feb. 23, 1874....	50 00	800 00	
do ...	150 00	do ...	50 00	650 00	
do ...	150 00	Aug. 27, 1875..	100 00	900 00	
do ...	150 00	{ Feb. 23, 1874	50 00	} 900 00	
do ...	150 00	{ Aug. 27, 1875	100 00		
do ...	150 00	{ Feb. 23, 1874	50 00	} 1,000 00	
do ...	150 00	{ Aug. 27, 1875	200 00		
do ...	100 00	February 23 ...	50 00	.....	Superannuated August, 1875.
do ...	100 00	do ...	100 00	500 00	
do ...	50 00	do ...	50 00	.....	Superannuated August, 1875.
do ...	50 00	do ...	50 00	600 00	
do ...	200 00	Jan. 1, 1875 ...	200 00	1,200 00	
do ...	100 00	Feb. 23, 1874....	100 00	.....	Died in March, 1875.
do ...	200 00	Feb. 23, 1874....	100 00	400 00	
do ...	50 00	Feb. 23, 1874....	50 00	600 00	Superannuated August, 1875.
{ do ...	50 00	do ...	50 00	200 00	
{ Aug. 1, '75....	350 00	do ...	100 00	1,400 00	
Feb 23, 1874....	100 00	do ...	100 00	1,000 00	
do ...	200 00	do ...	100 00	900 00	
do ...	190 00	do ...	50 00	650 00	
do ...	50 00	do ...	50 00	.....	Superannuated November, 1874.
do ...	50 00	do ...	50 00	600 00	
do ...	50 00	do ...	50 00	600 00	
do ...	50 00	do ...	50 00	600 00	
do ...	50 00	{ do ...	50 00	} 600 00	
do ...	50 00	{ Aug. 1, 1874	50 00		
do ...	50 00	Feb. 23, 1874....	50 00	650 00	
do ...	50 00	do ...	50 00	600 00	
do ...	50 00	do ...	50 00	1,000 00	
do ...	200 00	do ...	200 00	900 00	
do ...	150 00	do ...	150 00	800 00	
do ...	200 00	Dec. 18, 1874....	200 00	1,000 00	
February 23....	200 00	Feb. 23, 1874 ...	200 00	800 00	
do 23....	100 00	do 23, 1874 ...	100 00	.....	Superannuated, January 1st, 1877.
do 23....	100 00	.....	.....	600 00	

RETURN showing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.	
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.		
	\$ cts.		\$ cts.		\$ cts.	\$ cts.	
J. Perrie.....	200 00			October 31.....	100 00	300 00	
J. J. Fox.....	800 00			do 31.....	200 00	1,000 00	
W. Harvey.....	300 00			do 31.....	200 00	500 00	
W. B. Simpson.....	1,900 00			November 1.....	1,700 00	3,600 00	
J. Lewis.....	2,000 00			October 31.....	400 00	2,400 00	
A. Bryson.....	1,800 00			do 31.....	200 00	2,000 00	
D. Mackay.....	1,800 00			do 31.....	200 00	2,000 00	
D. E. Villeneuve.....	1,800 00			do 31.....	200 00	2,000 00	
J. H. McNider.....	900 00			do 31.....	100 00	1,000 00	
P. A. Mercier.....	800 00			do 31.....	200 00	1,000 00	
O. P. Allard.....	700 00			do 31.....	300 00	1,000 00	
P. G. Fauteaux.....	800 00			do 31.....	200 00	1,000 00	
T. Gabbler.....	800 00			do 31.....	200 00	1,000 00	
E. Meyer.....	1,400 00			do 31.....	100 00	1,500 00	
J. Nelson.....	1,300 00			do 31.....	100 00	1,400 00	
L. Globensky.....	875 00			do 31.....	25 00	900 00	
J. O'Meara.....	800 00			July 9.....	50 00	850 00	
E. Bromley.....	800 00			do 9.....	50 00	850 00	
E. Brosseau.....	800 00			do 9.....	50 00	850 00	
O. Allard.....	1,150 00			October 31.....	50 00	1,200 00	
R. Stuart.....	550 00			{ January 1.....	50 00	} 750 00	
				{ July 9.....	50 00		
				{ October 31.....	100 00		
F. Crispo.....	1,600 00			{ July 9.....	200 00	} 2000 00	
				{ October 31.....	200 00		
C. Selby.....	1,500 00			October 31.....	100 00	1,600 00	
J. P. Purcell.....	1,300 00			do 20.....	500 00	1,800 00	
W. Bleatley.....	1,300 00			do 31.....	100 00	1,400 00	
J. Cox.....	900 00			do 31.....	100 00	1,000 00	
J. Dunn.....	700 00			{ July 9.....	50 00	} 800 00	
				{ October 31.....	50 00		
J. F. Wolff.....	800 00			October 31.....	100 00	900 00	
F. A. Lavoie.....	700 00			{ July 9.....	50 00	} 800 00	
				{ October 31.....	50 00		
A. Laurier.....	950 00			October 31.....	50 00	1,000 00	
S. Tidmarsh.....	800 00			do 31.....	50 00	850 00	
W. J. O'Hara.....	900 00			{ July 9.....	50 00	} 1,000 00	
				{ October 31.....	50 00		
J. A. Jordan.....	600 00			{ July 9.....	50 00	} 700 00	
				{ October 31.....	50 00		
J. Struthers.....	600 00			{ July 9.....	50 00	} 700 00	
				{ October 31.....	50 00		
W. Burrell.....	600 00			{ July 9.....	50 00	} 700 00	
				{ October 31.....	50 00		
A. A. Lantier.....	500 00			{ July 9.....	50 00	} 700 00	
				{ October 23.....	150 00		
T. Seivwright.....	800 00			October 31.....	100 00	900 00	
D. Tuff.....	500 00			{ July 9.....	50 00	} 600 00	
				{ Nov. 4.....	50 00		
J. O. Labranche.....	500 00			July 9.....	50 00	550 00	
F. Bennett.....	500 00			do 9.....	50 00	550 00	
L. St. Jean.....	500 00			do 9.....	50 00	550 00	
J. McClusky.....	500 00			do 9.....	50 00	550 00	
L. J. Tessier.....	500 00			do 9.....	50 00	550 00	
H. Fenoglio.....	500 00			do 9.....	50 00	550 00	

to office in the Department of Customs, &c.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
February 23...	100 00	Feb. 23, 1874 ..	100 00	.....	Died in August, 1875.
do 23...	200 00	do 23, 1874 ..	100 00	900 00	
do 23...	200 00	do 23, 1874 ..	200 00	.....	Died in March, 1875.
		July 21, 1876 ..	400 00	4,000 00	
February 23...	400 00	Feb. 23, 1874 ..	400 00	2,400 00	
do 23...	200 00			1,800 00	
do 23...	200 00			.....	Died in January, 1877.
do 23...	200 00			1,800 00	
do 23...	100 00	Feb. 23, 1874 ..	100 00	.....	Died in March, 1874.
do 23...	200 00	do 23, 1874 ..	100 00	900 00	
do 23...	300 00	do 23, 1874 ..	200 00	.....	Dismissed in October, 1874.
do 23...	200 00	do 23, 1874 ..	100 00	900 00	
do 23...	200 00	do 23, 1874 ..	100 00	900 00	
do 23...	100 00			1,400 00	
do 23...	100 00	Feb. 23, 1874 ..	100 00	1,400 00	
do 23...	25 00	do 23, 1874 ..	25 00	900 00	
		do 23, 1874 ..	50 00	900 00	
		do 23, 1874 ..	50 00	900 00	
		do 23, 1874 ..	50 00	900 00	
February 23...	50 00			.....	Services dispensed with, October, 1875.
do 23...	100 00	{ Feb. 23, 1874 ..	100 00 }	900 00	
		{ Aug. 27, '75. ..	150 00 }		
do 23...	200 00	Feb. 23, 1874 ..	200 00	2,000 00	
do 23...	100 00	do 23, 1874 ..	100 00	1,600 00	
do 23...	500 00	do 23, 1874 ..	100 00	1,400 00	
do 23...	100 00	do 23, 1874 ..	100 00	1,400 00	
do 23...	100 00	do 23, 1874 ..	100 00	1,000 00	
do 23...	50 00	do 23, 1874 ..	50 00	800 00	
do 23...	100 00	do 23, 1874 ..	100 00	900 00	
do 23...	50 00	do 23, 1874 ..	50 00	800 00	
do 23...	50 00	do 23, 1874 ..	50 00	1,000 00	
Feb. 23, 1874.	50 00	{ Feby. 23, 1874. ..	50 00 }	1,200 00	
		{ March 26, 1874. ..	50 00 }		
		{ Aug. 11, 1875. ..	300 00 }		
do ...	50 00	Feby. 23, 1874. ..	50 00	1,000 00	
do ...	50 00	do ...	50 00	700 00	
do ...	50 00	do ...	50 00	.....	Superannuated in March, 1875.
do ...	50 00	do ...	50 00	700 00	
				700 00	
Feb. 23, 1874.	100 00			.....	Died 10th November, 1873
April 7, 1874...	50 00			550 00	
				.....	Resigned in June, 1875.
				550 00	
		March 26, 1874	50 00	600 00	
				550 00	
				550 00	
				550 00	

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.		Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.	
	\$	cts.	Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	\$	cts.
T. Green.....	500	00			July 9...	50 00		550 00
J. B. O'Leary.....	500	00			do 9...	50 00		550 00
L. Sanguinet.....	500	00			do 9...	50 00		550 00
J. Johnston.....	500	00			do 9...	50 00		550 00
J. B. Coallier.....	500	00			do 9...	50 00		550 00
F. Leclerc.....	500	00			do 9...	50 00		550 00
J. Campbell.....	500	00			do 9...	50 00		550 00
J. P. O'Hara.....	500	00			do 9...	50 00		550 00
R. Boyer.....	500	00			do 9...	50 00		550 00
H. Murreau.....	500	00			do 9...	50 00		550 00
G. McCrossan.....	500	00			do 9...	50 00		550 00
G. LeBoutillier.....	500	00			October 31...	300 00		800 00
W. Flynn.....	300	00			do 31...	200 00		500 00
L. Robitaille.....	1,200	00			do 31...	200 00		1,400 00
W. T. Meagher.....	500	00			do 31...	100 00		600 00
H. Christie.....	300	00			do 31...	100 00		400 00
W. Montgomery.....	300	00			do 31...	100 00		400 00
G. Gunn.....	500	00			July 1...	200 00		700 00
R. Manson.....	200	00			do 1...	200 00		400 00
J. A. Green.....	1,600	00			{ March 1... October 31... }	{ 200 00 00 00 }		2,000 00
L. Bilodeau.....	1,400	00			October 31...	400 00		1,800 00
D. Macpherson.....	1,400	00			do 31...	400 00		1,800 00
N. N. Ross.....	1,600	00			do 31...	200 00		1,800 00
G. Colley.....	1,100	00			do 31...	200 00		1,300 00
C. Gouin.....	1,100	00			do 31...	100 00		1,200 00
A. G. Hawkins.....	900	00			do 31...	100 00		1,000 00
E. Huot.....	600	00			September 1...	200 00		800 00
E. O'Brien.....	700	00			{ do 1... October 31... }	{ 100 00 100 00 }		900 00
V. Cazeau.....	1,100	00			do 31...	100 00		1,200 00
A. Wheeler.....	900	00			September 1...	100 00		1,000 00
D. D. O'Meara.....	800	00			October 31...	300 00		1,100 00
W. N. Lee.....	1,100	00			do 31...	100 00		1,200 00
N. Langevin.....	900	00			do 31...	100 00		1,000 00
W. H. Carter.....	900	00			do 31...	100 00		1,000 00
L. Dugal.....	800	00			do 31...	100 00		900 00
J. Rouillard.....	550	00			{ July 9..... October 31... }	{ 50 00 50 00 }		650 00
E. Marcotte.....	547	50			{ July 9..... October 31... }	{ 52 50 50 00 }		650 00
W. Higgins.....	547	50			{ July 9..... October 31... }	{ 52 50 50 00 }		650 00
J. Horgan.....	547	50			{ July 9..... October 31... }	{ 52 50 50 00 }		650 00
E. Robitaille.....	547	50			{ July 9..... October 31... }	{ 52 50 50 00 }		650 00
R. T. Miller.....	300	00			{ July 1..... October 31... }	{ 200 00 200 00 }		700 00
A. McQueen.....	160	00			May 1.....	140 00		300 00
A. Dinn.....	200	00			October 31...	100 00		300 00
A. Cameron.....	600	00			May 1.....	100 00		700 00
D. McLeod.....	200	00			do 1.....	40 00		240 00
S. Ruggles.....	650	00			October 31...	100 00		750 00
J. E. Ruel.....	2,600	00			do 31...	200 00		2,800 00
J. Sandall.....	1,100	00			do 31...	100 00		1,200 00
S. E. Gerow.....	1,300	00			do 31...	100 00		1,400 00

to office in the Department of Customs, &c.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
				550 00	
				550 00	
				550 00	
				550 00	
				550 00	
				550 00	
				700 00	
		May 6, 1876.....	150 00	700 00	
				550 00	Resigned January, 1876.
				550 00	
Feb. 23, 1874.	300 00	Feb. 23, 1874	100 00	600 00	Services dispensed with Sept., 1875.
do	200 00	do	100 00	400 00	
do	200 00			1,200 00	
do	100 00	Feb. 23, 1874	100 00	600 00	
do	100 00	do	100 00	400 00	
do	160 00	do	100 00	400 00	
				700 00	
					Died in August, 1874.
Feb. 23, 1874.	200 00			1,800 00	
Feb. 23, 1874...	400 00			1,400 00	Died in March, 1875.
do	400 00				
do	200 00			1,600 00	
do	200 00	Feb. 23, 1874...	100 00	1,200 00	
do	100 00	do	100 00	1,200 00	
do	100 00	do	100 00	1,000 00	
				800 00	
do	100 00			800 00	
do	100 00	Feb. 23, 1874...	100 00	1,200 00	
				1,000 00	
do	300 00	Feb. 23, 1874...	200 00	1,000 00	
do	100 00			1,100 00	
do	100 00				Resigned in August, 1875.
do	100 00	Feb. 23, 1874...	100 00	1,000 00	
do	100 00	do	100 00	900 00	
do	50 00	do	50 00	650 00	
do	50 00	do	50 00	650 00	
do	50 00	do	50 00	650 00	
do	50 00	do	50 00	650 00	
do	50 00	do	50 00	650 00	
do	50 00	do	50 00	650 00	
do	200 00			500 00	Died in August, 1875.
				300 00	
do	100 00	Feb. 23, 1874...	100 00	300 00	
				700 00	
				240 00	
do	100 00			650 00	
do	200 00	Feb. 23, 1874...	400 00	3,000 00	
do	100 00	do	100 00	1,200 00	
do	100 00	do	200 00	1,500 00	

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
T. Bustin.....	550 00			October 31	100 00	650 00
B. Burland	1,200 00			do 31	100 00	1,300 00
E. Bourret	600 00			do 31	100 00	700 00
A. Frary	400 00			August 14	100 00	500 00
C. S. Channell.....	1,000 00			{ July 9.....	100 00	1200 00
B. Seaton	600 00			{ October 31 ..	100 00	
A. F. B. Patton	425 00			August 14	100 00	700 00
S. Knight.....	400 00			{ April 1.....	100 00	600 00
H. House.....	300 00			{ October 31 ..	75 00	
W. Napier	400 00			October 31	100 00	500 00
W. Armstrong	160 00			{ April 1.....	50 00	400 00
J. Kerr.....	400 00			{ October 31 ..	50 00	
D. Foley.....	100 00			October 31	200 00	600 00
J. Farmer.....	600 00			do 31	140 00	300 00
T. Worster	200 00			do 31	100 00	500 00
J. G. C. Blackball	600 00			do 31	100 00	200 00
D. Ferguson	1,200 00			do 31	100 00	700 00
J. C. E. Carmichael.....	750 00			{ October 22 ..	150 00	1100 00
T. Crimmen	300 00			{ do 31	200 00	
W. Anderson.....	400 00			{ do 22	300 00	900 00
W. T. Connors	240 00			{ do 31	300 00	
W. Montgomery	1,000 00			{ do 22	200 00	800 00
J. Jardine	400 00			{ do 31	200 00	
E. J. Stewart.....	260 00			{ do 22	260 00	700 00
A. F. Street.....	1,300 00			{ do 31	200 00	
J. W. M. Ruel.....	750 00			October 31	100 00	1,100 00
H. G. Winter.....	650 00			do 31	100 00	500 00
W. Wallace.....	600 00			do 31	140 00	400 00
R. Wright.....	200 00			do 31	100 00	1,400 00
S. Watts	800 00			{ July 9.....	50 00	1000 00
C. Connolly.....	650 00			{ October 31 ..	150 00	
R. B. Haddow	1,200 00			July 9.....	50 00	700 00
R. McGruer	400 00			October 31	200 00	1,400 00
H. E. Parker	300 00			{ May 1.....	200 00	700 00
H. Livingstone	1,000 00			{ October 31 ..	100 00	
W. Browne	200 00			{ May 1.....	200 00	600 00
J. Cochrane.....	240 00			October 31	100 00	
J. B. Russ.....	160 00			October 31	100 00	1,100 00
C. M. Gove	1,200 00			do 31	100 00	300 00
W. Whitlock	700 00			do 31	60 00	300 00
J. Brown.....	550 00			do 31	40 00	200 00
R. Sutherland	240 00			do 31	200 00	1,400 00
H. Hutton	700 00			do 31	150 00	850 00
W. Grimmer	600 00			do 31	50 00	600 00
				do 31	160 00	400 00
				{ July 9.....	50 00	800 00
				{ October 31 ..	50 00	
				{ July 9.....	50 00	700 00
				{ October 31 ..	50 00	

to office in the Department of Customs, &c.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
Feb. 23, 1874...	100 00	Feb. 23, 1874 ..	100 00	650 00	Suspended in July, 1875.
do ...	100 00			700 00	
do ...	100 00	Feb. 23, 1874...	100 00	500 00	
Feb. 23, 1874...	100 00			1,100 00	
				700 00	
Feb. 23, 1874...	75 00	Feb. 23, 1874...	75 00	600 00	
do ...	100 00	do ...	100 00	500 00	
do ...	50 00	do ...	50 00		Superannuated January 1 1877.
do ...	200 00	do ...	100 00	500 00	
do ...	140 00	do ...	90 00	250 00	
do ...	100 00				Died in July, 1874
do ...	100 00	do ...	50 00	150 00	
do ...	100 00	do ...	100 00	800 00	
do ...	100 00	{ April 21, 1875	100 00	300 00	
do ...	100 00	Feb. 23, 1874...	100 00	600 00	
do ...	200 00			1,200 00	
do ...	300 00			800 00	
do ...	400 00			500 00	
do ...	300 00			500 00	
do ...	400 00	Nov. 4, 1874 ...	100 00	400 00	
do ...	100 00			1,000 00	
do ...	100 00			400 00	
do ...	140 00	Feb. 23, 1874...	40 00	300 00	
do ...	100 00			1,300 00	
do ...	150 00	Feb. 23, 1874...	150 00	900 00	
do ...	150 00	do ...	150 00	800 00	
do ...	200 00	do ...	100 00	700 00	
do ...	100 00	do ...	100 00	300 00	
do ...	150 00	do ...	50 00	900 00	
do ...				700 00	
do ...	200 00			1,200 00	
do ...	100 00			600 00	
do ...	100 00			500 00	
do ...	100 00	Sept. 30, 1874..	100 00	1,100 00	
do ...	100 00	Feb. 23, 1874..	100 00	300 00	
do ...	60 00	do ..	60 00	300 00	
do ...	40 00	do ..	40 00	200 00	
do ...	200 00			1,200 00	
do ...	150 00			700 00	
do ...	50 00			550 00	
do ...	160 00	Feb. 23, 1874 ..	110 00	350 00	
do ...	50 00				Died in July, 1875.
do ..	50 00			650 00	

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
D. Wilson	600 00			{ July 9	50 00	} 700 00
				{ October 31..	50 00	
S. Darling	550 00			do 31..	50 00	} 600 00
J. Barber	1,000 00			{ July 9	100 00	} 1200 00
				{ October 31..	100 00	
H. Whiteside	1,400 00			do 31..	200 00	} 1,600 00
G. F. Mathews	1,100 00			do 31..	100 00	} 1,200 00
A. Atcheson	912 50			do 31..	37 50	} 950 00
C. F. Olive	650 00			{ July 9	100 00	} 850 00
				{ October 31..	100 00	
H. W. Vrandenburg	900 00			October 31	100 00	} 1,000 00
J. McLaren	850 00			{ July 9	50 00	} 1000 00
				{ October 31 ..	100 00	
A. Harrison	600 00			October 31	100 00	} 700 00
H. P. Sandall	500 00			{ July 9	50 00	} 650 00
				{ October 31 ..	100 00	
R. M. Longmaid	900 00			do 31 ..	100 00	} 1,000 00
J. Flewelling	900 00			do 31 ..	100 00	} 1,000 00
J. Olive, jun	500 00			{ July 9	50 00	} 600 00
				{ October 31 ..	50 00	
J. Sinclair	500 00			July 9	50 00	} 600 00
				October 31 ..	50 00	
W. H. Bowyer	900 00			October 31	100 00	} 1,000 00
E. L. Thorne	1,200 00			do 31	400 00	} 1,600 00
S. Woodward	600 00			do 31	100 00	} 700 00
W. J. B. Marter	550 00			{ July 9	50 00	} 650 00
				{ October 31 ..	50 00	
S. Daly	550 00			July 9	50 00	} 650 00
				October 31 ..	50 00	
H. Coffey	550 00			July 9	50 00	} 650 0
				October 31 ..	50 00	
J. Humphrey	550 00			July 9	50 00	} 650 00
				Oct. 31	50 00	
P. Daly	550 00			July 9	50 00	} 650 00
				Oct. 31	50 00	
W. H. Travis	550 00			July 9	50 00	} 650 00
				Oct. 31	50 00	
W. Carleton	550 00			July 9	50 00	} 650 00
				Oct. 31	50 00	
C. Pigeon	500 00			July 9	50 00	} 600 00
				Oct. 31	50 00	
T. O. Sandall	500 00			July 9	50 00	} 600 00
				Oct. 31	50 00	
W. Colwell	500 00			July 9	50 00	} 600 00
				Oct. 31	50 00	
W. H. Olive	500 00			Feb. 17	50 00	} 650 00
				July 9	50 00	
				Oct. 31	50 00	
D. Smiler	600 00			Oct. 31	50 00	} 650 00
W. Johnstone	500 00			{ July 9	50 00	} 600 00
				{ Oct. 31	50 00	
M. B. Owen	500 00			July 9	50 00	} 600 00
				Oct. 31	50 00	
J. Williams	500 00			July 9	50 00	} 600 00
				Oct 31	50 00	
S. Robinson	500 00			July 9	50 00	} 600 00
				Oct. 31	50 00	

to office in the Department of Customs, &c.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
Feb. 23, 1874...	50 00			650 00	
do	50 00			550 00	
do	100 00	Feb. 23, 1874 ..	100 00	1,200 00	
do	200 00	do	200 00	1,600 00	
do	100 00	do	100 00	1,200 00	
do	37 50	do	37 50	950 00	
do	100 00	do	100 00	850 00	
do	100 00	do	300 00	1,200 00	
do	100 00	do	100 00	1,000 00	
do	100 00	do	100 00	700 00	
do	100 00	do	100 00	650 00	
do	100 00	do	100 00	1,000 00	
do	100 00	do	100 00	1,000 00	
do	50 00	do	50 00	600 00	
do	50 00	{ do	50 00	} 650 00	Died in July, 1874.
do	100 00	{ July 23, 1874	50 00		
do	400 00	Feb. 23, 1874 ..	100 00		
do	100 00	do	200 00	1,400 00	
do	100 00	do	100 00	700 00	
do	50 00	{ do	100 00	} 800 00	
		{ Jan. 1, 1875..	100 00		
do	50 00	Feb. 23, 1874 ..	50 00		Superannuated, July, 1876.
do	50 00	do	50 00		Superannuated, November, 1874.
do	50 00	{ Feb. 23, 1874	50 00	} 900 00	
		{ July 23, 1874	250 00		
do	50 00	{ Feb. 23, 1874	50 00	} 900 00	
		{ July 23, 1874	250 00		
do	50 00	Feb. 23, 1874	50 00		Died in March, 1874.
do	50 00	do	50 00	650 00	
do	50 00	{ do	50 00	} 650 00	
		{ July 21, 1876	50 00		
do	50 00	Feb. 23, 1874..	50 00	600 00	
do	50 00	do	50 00		Dismissed Nov., 1875.
do	50 00	do	50 00	650 00	
do	50 00	do	150 00	750 00	
do	50 00	{ do	50 00	} 1,000 00	
		{ July 23, 1874	400 00		
do	50 00	{ Feb. 23, 1874	50 00	} 650 00	
		{ July 21, 1876	50 00		
do	50 00	{ Feb. 23, 1874	50 00	} 650 00	
		{ July 23, 1874	50 00		
do	50 00	{ Feb. 22, 1874	50 00	} 650 00	
		{ July 21, 1876	50 00		

RETURN shewing the names of all persons appointed

NAME.	Salaries, 1st January, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th November, 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
J. O. Dunham.....	500 00			{ July 9.....	50 00	} 600 00
				{ Oct. 31.....	50 00	
W. A. Robinson.....	80 00			{ July 9.....	470 00	} 600 00
				{ Oct. 31.....	50 00	
E. W. Stewart.....	100 00			Oct. 31.....	50 00	150 00
G. K. Hanson.....	200 00			do	100 00	300 00
J. Carson.....	200 00			do	100 00	300 00
C. Laird.....	500 00			do	50 00	550 00
J. Roulston.....	500 00			{ July 9.....	50 00	} 600 00
				{ Oct. 31.....	50 00	
J. E. Dixon.....	600 00			Oct. 31.....	100 00	700 00
F. W. Brown.....	400 00			do	50 00	450 00
F. Tibbetts.....	400 00			do	50 00	450 00
C. S. Appleby.....	100 00			do	50 00	150 00
E. M. Truesdell.....	100 00			do	50 00	150 00
H. Wolhampton.....	100 00			do	50 00	150 00
J. Hartt.....	100 00			do	50 00	150 00
R. Albert.....	200 00			do	50 00	250 00
J. J. Kerr.....	1,200 00			November 5.....	800 00	2,000 00
C. J. Brundage.....	200 00			October 31.....	50 00	250 00
J. Moffatt.....	250 00			do	50 00	300 00
C. E. Ratchford.....	400 00			do	50 00	450 00
J. H. Black.....	350 00			do	100 00	450 00
H. McPhie.....	900 00			do	100 00	1,000 00
E. Corbett.....	100 00			do	50 00	150 00
E. G. Randall.....	200 00			do	50 00	250 00
A. Fullerton.....	750 00			do	50 00	800 00
G. F. Ditmars.....	150 00			do	50 00	200 00
A. B. Thorne.....	100 00			do	50 00	150 00
S. Donovan.....	750 00			do	150 00	900 00
J. Shaw.....	100 00			do	50 00	150 00
W. Brynner.....	100 00			do	50 00	150 00
D. Urquhart.....	200 00			do	50 00	300 00
J. McAuley.....	100 00			July 7.....	50 00	150 00
D. Sargent.....	400 00			October 31.....	100 00	500 00
J. Swan.....	100 00			August 15.....	50 00	150 00
W. Graves.....	100 00			October 31.....	50 00	150 00
E. Rand.....	500 00			do	100 00	600 00
C. V. Rawding.....	150 00			do	50 00	200 00
H. V. B. Farnsworth.....	150 00			do	50 00	200 00
H. Morris.....	150 00			do	50 00	200 00
E. DeWolf.....	200 00			do	50 00	250 00
G. S. Lockwood.....	60 00			{ July 7.....	90 00	} 200 00
				{ October 31.....	50 00	
B. Viets.....	750 00			do	50 00	800 00
Z. Crosscup.....	300 00			do	200 00	500 00
C. Gidney.....	150 00			do	50 00	200 00
B. H. Ruggles.....	200 00			do	100 00	300 00
J. Thurber.....	200 00			do	100 00	300 00
J. H. Freeman.....	1,200 00			do	100 00	1,300 00
W. Bryden.....	650 00			do	100 00	750 00
D. A. Davidson.....	400 00			do	100 00	500 00
A. Y. Corbett.....	100 00			October 31.....	100 00	200 00
J. F. Crowe.....	100 00			do	100 00	200 00

to office in the Department of Customs, &c.---Continued.

SUBSEQUENT.				Salaries, 5th March, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
Feb. 23, 1874...	50 00	Feb. 23, 1874...	50 00	600 00	
do ...	50 00	do ...	50 00	600 00	
do ...	50 00	July 26, 1875...	700 00	800 00	
do ...	100 00	{ Feb. 23, 1874	100 00	} 400 00	
do ...	100 00	{ Jan. 1, 1875	100 00		
do ...	50 00	Feb. 23, 1874	100 00	300 00	
do ...	50 00	do ...	100 00	600 00	
do ...	50 00	do ...	50 00	600 00	
do ...	100 00	do ...	100 00	700 00	
do ...	50 00	do ...	50 00	} 600 00	
do ...	50 00	{ Oct. 30, 1874	150 00		
do ...	50 00	Feb. 23, 1874	50 00	.....	Dismissed in Oct., 1874.
do ...	50 00	do ...	50 00	.....	Died in April, 1876.
do ...	50 00	do ...	50 00	.....	Superannuated Nov., 1876.
do ...	50 00	do ...	50 00	150 00	
do ...	50 00	do ...	50 00	150 00	
do ...	50 00	do ...	50 00	250 00	
				2,000 00	
February 23...	50 00	February 23...	50 00	250 00	
do ...	50 00	do ...	50 00	300 00	
do ...	50 00	do ...	50 00	450 00	
do ...	100 00	do ...	100 00	450 00	
do ...	100 00	do ...	100 00	1,000 00	
do ...	50 00	do ...	50 00	150 00	
do ...	50 00	do ...	50 00	250 00	
do ...	50 00	do ...	50 00	800 00	
do ...	50 00	do ...	50 00	200 00	
do ...	50 00	do ...	50 00	.....	Died in July, 1875.
do ...	150 00	do ...	50 00	.....	Died in June, 1876.
do ...	50 00	do ...	50 00	150 00	
do ...	50 00	do ...	50 00	150 00	
do ...	50 00	do ...	.....	250 00	
do ...	100 00	do ...	100 00	500 00	Died in September, 1875.
				150 00	
do ...	50 00	do ...	50 00	150 00	
do ...	100 00	do ...	100 00	600 00	
do ...	50 00	do ...	50 00	200 00	
do ...	50 00	do ...	50 00	.....	Resigned in March, 1874.
do ...	50 00	do ...	50 00	200 00	
do ...	50 00	do ...	50 00	250 00	
do ...	50 00	do ...	50 00	200 00	
do ...	50 00	do ...	50 00	800 00	
do ...	200 00	do ...	100 00	400 00	
do ...	50 00	do ...	50 00	200 00	
do ...	100 00	do ...	.....	200 00	
do ...	100 00	do ...	.....	200 00	
do ...	100 00	do ...	.....	200 00	
do ...	100 00	do ...	.....	1,200 00	
do ...	100 00	do ...	100 00	750 00	
do ...	100 00	do ...	.....	.....	Died in November, 1873.
do ...	100 00	Feb. 23, 1874...	100 00	200 00	
		do ...	100 00	.....
do ...	100 00	{ April 10, 1875	200 00	} 500 00	
		{ July 21, 1876	100 00		

RETURN shewing the names of all persons appointed

NAMES.	Salaries, 1st January, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th November, 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
E. Dowling.....	600 00			Oct. 31.....	150 00	750 00
J. Harley.....	250 00			do	150 00	400 00
B. Rynard.....	200 00			{ June 15.....	50 00	} 400 00
				{ October 31.....	150 00	
C. D. Mader.....	200 00			do	150 00	350 00
D. Nimock.....	150 00			do	150 00	300 00
E. Macdonald.....	2,600 00			do	200 00	2,800 00
J. W. Ross.....	1,400 00			do	100 00	1,500 00
G. A. V. Paw.....	900 00			do	100 00	1,000 00
T. P. Jest.....	800 00			do	100 00	900 00
J. M. Geldart.....	700 00			do	100 00	800 00
J. F. Muncey.....	1,200 00			do	200 00	1,400 00
J. Austin.....	700 00			do	100 00	800 00
S. R. Caldwell.....	700 00			do	100 00	800 00
J. S. Morris.....	580 00			do	120 00	700 00
W. H. Hill.....	1,300 00			{ July 9.....	100 00	} 1,500 00
				{ October 31.....	100 00	
C. M. Almon.....	850 00			do	100 00	950 00
J. Marshall.....	800 00			do	100 00	900 00
J. G. Morris.....	750 00			do	50 00	800 00
J. Eckersley.....	1,100 00			do	100 00	1,200 00
J. W. Henniger.....	700 00			{ July 9.....	50 00	} 800 00
				{ October 31.....	50 00	
F. R. Coleman.....	400 00			{ July 9.....	50 00	} 550 00
				{ October 31.....	100 00	
C. E. Browne.....	300 00			{ January 4.....	100 00	} 550 00
				{ July 9.....	50 00	
A. Robertson.....	700 00			{ October 31.....	100 00	} 750 00
				do	50 00	
T. B. Weir.....	730 00			do	70 00	800 00
A. Kelly.....	803 00			do	97 00	900 00
J. Hills.....	730 00			do	70 00	800 00
J. Wallace.....	700 00			do	50 00	750 00
J. Noble.....	730 00			do	270 00	1,000 00
D. Fraser.....	547 50			July 9.....	52 50	600 00
J. F. Burnham.....	550 00			do	50 00	600 00
W. Reynolds.....	547 50			do	52 50	600 00
J. Steele.....	500 00			do	100 00	600 00
G. G. Gray.....	500 00			July 9.....	100 00	600 00
D. Calder.....	500 00			do	100 00	600 00
M. J. McCurdy.....	500 00			Oct. 31.....	100 00	600 00
W. H. Bashford.....	500 00			do	100 00	600 00
F. Beazley.....	456 25			{ Oct. 18.....	143 75	} 643 75
				{ Oct. 31.....	43 75	
W. Nunn.....	456 25			do	43 75	500 00
J. Beazley.....	456 25			do	43 75	500 00
J. DeCourcey.....	456 25			do	143 75	600 00
W. A. Garrison.....	456 25			do	43 75	500 00
W. Shanks.....	500 00			do	100 00	600 00
D. W. Landers.....	400 00			do	100 00	500 00
G. B. Reid.....	250 00			do	50 00	300 00
P. Collins.....	100 00			do	50 00	150 00
A. S. Townshend.....	400 00			do	200 00	600 00
F. F. Hatfield.....	150 00			do	50 00	200 00
C. Ward.....	100 00			do	50 00	150 00

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
J. W. Ward	100 00			Oct. 31.....	50 00	150 00
M. McDonald.....	400 00			do	160 00	500 00
E. D. Tremaine.....	400 00			do	200 00	600 00
J. Ross.....	100 00			do	50 00	150 00
D. McCulloch.....	1,400 00			do	200 00	1,600 00
J. Patterson.....	750 00			do	150 00	900 00
C. Murdock.....	300 00			{ July 9.....	50 00	500 00
				{ Oct. 31.....	150 00	
B. McLeod.....	300 00			{ July 9.....	50 00	500 00
				{ Oct. 31.....	150 00	
A. McPherson.....	300 00			{ July 9.....	50 00	500 00
				{ Oct. 31.....	150 00	
W. Connell.....	300 00			Oct. 31.....	100 00	400 00
J. J. Letson.....	400 00			do	100 00	500 00
J. A. Tory.....	550 00			do	100 00	650 00
W. J. Bigelow.....	150 00			do	50 00	200 00
J. Marshall.....	200 00			do	50 00	250 00
A. P. McKenzie.....	100 00			do	50 00	150 00
J. Purcell.....	900 00			do	100 00	1,000 00
G. Stalker.....	500 00			do	100 00	600 00
J. Muir.....	400 00			do	100 00	500 00
C. E. Leonard.....	800 00			{ July 9.....	100 00	1,000 00
				{ Oct. 31.....	100 00	
L. Kavanagh.....	100 00			Oct. 31.....	50 00	150 00
G. Rigby.....	100 00			do 31.....	50 00	150 00
W. W. Brown.....	200 00			do 31.....	50 00	250 00
D. McKeen.....	200 00			do 31.....	50 00	250 00
P. Mullin.....	100 00			do 31.....	50 00	150 00
C. H. Rigby.....	250 00			do 31.....	50 00	300 00
S. Jones.....	550 00			do 31.....	50 00	600 00
A. Bourneuf.....	250 00			do 31.....	50 00	300 00
J. V. Stewart.....	200 00			do 31.....	50 00	250 00
R. Sanderson.....	200 00			do 31.....	50 00	250 00
E. O'Brien.....	1,200 00			do 31.....	100 00	1,300 00
T. A. Malcom.....	150 00			do 31.....	50 00	200 00
W. Davison.....	200 00			do 31.....	50 00	250 00
A. McN. Parker.....	100 00			do 31.....	50 00	150 00
A. Roy.....	150 00			do 31.....	50 00	200 00
J. Sterling.....	400 00			do 31.....	50 00	450 00
T. E. Moberly.....	1,400 00			{ July 9.....	100 00	1,600 00
				{ Oct. 31.....	100 00	
R. Perry.....	100 00			Oct. 31.....	50 00	150 00
P. S. D'Entrement.....	100 00			do 31.....	50 00	150 00
H. A. Hood.....	700 00			do 31.....	200 00	900 00
N. S. Porter.....	400 00			do 31.....	150 00	550 00
R. Bingay.....	400 00			do 31.....	100 00	500 00
J. Huntington.....	400 00			do 31.....	50 00	450 00
W. Blackman.....	365 00			Feb. 6.....	135 00	500 00
R. Laffin.....	100 00			Oct. 31.....	50 00	150 00
J. M. Lent.....	100 00			do 31.....	50 00	150 00
F. F. Bradley.....	800 00			June 6.....	200 00	1,000 00
R. Graham.....	1,000 00			October 31.....	100 00	1,100 00
B. Dupré.....	500 00			July 9.....	50 00	550 00
J. W. Nicholson.....	500 00			do 9.....	50 00	550 00

to office in the Department of Customs, &c.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
Feb. 23, 1874..	50 00	Feb. 23, 1874..	50 00	150 00	
do ...	100 00	.....	.....	400 00	
do ...	200 00	Feb. 23, 1874..	100 00	500 00	
do ...	50 00	do ...	50 00	150 00	
do ...	200 00	do ...	100 00	.....	Superannuated July, 1874.
do ...	150 00	do ...	150 00	900 00	
do ...	150 00	do ...	150 00	500 00	
do ...	150 00	do ...	150 00	.....	Died in Feb., 1877.
do ...	150 00	do ...	150 00	.....	Died in April, 1874.
do ...	100 00	do ...	100 00	400 00	
do ...	100 00	do ...	100 00	500 00	
do ...	100 00	do ...	100 00	650 00	
do ...	50 00	do ...	50 00	.....	Superannuated Oct., 1875.
do ...	50 00	.....	.....	200 00	
do ...	50 00	Feb. 23, 1874..	50 00	150 00	
do ...	100 00	.....	.....	900 00	
do ...	100 00	Feb. 23, 1874..	100 00	600 00	
do ...	100 00	do ...	100 00	.....	Superannuated, December, 1875.
do ...	100 00	do ...	100 00	1,000 00	
do ...	50 00	do ...	50 00	150 00	
do ...	50 00	do ...	50 00	150 00	
do ...	50 00	do ...	50 00	250 00	
do ...	50 00	do ...	50 00	250 00	
do ...	50 00	do ...	50 00	150 00	
do ...	50 00	do ...	50 00	300 00	
do ...	50 00	do ...	50 00	600 00	
do ...	50 00	do ...	50 00	300 00	
do ...	50 00	do ...	50 00	250 00	
do ...	50 00	do ...	50 00	250 00	
do ...	100 00	do ...	.....	1,200 00	
do ...	50 00	do ...	50 00	200 00	
do ...	50 00	do ...	50 00	250 00	
do ...	50 00	do ...	50 00	150 00	
do ...	50 00	do ...	50 00	200 00	
do ...	50 00	do ...	50 00	450 00	
do ...	100 00	do ...	.....	.....	Superannuated, February, 1875.
do ...	50 00	do ...	50 00	150 00	
do ...	50 00	do ...	50 00	150 00	
do ...	200 00	do ...	200 00	1,400 00	
do ...	150 00	Jan. 1, 1875..	50 00	.....
do ...	100 00	Feb. 23, 1874..	150 00	.....
do ...	50 00	July 21, 1876..	50 00	.....
do ...	50 00	Feb. 23, 1874..	100 00	500 00	
do ...	50 00	do ...	50 00	.....	Services dispensed with, January, 1875.
do ...	.....	do ...	50 00	550 00	
do ...	50 00	do ...	50 00	150 00	
do ...	50 00	do ...	50 00	150 00	
.....	.....	.....	.....	1,000 00	
Feb. 23, 1874..	100 00	.....	.....	1,000 00	
.....	.....	.....	.....	550 00	
.....	.....	.....	.....	550 00	

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November, 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
W. Wood.....	550 00			July 9.....	50 00	
W. S. Williams.....	1,200 00			May 21.....	200 00	1,400 00
W. Barker.....	900 00			June 16.....	100 00	
J. Powell.....	600 00			do 1.....	100 00	700 00
W. Agnew.....	500 00			February 17....	100 00	600 00
T. Clark.....	800 00			do 17.....	400 00	1,200 00
J. Beatty.....	900 00			May 30.....	100 00	1,000 00
W. M. Patterson.....	500 00			August 18.....	100 00	600 00
G. McKay.....	456 25			February 21....	43 75	500 00
W. Malowney.....	500 00			July 9.....	100 00	
R. S. M. Bouchette.....	2,600 00			July 9.....	600 00	3,200 00
W. A. Bell.....	1,250 00			July 9.....	50 00	1,300 00
H. C. Hay.....	1,200 00			do 9.....	50 00	1,250 00
P. C. Ryan.....	1,100 00			do 9.....	50 00	1,150 00
G. W. Grant.....	700 00			October 21.....	100 00	800 00
C. F. Stevens.....	800 00			July 9.....	50 00	850 00
J. S. Fairweather.....	450 00			do 9.....	50 00	500 00
C. H. Harding.....	400 00			do 9.....	50 00	450 00
J. Johnson.....	2,150 00			January 28....	50 00	2,200 00
J. Barry.....	1,100 00			do 28.....	50 00	1,150 00
R. H. Mackay.....	600 00			do 28.....	50 00	
G. V. Ince.....	500 00			do 28.....	50 00	550 00
P. Connolly.....	390 00			do 28.....	30 00	420 00
	322,218 00		58,076 25		67,185 75	443,630 00

to Office in the Department of Customs.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders of Council.	Amount.	Dates of Orders of Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
				1,400 00	Died in October, 1873.
				700 00	do do
		{ Feb. 23, 1874	50 00	1,200 00	
		{ Mar. 14, 1874	250 00		
		{ May 7, 1875..	300 00		
April, 1874	400 00	July 21, 1876...	200 00	1,000 00	
				1,000 00	
				600 00	
				500 00	
					Dismissed in October, 1873.
					Superannuated from 1st January, 1875.
		{ July, 1874...	50 00	1,400 00	Increases under Civil Service Act.
		{ do 1875...	50 00	1,400 00	do do
		{ do 1874...	50 00		
		{ do 1875...	50 00		
		{ do 1876...	50 00	1,300 00	do do
		{ do 1877...	50 00		
		{ do 1878...	50 00		
		{ do 1879...	50 00	1,200 00	\$100 of these under Civil Service Act.
		{ do 1880...	50 00		
		{ do 1881...	50 00		
		{ do 1882...	50 00	1,150 00	\$200 do do
		{ do 1883...	200 00		
		{ do 1884...	50 00		
		{ do 1885...	50 00	750 00	\$200 do do
		{ do 1886...	150 00		
		{ do 1887...	50 00		
		{ do 1888...	50 00	750 00	\$200 do do
		{ do 1889...	200 00		
		{ do 1890...	50 00		
		{ do 1891...	50 00	3,200 00	\$100 do do
		{ do 1892...	50 00		
		{ do 1893...	950 00		
		{ January 1874	50 00	1,300 00	All do do
		{ do 1875	50 00		
		{ do 1876	50 00		
		January 1874...	50 00		Died in September, 1873.
					Left the Service in June, 1874.
					Transferred to Finance Department, October 31, 1874.
	74,503 25		55,423 25	347,850 00	

CUSTOMS DEPARTMENTS—Appointments cancelled by Orders in Council of the
appointments in

ORIGINAL APPOINTMENTS.

Date.	Name.	Port.	Salary.
			\$ cts.
October 31, 1873.....	J. U. Spillette.....	St. Catharines.....	500 00
do	A. G. Hamilton.....	North Sydney.....	1,200 00
do	W. Glenny.....	Oshawa.....	550 00
do	T. Vincent.....	Quebec.....	550 00
November 3, 1873.....	S. W. McMichael.....	Brantford.....	400 00
do	T. Harden.....	Quebec.....	600 00
do	J. Mathieu.....	Sorel.....	500 00
do	C. McLellan.....	Charlottetown.....	2,000 00
do	G. Bremner.....	do.....	1,200 00
do	R. Crawford.....	do.....	1,000 00
do	J. B. McKenna.....	do.....	500 00
do	J. Irving.....	do.....	1,000 00
do	W. H. Wilson.....	do.....	800 00
do	H. A. McKenna.....	do.....	800 00
do	J. McDonald.....	do.....	800 00
do	J. Ross.....	do.....	500 00
do	J. Foster.....	do.....	600 00
do	B. McPhillips.....	do.....	500 00
do	3 Landing waiters at.....	do.....	each... 500 00
do	3 Tidesmen at.....	do.....	do ... 400 00
do	G. H. Hughes.....	Georgetown.....	800 00
do	H. Griffin.....	do.....	400 00
do	W. Dalziel.....	do.....	300 00
do	J. Bertram.....	Summerside.....	800 00
do	J. J. Arseneau.....	do.....	600 00
do	S. Clark.....	do.....	400 00
do	J. Costin.....	do.....	300 00
do	J. Shurman.....	do.....	300 00
do 4,	D. McDonald.....	Cape Breton.....	300 00
do	W. H. Lovett.....	Cornwallis.....	150 00
do	J. Conroy.....	Amherstburg.....	500 00
do	F. W. Bradford.....	St. Andrews.....	400 00
do	A. McGillivray.....	Antigonish.....	200 00
do	A. Bourret.....	Montreal.....	550 00
do	W. McGarry.....	do.....	550 00
do	M. Gauvin.....	Quebec.....	800 00
do 5,	J. T. Thompson.....	Toronto.....	500 00
do 6,	L. H. Schofield.....	Prescott.....	700 00

RECAPIT

Salaries payable 1st January, 1873, to those persons whose salaries were increased
Appointments between 1st January and 7th November, 1873.....
Increases do do

Reductions by death, resignation and superannuation, &c., of persons above alluded to

Salaries, 7th November, 1873, of those appointed or those whose salaries were increased
Increases between 7th November, 1873, and 5th March, 1877.....

Less reductions by cancellations of appointments and increases
do by death, resignation and superannuation

Salaries, March 5th, 1877, of those affected by this Return

CUSTOMS DEPARTMENT, OTTAWA, 9th April, 1877.

13th of November, 1873, and 7th April, 1874, with the names and dates of new place thereof.

REPLACED BY.

Date.	Name.	Port.	Salary.	
			\$	cts.
.....	Nil.			
April 17, 1874.....	T. S. Bown.....	North Sydney.....	800	00
.....	Nil.			
.....	Nil.			
.....	Nil.			
August 1, 1874.....	G. Peltier.....	Sorel.....	500	00
January 8, 1874.....	D. Currie.....	Charlottetown.....	1,800	00
do.....	G. Bremner.....	do.....	1,200	00
do.....	F. Longworth.....	do.....	1,000	00
do.....	J. McDonald.....	do.....	500	00
do.....	J. Irving.....	do.....	1,000	00
do.....	W. H. Wilson.....	do.....	800	00
do.....	H. A. McKenna.....	do.....	750	00
do.....	J. McDonald.....	do.....	700	00
do.....	J. Ross.....	do.....	400	00
do.....	J. Foster.....	do.....	500	00
do.....	B. McPhillips.....	do.....	500	00
do.....	{ W. Pasmorel.....	do.....	500	00
do.....	{ J. B. McKenna.....	do.....	400	00
do.....	W. Nelson.....	do.....	500	00
do.....	A. C. Stewart.....	Georgetown.....	800	00
do.....	T. Hessian.....	do.....	400	00
do.....	W. Dalziel.....	do.....	300	00
do.....	J. S. Crossman.....	Summerside.....	800	00
do.....	G. Crabb.....	do.....	600	00
do.....	C. Clark.....	do.....	400	00
do.....	P. Lannigan.....	do.....	300	00
do.....	J. Schurman.....	do.....	300	00
.....	Nil.			
.....	Nil.			
.....	Nil.			
March 26, 1874.....	T. Stinson.....	St. Andrews.....	500	00
.....	A. McGillivray.....	Antigonish.....	200	00
March 22, 1874.....	A. Bourret.....	Montreal.....	550	00
.....	Nil.			

ULATION.

	No.	Amount.	
		\$	cts.
between that date and 7th of November, 1873		\$	cts.
.....	111	58,076	25
.....	636	67,185	75
.....		125,262	00
between 1st January and 7th November, 1873		3,850	00
.....			121,412 00
.....			443,630 00
between 1st January, and 7th November, 1873			55,423 25
.....			499,053 25
.....		74,503	25
.....		76,100	00
.....			151,203 25
.....			347,850 00

J. JOHNSON, Commissioner of Customs.

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th November, 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
Charles Walkem.....		January 27	1,200 00			1,200 00
Lieut.-Col. C. F. Houghton.....		March 21	1,700 00			1,700 00
W. F. Costigan.....		October 30	200 00			200 00
R. J. Macdonell		November 5	500 00			500 00
Col. Hon. J. N. Gray		do 4	1,700 00			1,700 00
Capt. R. J. Freeland.....		do 4	300 00			300 00
G. Futroye.....	2,600 00			July 9	600 00	3,200 00
H. Goodwin, \$300; and 50 cents per day.....	482 50			August 13.....	17 50	500 00
F. Sampson	500 00			do 13.....	100 00	600 00
J. Evans	500 00			do 13.....	100 00	600 00
Col. W. Powell	2,840 00			September 23..	760 00	3,600 00
G. Grant	1,000 00			January 27	100 00	1,100 00
M. F. X. Huot	850 00			do 30	250 00	1,100 00
N. H. Aumond	850 00			do 30.....	250 00	1,100 00
B. Sulte	1,300 00				50 00	1,350 00
H. D. J. Lane	950 00				50 00	1,000 00
C. H. O'Meara.....	1,400 00				50 00	1,450 00
Lieut.-Col. J. Wily.....	1,950 00				50 00	2,000 00
J. Yeoman	500 00				50 00	550 00
W. R. Wright.....	1,950 00				50 00	2,000 00
Lieut.-Col. C. Stuart	1,400 00				50 00	1,450 00
F. X. Lambert.....	1,300 00				50 00	1,350 00
J. C. Larose	850 00				50 00	900 00

to office in the Department of Militia and Defence, &c.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
			{ 50 00 } { 50 00 } { 50 00 }	1,350 00	Increases under Civil Service Act.
				1,700 00	Deputy Adjutant General, Military District No. 11.
Nov. 13, 1873.	200 00				Care taker military lands, Grand Falls, N.B.; appointment cancelled by Order in Council, 13th Nov., 1873.
do	500 00	April 24, 1874.	500 00	500 00	Storekeeper, British Columbia.
do	1,700 00	Jan. 9, 1874.	1,700 00	1,700 00	Deputy Adjutant General, Prince Edward Island.
do	300 00				Paymaster, Prince Edward Island; declined appointment.
	3,200 00				Deputy Minister Militia; superannuated.
				500 00	Storekeeper, Toronto.
				600 00	do Quebec.
				600 00	do St. John, N.B.
	400 00			3,200 00	Increase while acting as Adjutant General.
			{ 50 00 } { 50 00 }	1,300 00	Inside Service. Incr. under C. S. Act.
			{ 50 00 } { 50 00 } { 50 00 }	1,300 00	do do
			{ 50 00 } { 50 00 } { 50 00 }	1,300 00	do do
			{ 50 00 } { 50 00 } { 50 00 }	1,500 00	do do
			{ 50 00 } { 50 00 }	1,000 00	do do
			{ 50 00 } { 50 00 } { 50 00 }	1,600 00	do do
			{ 50 00 } { 50 00 } { 50 00 }	2,150 00	do do
			{ 50 00 } { 50 00 }	650 00	do do
			{ 50 00 } { 50 00 } { 50 00 }	2,150 00	do do
			{ 50 00 } { 50 00 } { 50 00 }	1,600 00	do do
			{ 50 00 } { 50 00 }	1,400 00	do do
			{ 50 00 } { 50 00 }	1,000 00	do do

SHEWING the names of all persons appointed to office in

NAMES.	Salaries, January, 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th November, 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		cts.		\$ cts.	\$ cts.
C. Junot	850 00	.....	.....	.....	50 00	900 00
	22,072 50	.....	5,600 00	.....	2,677 50	30,350 00

New appointments between January 1st and November
Increases do do

APPOINTMENTS in the Department of Militia and Defence, cancelled by Orders in new appointments

ORIGINAL APPOINTMENTS.

Date.	Name.	Office.	Salary.
			\$ cts.
Oct. 30, 1873.....	W. F. Costigan	Care taker military lands, Grand Falls, N.B.	200 00
Nov. 4, 1873.....	Hon. J. H. Gray	Deputy Adjutant General, P. E. Island.....	1,700 00
do 4, 1873.....	Capt. R. G. Freeland	Paymaster, Prince Edward Island.....	300 00
do 5, 1873.....	R. J. Macdonell	Storekeeper, British Columbia	500 00
			2,700 00

RECAPIT

Salaries payable 1st January, 1873, of those whose salaries were increased between
Appointments between 1st January and 7th November, 1873.....
Increases do do do

Reductions by death, resignation and superannuation, &c., of persons above alluded to,
Salaries, 7th November, 1873, of those appointed, or those whose salaries were increased
Increases between 7th November, 1873 and 5th March, 1877

Less Reductions by cancellation of appointments

Salaries, 5th March, 1877, of those affected by this Return ..

the Department of Militia and Defence, &c.—*Concluded.*

SUBSEQUENT				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	cts.	
			{ 50 00 }	1,000 00	{ Inside Service. Increases under Civil Service Act.
	6,300 00		4,050 00	28,100 00	
7th, 6			\$5,600 00		
18			2,677 50		
24			8,277 50		

Council, of 13th November, 1873, and 7th April, 1874, with the names and dates of in place thereof.

REPLACED BY

Date.	Name.	Office.	Salary.
			\$ cts.
.....	Nil.....		
January 9, 1874.	Hon. J. H. Gray.....	Deputy Adjutant General, P. E. Island.....	1,700 00
{ do 9, 1874.	Capt. R. G. Freeland	Paymaster, Prince Edward Island	300 00 *
{ do 1, 1875.	F. D. Beer, M.D.....	do do	500 00
April 24, 1874.	R. J. Macdonell	Storekeeper, British Columbia	2,500 00

* Declined the appointment.

ULATION.

	No.	Amount.	No.	Amount.
		\$ cts.		\$ cts.
that date and 7th November, 1873	6	5,600 00		22,072 50
.....	18	2,677 50		
				8,277 50
between 1st January and 7th November, 1873		Nil.		30,350 00
do do do				4,050 00
				34,400 00
.....		2,700 00		
.....		3,600 00		
				6,300 00
.....				28,100 00

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th November, 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Salaries.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
V. Lang		January 25.....	150 00			150 00
J. B. Mullaney		do 25.....	800 00			
J. S. Dyde.....		do 28.....	800 00			800 00
P. Ramon		do 31.....	700 00			700 00
R. J. M. Girdlestone		do 31.....	600 00			600 00
G. Oliver, jun.		February 6.....	600 00			
William Reddan		do 11.....	600 00			600 00
R. W. Earle		do 11.....	600 00			600 00
S. W. Dittler		do 20.....	700 00			700 00
C. Dunlop		do 20.....	600 00			600 00
S. Mulvey		April 1	600 00	{ September 3	200 00	} 1000 00
J. O'Connor		March 5	600 00	{ October 21	200 00	
J. J. Davies		May 15.....	600 00			600 00
A. Fournier		do 15.....	200 00			200 00
D. C. Perkins.....		do 31.....	1,200 00			1,200 00
G. Schneider		do 31.....	400 00			400 00
W. F. Miller		June 24	700 00			700 00
J. P. Nicholas		do 24	700 00			700 00
J. B. Powell.....		do 24	700 00			700 00
John McDonald		do 24	600 00			
D. Wilson		do 24	600 00			600 00
W. Donaghy		July 7.....	700 00			700 00
F. W. Gibbs		do 8.....	600 00			600 00
R. J. Bell		do 8.....	600 00			600 00
G. Merrick		August 4.....	700 00			700 00
J. Quain		do 4.....	800 00			800 00
R. H. Kitson		do 19.....	400 00			400 00
W. McDonald		do 18.....	600 00			
H. B. Good		do 18.....	1,000 00	October 22	600 00	1,600 00
C. A. Jones		do 19.....	700 00			700 00
J. K. Barrett		do 25.....	600 00			600 00
M. O'Brien		October 21.....	600 00			600 00
W. Carter.....		September 3.....	800 00			800 00
B. Rousseau		do 6.....	Fees.			
D. Nolan		do 6.....	do			
J. Rough		do 6.....	do			
J. Harris		do 6.....	do			
J. Armstrong		do 6.....	do			
P. Patoine.....		September 19.....	Fees.			
J. Hawkins		do 19.....	do			
J. Dyde.....		do 19.....	do			
J. E. Major		do 19.....	do			
J. B. Blair.....		do 19.....	600 00			600 00
B. Rousseau		do 22.....	Fees.			
J. Auld		do 23.....	do			
W. L. Eager.....		October 13.....	do			
J. Brunel.....		do 2.....	300 00			300 00

to office in the Department of Inland Revenue, &c.

SUBSEQUENT				Salaries March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
				150 00	Preventive Officer, Owen Sound.
					Exciseman, Newstadt. Declined ap- pointment.
		Dec. 17, 1875 ..	200 00	1,000 00	Canal office, Lachine.
		July 10, 1873 ..	300 00	1,000 00	Exciseman, Windsor. General O.C.
				600 00	do do
					do Perth. Resigned.
		July 10, 1873 ..	400 00	1,000 00	do Toronto. General O.C.
		do ..	400 00	1,000 00	do do do
				700 00	do Goderich.
		Dec. 11, 1875 ..	200 00	800 00	Deputy Collector, Chatham, Ont.
				1,000 00	do Winnipeg, Manitoba.
	600 00				Private Secretary (retired).
				600 00	Exciseman, Toronto.
				200 00	Assistant Collector, Canal Tolls, St. Johns.
				1,200 00	Collector, St. Johns, N.B.
		Nov. 5, 1874 ...	200 00	600 00	do Grenville.
		July 10, 1873 ..	300 00	1,000 00	Exciseman, West Flamboro'. General O.C.
				700 00	do Guelph.
				700 00	do do
					do Hamilton. Declined.
				600 00	do London.
		July 10, 1873 ..	300 00	1,000 00	do Goderich. General O.C.
	600 00				Private Secretary.
Jan. 1, 1874 ...	600 00				Exciseman, Stanstead. Dismissed.
				700 00	do Gananoque.
				800 00	Collector of Tolls, Ottawa.
	400 00				Deputy Inspector of Cullers, Sorel. Cancelled.
					Exciseman, Hamilton. Declined.
				1,600 00	Collector, Victoria, B.C.
				700 00	Exciseman, Simcoe.
		July 10, 1873 ..	400 00	1,000 00	do Hamilton. General O.C.
				600 00	Clerk, Cullers' Office, Quebec.
		Nov. 5, 1874 ...	50 00	850 00	do Inside Service Statutory in- crease under O.C.
					Flour Inspector, Quebec.
					Beef and Pork Inspector, Quebec.
					Flour Inspector, Toronto.
					Wheat do do
					Leather do do
					Butter Inspector, Quebec.
					Leather do
					Ashes Inspector, Montreal.
					do do
		{ General O.C., July 19, 1873. } Cancelled	400 00	1,000 00	Exciseman, Toronto.
					Flour Inspector, Montreal.
					Fish do Quebec.
					Beef do Montreal.
		{ Statutory in- crease under O. C., Nov. 5th, 1874. }	100 00 50 00 50 00 50 00	550 00	Clerk, Inside Service.

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies between 1st January and 7th November, 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
A. F. Stoneman		October 16.....	No salary.			
B. F. Ladd.....		do 16.....	do			
S. M. Ryerson.....		do 16.....	do			
D. Gruchy.....		do 16.....	do			
J. Phalan.....		do 16.....	do			
J. Frehil.....		do 16.....	do			
R. McKenzie.....		do 16.....	do			
W. Gordon.....		do 16.....	do			
J. Fraser.....		do 16.....	do			
J. W. Hadley.....		do 16.....	do			
S. Cohoon.....		do 16.....	do			
M. Keating.....		do 16.....	do			
J. W. Burke.....		do 16.....	do			
J. C. Campbell.....		do 16.....	do			
J. McDonald.....		do 16.....	do			
L. Anderson.....		do 16.....	do			
W. H. Zwecker.....		do 16.....	do			
J. Morash.....		do 16.....	do			
E. J. Tobin.....		do 16.....	Fees.			
L. E. Morin.....		do 16.....	do			
M. Hutchinson.....		do 18.....	do			
J. G. Davis.....		do 18.....	700 00			700 00
D. Lindsay.....		do 22.....	1,200 00			1,200 00
J. Gregoin.....		do 21.....	700 00			700 00
J. Smith.....		do 21.....	Fees.			
B. Schram.....		do 29.....	600 00			600 00
D. Decoste.....		do 29.....	Nil.			
F. Fongeu.....		do 29.....	do			
F. Crispo.....		do 29.....	do			
J. Lane.....		November 3.....	600 00			600 00
S. McNeil.....		do 4.....	1,200 00			1,200 00
D. Ferguson.....		do 4.....	1,000 00			1,000 00
J. Flynn.....		do 4.....	400 00			400 00
W. Clarkson.....		do 4.....	1,000 00			1,000 00
J. P. Downs.....		do 5.....	400 00			400 00
J. Heavy.....		do 6.....	365 00			365 00
A. Brunel.....	2,600 00			July 9.....	600 00	3,200 00
G. Fowler.....	360 00			January 28.....	30 00	390 00
J. F. Shaw.....	300 00			do 30.....	100 00	400 00
E. Miall, jun.....	2,000 00			{ July 9.....	50 00	} 2,400 00
				{ October 22.....	350 00	
F. Measam.....	1,150 00			{ July 9.....	50 00	} 1,250 00
				{ October 22.....	50 00	
R. Boiradaile.....	1,150 00			{ July 9.....	50 00	} 1,800 00
				{ October 16.....	600 00	
P. M. Robins.....	1,100 00			{ July 9.....	50 00	} 1,400 00
				{ October 22.....	250 00	
J. Fowler.....	480 00			July 9.....	20 00	500 00
W. Himsforth, jun.....	900 00			September 3.....	200 00	1,100 00
F. R. E. Campeau.....	1,000 00			October 22.....	150 00	1,150 00

to office in the Department of Inland Revenue, &c.—Continued.

SUBSEQUENT.				Salaries March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		> cts.	\$ cts.	
					Examiners, Yarmouth, N.S.
					do Richmond, N.S.
					do Pictou, N.S.
					do Guysboro', N.S.
					do Victoria, N.S.
					do Lunenburg, N.S.
					Fish Inspector, Halifax.
					do Montreal.
					Flour Inspector do
		General O. C., July 10, 1873.	300 00	1,000 00	Exciseman, Toronto.
		Sept. 30, 1875.	200 00	1,200 00	Deputy Collector, Victoria, B.C.
				900 00	Exciseman, Quebec.
Cancelled	600 00	April 26, 1874.	600 00	600 00	Flour Inspector, Hamilton.
Nov. 13, 1873.		do			Exciseman, London.
do		do			} Examiners, Antigonish, N.S.
do		do			
November 13.	600 00	Cancelled			
do 13.	1,200 00	do			Clerk, Culler's Office, Quebec.
do 13.	1,000 00	do			District Superintendent, P. E. Island.
do 13.	400 00	do			Collector, Charlottetown, do
do 13.	1,000 00	do			Exciseman, P. E. Island.
do 13.	400 00	do			do New Westminster, B.O.
do 13.	365 00	do			Deputy Collector, Pictou
				3,200 00	Messenger, London.
					Commissioner.
		Nov. 5, 1874.	{ 30 00	} 480 00	} Messenger, Inside Service.
			{ 30 00		
			{ 30 00		
		Nov. 5, 1874.	{ 50 00	} 550 00	} Clerk.
			{ 50 00		
			{ 50 00	} 2,400 00	} Assistant Commissioner.
		Nov. 5, 1874.	{ 50 00		
			{ 50 00	} 1,350 00	} Chief Statistical Clerk.
			{ 50 00		
				1,800 00	{ Succeeded A. N. Strikes, deceased, as
					District Inspector.
				1,400 00	Accountant, Inside Service.
				500 00	Messenger, do
		Nov. 5, 1874.	{ 50 00	} 1,250 00	} Corresponding Clerk, Inside Service.
			{ 50 00		
			{ 50 00		
		Nov. 5, 1874.	{ 50 00	} 1,250 00	} Assistant Accountant, do
			{ 50 00		

The \$50 were Statutory increases under Order in Council dated Nov. 5th, 1874.

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments other than to fill vacancies between 1st January and 7th November, 1873.		Increases between 1st January and 7th November, 1873.		Salaries 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts		\$ cts.	
C. E. Chubbuck.....		February 12.....	300 00			300 00
John Spence.....	800 00			February 6.....	200 00	1,000 00
H. Hunter.....	800 00			do 6.....	200 00	1,000 00
A. McLeod.....	800 00			do 6.....	200 00	1,000 00
S. C. Nash.....	600 00			do 6.....	100 00	700 00
P. H. Attwood.....	600 00			do 6.....	100 00	700 00
J. F. Taylor.....	500 00			do 6.....	200 00	700 00
F. Cole.....	600 00			do 6.....	100 00	700 00
J. O'Neill.....	1,400 00			do 17.....	200 00	1,600 00
H. Hutton.....	300 00			do 6.....	100 00	400 00
H. A. Smith.....	800 00			do 20.....	200 00	1,000 00
G. V. Ellwood.....	600 00			do 20.....	100 00	800 00
				August 19.....	100 00	
Walter F. Gouin.....	800 00			do 26.....	1,200 00	2,000 00
Charles J. Dupont.....	800 00			May 15.....	1,400 00	2,200 00
H. Godson.....	2,200 00			August 19.....	200 00	2,400 00
C. F. Labadie.....	1,200 00			do 19.....	400 00	1,600 00
R. U. Elliott.....	600 00			do 19.....	100 00	700 00
W. Gill.....	700 00			do 19.....	100 00	800 00
W. J. Gerald.....	800 00			do 19.....	100 00	900 00
W. F. Metcalf.....	600 00			do 19.....	200 00	800 00
R. B. Somerville.....	1,200 00			do 19.....	200 00	1,400 00
A. Caven.....	800 00			do 19.....	200 00	1,000 00
C. W. Walker.....	600 00			do 19.....	100 00	700 00
F. Mason.....	700 00			do 19.....	100 00	800 00
P. McClary.....	1,200 00			do 19.....	100 00	1,300 00
P. H. Attwood.....	600 00			February 6.....	100 00	800 00
				August 19.....	100 00	
James Gow.....	1,300 00			do 19.....	100 00	1,400 00
D. McLean.....	900 00			do 19.....	100 00	1,000 00
J. M. McCard.....	700 00			do 19.....	100 00	800 00
J. McD. Campbell.....	700 00			do 19.....	100 00	800 00
C. J. Dickson.....	700 00			do 19.....	100 00	800 00
G. Kirk.....	700 00			do 19.....	100 00	800 00
Ghas. Weymes.....	500 00			do 19.....	100 00	600 00
R. F. Nelles.....	800 00			do 19.....	200 00	1,000 00
W. P. Marter.....	600 00			do 19.....	100 00	700 00
James Seymour.....	1,200 00			do 19.....	200 00	1,400 00
M. E. Brougham.....	600 00			do 19.....	100 00	700 00
W. Patton.....	1,200 00			do 19.....	200 00	1,400 00
J. F. Jagoe.....	600 00			do 19.....	100 00	700 00
M. P. Crawford.....	700 00			do 19.....	100 00	800 00
A. B. Arnot.....	600 00			do 19.....	100 00	700 00
John Morrow.....	1,700 00			do 19.....	100 00	1,800 00

to office in the Department of Inland Revenue, &c.—Continued.

SUBSEQUENT.				Salaries. March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
{ Statutory in- crease O.C. Nov. 5th 1874 }	.....	Nov. 5, 1874...	{ 100 00 50 00 50 00 300 00 }	{ 500 00 1,300 00 }	Clerk, Inside Service.
.....	1,000 00	April 26th, '76	.....	.....	do do Kingston. do do London.
.....	.....	.....	.....	1,000 00	Retired April 22nd 1876.
.....	.....	.....	.....	700 00	Dep. Coll. Inland Revenue, Halifax.
.....	700 00	.....	.....	.....	Exciseman, Halifax. do London. Resigned July 11th, 1874.
.....	.....	.....	.....	700 00	Exciseman, London.
.....	.....	.....	.....	700 00	do do
.....	400 00	.....	.....	1,600 00	Collector Canal Tolls, Montreal.
.....	.....	.....	.....	.....	Dep. Coll. Inland Revenue, St. Stephen, N. B. Died July 17th, 1875.
.....	.....	.....	.....	1,000 00	Bookkeeper, London.
.....	.....	.....	.....	800 00	Exciseman, Goderich.
.....	.....	.....	.....	2,000 00	District Inspector, Winnipeg, Manitoba.
.....	.....	.....	.....	2,200 00	do Victoria, B.C.
.....	.....	.....	.....	2,400 00	Chief Insp. Inland Revenue, Toronto.
.....	1,600 00	.....	.....	.....	Collector Inland Revenue, Windsor. Retired May 1st, 1876.
.....	.....	.....	.....	700 00	Exciseman, Windsor.
.....	.....	.....	.....	1,000 00	do do
.....	.....	General O.C., July 10, 1873.	{ 200 00 100 00 200 00 }	{ 1,000 00 1,000 00 1,000 00 }	Bookkeeper, do Exciseman, do
.....	1,400 00	.....	.....	.....	Collector Inland Revenue, Sarnia. Dismissed June 4th, 1874
.....	.....	.....	.....	1,000 00	Collector Inland Revenue, Goderich. Exciseman, Goderich. Dismissed Jan. 1st, 1876.
.....	700 00	.....	.....	.....	.....
.....	.....	General O.C., July 10, 1873.	{ 200 00 }	1,000 00	Exciseman, Goderich.
April 22nd, '76	1,300 00	.....	.....	.....	Collector Inland Revenue, London. Superannuated.
Aug. 10th, '74	800 00	.....	.....	.....	Exciseman, London. Resigned July 7th, 1874.
.....	.....	June 14th, '76	400 00	1,800 00	Collector Inland Revenue, Guelph.
.....	.....	.....	.....	1,000 00	Dep. Coll. do do
.....	.....	.....	.....	800 00	Exciseman, Guelph.
.....	.....	.....	.....	800 00	do do
.....	.....	General O.C., July 10, 1873.	{ 200 00 }	1,000 00	do do
.....	800 00	.....	.....	.....	do do Died April 3rd, 1875.
.....	.....	.....	.....	600 00	Exciseman, Guelph.
.....	.....	.....	.....	1,000 00	Dep. Coll. Inland Revenue, Paris.
.....	.....	.....	.....	700 00	Exciseman, Paris.
.....	.....	.....	.....	1,400 00	Coll. Inland Revenue, St. Catharines.
.....	.....	.....	.....	700 00	Exciseman, St. Catharines.
.....	.....	.....	.....	1,400 00	Collector Inland Revenue, Hamilton.
.....	.....	.....	.....	700 00	Exciseman, Hamilton.
.....	.....	.....	.....	800 00	do do
.....	.....	.....	.....	700 00	do do
.....	.....	.....	.....	1,800 00	Collector Inland Revenue, Toronto.

RETURN shewing the names of all persons appointed

NAMES.	Salaries, 1st January, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th November, 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries, \$ cts.	Dates of Orders in Council.	Amount of Increase. \$ cts.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
W. C. Stratton.....	700 00			January 25.....	300 00 }	1,100 00
R. A. Hartley.....	600 00			August 19.....	100 00 }	700 00
William Gorrie.....	800 00			do 19.....	200 00	1,000 00
S. M. Sandford.....	600 00			do 19.....	100 00	700 00
James Bennett.....	700 00			August 19.....	100 00	800 00
F. Lowe.....	600 00			do.....	100 00	700 00
A. McPherson.....	700 00			do.....	100 00	800 00
A. McDonell.....	800 00			do.....	100 00	900 00
N. L. Hamilton.....	800 00			do.....	100 00	900 00
F. Rowlands.....	800 00			do.....	200 00	1,000 00
P. B. Macnamara.....	600 00			do.....	100 00	700 00
J. Alexander.....	600 00			do.....	100 00	700 00
D. M. Cameron.....	500 00			do.....	100 00	600 00
J. M. B. Henry.....	800 00			do.....	100 00	900 00
James S. Brough.....	600 00			do.....	100 00	700 00
S. B. Merrill.....	1,200 00			do.....	200 00	1,400 00
J. Ford.....	700 00			do.....	100 00	800 00
G. W. Browne.....	600 00			do.....	100 00	700 00
W. Gerald.....	100 00			do.....	100 00	200 00
P. Dunford.....	1,700 00			do.....	100 00	1,800 00
F. Duquette.....	700 00			do.....	100 00	800 00
F. Villeneuve.....	700 00			do.....	100 00	800 00
J. Pickett.....	700 00			do.....	100 00	800 00
C. Barker.....	600 00			do.....	100 00	700 00
J. E. Fortier.....	1,200 00			do.....	200 00	1,400 00
J. W. Cahill.....	800 00			do.....	100 00	900 00
G. Bourassa.....	600 00			do.....	200 00	800 00
J. T. Griffin.....	800 00			do.....	200 00	1,000 00
S. Tupper.....	1,200 00			do.....	200 00	1,400 00
B. H. Blanchard.....	600 00			do.....	200 00	800 00
P. Hagarty.....	600 00			do.....	100 00	700 00
J. Frederickson.....	600 00			do.....	100 00	700 00
J. McWhinnie.....	700 00			do 31.....	100 00	800 00
J. Patton.....	600 00			do.....	200 00	800 00
W. Lanniere.....	600 00			do 4.....	100 00	700 00
Total.....	70,640 00		30,515 00		16,550 00	115,105 00

to office in the Department of Inland Revenue, &c.—Continued.

SUBSEQUENT				Salaries, 5th March, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Ameunt.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
				1,100 00	Dep. Coll. Inland Revenue, Toronto.
				700 00	do do do
				1,000 00	Bookkeeper, Toronto.
				700 00	Exciseman, Toronto.
				800 00	do
	700 00	Resigned Feb. 5, 1875.			do
		General O. C.,			do
		July 10, 1873.	200 00	1,000 00	do
				900 00	do
			200 00	900 00	Deputy Collector I. R., Belleville.
	700 00	June, 1, 1875.		1,200 00	Collector I. R., Kingston.
					Exciseman, Kingston.
			300 00	1,000 00	do
				600 00	do
				900 00	Deputy Collector I. R., Ottawa.
				700 00	Exciseman, Ottawa.
				1,400 00	Collector I. R., Prescott.
				800 00	Exciseman, Prescott.
				700 00	do
				200 00	Preventive Officer, Prescott.
June 4, 1874.	1,800 00	Superannuated June 1, 1874.			Collector I. R., Montreal.
				800 00	Exciseman, Montreal.
				800 00	do
	800 00	Died			do
				700 00	do
				1,400 00	Collector I. R., Quebec.
				900 00	Exciseman, Quebec.
				800 00	do
				1,000 00	Collector I. R., Chatham.
	1,400 00	Died Sept. 3, 1876.			Collector I. R., Halifax, N.S.
	800 00	Struck off pay list Feb. 11, 1876.			Exciseman, Halifax, N.S.
				700 00	do
				700 00	Exciseman, St. John, N.B.
				800 00	Deputy Collector, Paris.
				800 00	Exciseman, Paris.
				700 00	Cullers' Office, Quebec.
	22,665 00		7,590 00	100,030 00	

APPOINTMENTS in the Department of Inland Revenue, cancelled by Orders in new appointments

ORIGINAL APPOINTMENTS.

Date.	Name.	Office.	Salary.
Oct. 29, 1873.....	B. Schram.....	Exciseman, London.....	\$ 600 00
do 29, 1873.....	D. DeCoste.....	} Examiners, Antigonish, N.S.....	Nil.
do 29, 1873.....	F. Fonqueu.....		
do 29, 1873.....	T. Crispo.....		
Nov. 3, 1873.....	T. Lane.....	Clerk, Cullers' Office, Quebec.....	600 00
do 4, 1873.....	T. McNeil.....	District Inspector, P. E. Island.....	1,200 00
do 4, 1873.....	D. Ferguson.....	Collector, Charlottetown, P. E. Island.....	1,000 00
do 4, 1873.....	T. Flynn.....	Exciseman do do.....	400 00
do 4, 1873.....	W. Clarkson.....	do New Westminster, B.C.....	1,000 00
do 4, 1873.....	J. P. Downes.....	Deputy Collector, Pictou.....	400 00
Aug. 13, 1873.....	R. H. Kitson.....	do Inspector, Cullers, Sorel.....	400 00
Nov. 3, 1873.....	J. Heavy.....	Messenger, London.....	365 00
Oct. 18, 1873.....	M. Hutchinson.....	Flour Inspector, Montreal.....	Fees.
Total.....			5,965 00

RECAPIT

Salaries payable 1st January, 1873, of those whose salaries were increased between Appointments between 1st January and 7th November, 1873.....

Increases do do

Reductions by death, resignation, superannuation, &c., of the persons above November, 1873.....

Salaries 7th November, 1873, of those appointed or those whose salaries were increased

Increases between 7th November, 1873, and 5th March, 1877.....

Less Reductions by cancellations of appointments.....

do death, resignation and superannuation.....

Salaries 5th March, 1877. The pay-rolls of the persons mentioned in this Return, were..

INLAND REVENUE DEPARTMENT,
OTTAWA,

Council of 13th November, 1873, and 7th April, 1874, with the names and dates of in place thereof.

REPLACED BY			
Date.	Name.	Office.	Salary.
April, 26, 1876...	B. Schram.....	Exciseman, London.....	\$ cts. 600 00
May 19, 1874...	W. F. Whelan.....	8 months Officer.....	1,000 00
Jan. 9, 1874...	J. A. McDonald.....	District Inspector, P. E. Island.....	1,200 00
Oct. 1, 1873...	S. C. Nash.....	Collector, Inland Revenue, Charlottetown..	7 000
Jan. 9, 1873...	T. Moore.....	Exciseman, Charlottetown.....	500 00
do 2, 1874...	John Young.....	Flour Inspector, Montreal.....	Fees.
Total.....			4,000 00

U L A T I O N .

	No.	Amount.	No.	Amount.
that date and 7th November, 1873.....				\$70,640 00
.....	84	\$30,515 00		
.....	95	16,550 00		47,065 00
.....				117,705 00
alluded to, between 1st January, 1873, and 7th				2,600 00
.....				115,105 00
between 1st January and 7th November, 1873.....				7,590 00
.....				122,695 00
.....		5,965 00		
.....		16,700 00		22,665 00
.....				100,030 00

A. BRUNEL,
Commissioner

RETURN shewing the names of all persons appointed to office in the

NAMES.	Salaries, January 1st, 1873.	Appointments other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
John Langton.....	2,600 00			July 9.....	600 00	3,200 00
Wm. Blackmore.....	1,000 00			{ February 10... July 9.....	{ 100 00 50 00 }	1,150 00
H. R. Fripp.....		February 10...	700 00			700 00
C. J. Tasker.....		do	700 00			700 00
C. J. Anderson.....	1,400 00			February 10...	50 00	1,450 00
Charles Ready.....	500 00			do	200 00	700 00
J. A. Clayton.....		February 10...	700 00			700 00
John B. Simpson.....	730 00					730 00
Thomas Cross.....	650 00			{ February 10... July 9.....	{ 50 00 50 00 }	750 00
George Aumond.....	650 00			February 10...	50 00	700 00
C. V. F. Bliss.....	400 00			{ June 4..... October 30..... November 4.....	{ 100 00 300 00 200 00 }	1,000 00
J. Rhodes.....	500 00					
Seymour Tobin.....	700 00			July 9.....	50 00	750 00
R. L. Killaly.....	550 00			January 28.....	50 00	
G. Y. Crookshank.....		August 13...	300 00			300 00
Walter Hatch.....		do	300 00			300 00
F. Toller.....	1,150 00			October 30.....	50 00	1,200 00
R. O'Rielly.....	750 00			January 28.....	50 00	800 00
H. A. Jones.....	750 00			do	50 00	800 00
W. L. Orde.....	400 00			do 4	300 00	700 00
N. Godard.....	2,150 00			July 9	50 00	2,200 00
<i>Carried forward</i> ..	14,880 00		2,700 00		2,350 00	18,830 00

Department of Finance (Inside Service), &c.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
				3,200 00	
		Annual Inc...	{ 50 00 50 00 50 00	1,300 00	Private Secretary.
		Nov. 4, 1874...	{ 350 00 50 00 50 00 50 00	1,200 00	Promotion.
		Annual Inc....	{ 50 00 50 00 50 00	850 00	
		Nov. 4, 1874...	{ 350 00 50 00 50 00	1,900 00	Promotion.
	700 00				Dead.
		Oct. 7, 1876...	{ 250 00 50 00 50 00 50 00	1,100 00	Promotion.
		do	{ 250 00 20 00 50 00 50 00	1,100 00	Promotion.
		Aug. 11, 1875...	{ 250 00 50 00 50 00 50 00	1,150 00	Promotion.
		Annual Inc....	{ 50 00 50 00 50 00	900 00	
	1,000 00				To Customs Department.
	750 00				To Secretary of State Department.
		Oct. 7, 1876...	400 00	700 00	do do
		July 1, 1876...	200 00	500 00	Left the Service.
		Annual Inc....	{ 50 00 50 00 50 00 50 00	1,400 00	do
		Jan. 5, 1874...	{ 300 00 50 00 50 00 50 00	1,250 00	Promotion.
		do	{ 300 00 50 00 50 00 50 00	1,250 00	Promotion.
		do	{ 50 00 50 00 50 00	850 00	
		do	{ 50 00 50 00 50 00	2,350 00	
	2,450 00		4,620 00	21,000 00	

RETURN shewing the names of all persons appointed to office in the

NAMES.	Salaries, January 1st, 1873.	Appointments other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
<i>Brought forward</i>	14,880 00	.....	2,700 00	.....	2,350 00	18,830 00
J. M. Courtney.....	2,100 00	.....	.....	July 9, 1873...	50 00	2,150 00
Thomas Ross.....	2,200 00	.....	.....	do ...	50 00	2,250 00
G. M. Jarvis.....	1,350 00	.....	.....	do ...	50 00	1,400 00
J. A. Torrance.....	1,350 00	.....	.....	do ...	50 00	1,400 00
R. W. Baxter.....	1,350 00	.....	.....	do ...	50 00	1,400 00
J. Patterson.....	1,400 00	.....	.....	do ...	50 00	1,450 00
<i>Carried forward</i>	24,630 00	.....	2,700 00	.....	2,650 00	28,880 00

Department of Finance (Inside Service), &c.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
.....	2,450 00	.....	4,620 00	21,000 00	
.....		Annual Inc.....	{ 50 00 50 00 50 00	2,300 00	
.....		do	{ 50 00 50 00	2,400 00	
.....		do .....	.....	1,400 00	1 Supernumerary. do
.....		do .....	.....	1,400 00	
.....		do	{ 50 00 50 00	1,550 00	
.....		do	{ 50 00 50 00	1,600 00	
.....	2,450 00	.....	5,220 00	31,650 00	

RETURN shewing the names of all persons appointed to

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th November, 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
<i>Brought forward</i>	24,630 00		2,700 00		2,650 00	28,880 00
Wm. Orde.....		February 21..	1,100 00			1,100 00
R. W. Crookshank.....		May 31.....	1,600 00			1,600 00
Wm. Seely.....		do 31.....	1,600 00			1,600 00
Francis G. Jordan.....		do 31.....	1,400 00			1,400 00
Daniel McDonald.....		July 8.....	200 00			200 00
C. D. Jones.....		do 8.....	200 00			200 00
S. B. Patterson.....		August 13.....	1,100 00			1,100 00
Jas. Robinson.....		do 13.....	1,100 00			1,100 00
E. W. Chestnut.....		do 13.....	900 00			900 00
Hon. Jos. Pope.....		Nov. 4, 1874..	2,000 00			2,000 00
Wm. Des Brisay.....		do.....	1,000 00			1,000 00
Thos. Des Brisay.....		do.....	500 00			500 00
Total.....	24,630 00		15,400 00		2,650 00	41,580 00

Office in the Department of Finance (Outside Service), &c.

SUBSEQUENT.				Salaries March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Date of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
	2,450 00		5,220 00	31,650 00	
		Nov. 5, 1874...	100 00	1,200 00	Assistant Receiver-General's Office, Toronto.
		do ...	200 00	1,800 00	Assistant Receiver-General's Office, St. John, N.B.
		do ...	200 00	1,800 00	Auditor's Office, St. John, N.B.
				1,400 00	Senior Clerk, Savings Bank, St. John, N.B.
	200 00				Left the country.
				200 00	Savings Bank Manager, Weymouth, N.S.
		Aug. 25, 1874...	100 00	1,200 00	Clerk, Savings Bank, St. John, N.B.
				1,100 00	Assistant Receiver-General's Office, St. John, N.B.
		Nov. 5, 1874...	200 00	1,100 00	Auditor's Office, St. John, N.B.
Nov. 13, 1873..	2,000 00				Savings Bank Manager, Charlottetown, P.E.I.
do ..	1,000 00				Chief Clerk to do do
do ..	500 00				2nd do do do
	6,150 00		6,020 00	41,450 00	

APPOINTMENTS in the Department of Finance cancelled by Orders in
and dates of new appoint

ORIGINAL APPOINTMENTS.

Date.	Name.	Office.	Salary.
1873.			\$ cts.
November 4.....	Hon. Joseph Pope	Savings Bank Manager, Charlottetown, P.E.I.....	2,000 00
do 4.....	Wm. Des Brisay.....	Chief Clerk to Manager.....	1,000 00
do 4.....	Thomas Des Brisay.....	2nd do do	500 00

R E C A P I T U

*Salaries payable 1st January, 1873, to persons whose salaries were increased between
Appointments made between 1st January and 7th November, 1873.*
Increases do do do

Reductions by death, resignation and superannuation, &c., of persons above alluded

*Salaries payable 7th November, 1873, to persons who were appointed between 1st
increased between those dates.....*

Increases to salaries of those persons, between 7th November, 1873, and 5th March,

*Reductions by cancellation of appointments by Order in Council of 13th November,
Reductions by death, resignation, superannuation, &c., between 7th November, 1873,*

Salaries payable 5th March, 1877, after effect is given to such appointments, increases

Council of 13th November, 1873, and 7th April, 1874, with the Names
ments in place thereof.

REPLACED BY

Date.	Name.	Office.	Salary.
1874.			\$ cts.
January 9	John Robins.....	Auditor and Manager, Savings Bank, Charlottetown, P.E.I.....	1,800 00
do 9.....	Thomas Foley.....	1st Clerk to Auditor and Manager ..	900 00
do 9.....	Wallace Leitch.....	2nd do do	400 00

L A T I O N .

	No.	Amount.
that date and 7th November, 1873 .....	.....	\$24,630 00
.....	17	15,400 00
.....	24	2,650 00
		42,680 00
to, between 1st January and 7th November, 1873.....	.....	1,100 00
January and 7th November, 1873, and to those who had their salaries 1877 .....	.....	41,580 00
		6,020 00
		47,600 00
1873, and 7th April, 1874.....	No. | Amount.	\$3,500 00
and 5th March, 1877.....	.....	2,650 00
		6,150 00
and reductions.....	.....	\$ 41,450 00

JOHN SIMPSON,
Assistant Auditor.

RETURN shewing the names of all persons appointed to

NAMES.	Salaries, 1st January, 1876.	Appointments, other than to fill vacancies, between 1st January and 7th November, 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
H. G. Dunlevie.....		October 31.....	1,100 00			1,100 00
J. F. Pellant.....		do 31.....	500 00			500 00
T. D. Harrington.....	2,600 00			July 9.....	600 00	3,200 00
F. Lewis.....	1,600 00			October 31.....	200 00	1,800 00
C. A. Gough.....	450 00			{ Jan. 28.....	50 00	700 00
				{ Oct. 31.....	200 00	
J. B. H. Neeve.....	1,200 00			July 9.....	50 00	1,250 00
J. R. Nash.....	1,100 00			January 28.....	50 00	1,150 00
C. E. Turgeon.....	700 00			July 9.....	50 00	750 00
Total.....	7,650 00		1,600 00		1,200 00	10,450 00

Appointments between 1st January and 7th
Increases do do

Cancellations.....

office in the Department of the Receiver General, &c.

SUBSEQUENT.				Salaries, 5th March, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
April 7	500 00		50 00 } 50 00 }	1,200 00	Increases under Civil Service Act.
					Appointment cancelled—Left the De- partment.
				3,200 00	
				1,800 00	
			50 00 } 50 00 }	850 00	Increases under Civil Service Act.
			50 00 }		
			50 00 }	1,400 00	do do
			50 00 }		
			50 00 }	1,300 00	do do
			50 00 }		
			50 00 }	1,100 00	Increases under C. S. Act, except \$250
			250 00 }		granted on succeeding Mr. L. Dufresne
	500 00		900 00	10,850 00	

	No.	Amount.
November, 1873	2	\$ cts. 1,600 00
do	7	1,200 00
	9	2,800 00
	1	500 00

APPOINTMENTS in the Department of the Receiver General cancelled by Order
 dates of new appoint

ORIGINAL APPOINTMENTS.

Date.	Name.	Office.	Salary.
October 21.....	J. F. Pellant	Clerk	\$ cts. 500 00

RETURN showing the names of all persons appointed to office

RECAPITU

*Salaries payable 1st January, 1873, of those whose salaries were increased between
 Appointments between 1st January and 7th November, 1873.....*
Increases do do do
Reductions by death, resignation, superannuation, &c., of persons above alluded to

*Salaries, 7th November, 1873, of those appointed or those whose salaries were increased
 Increases between 7th November, 1873, and 5th March, 1877*
Less reductions by cancellation of appointments
do do do do

Salaries, 5th March, 1877, of those affected by this Return..

in Council of 13th November, 1873, and 7th April, 1874, with the names and
ments in place thereof.

REPLACED BY.				Remarks.
Date.	Name.	Office.	Salary.	
			\$ cts.	
		Vacancy not filled		Left Department.

in the Department of the Receiver General, &c.—Continued.

LATION.

	No.	Amount.	No.	Amount.	No.	Total.
		\$ cts.		\$ cts.		\$ cts.
that date and 7th November, 1873.....						7,650 00
.....	2	1,600 00				2,800 00
between 1st January and 7th Nov., 1873....	7	1,200 00				
.....			Nil.			
between 1st January and 7th Nov., 1873....						10,450 00
.....		900 00				
.....		500 00				400 00
.....		Nil.				
.....						10,850 00

T. D. HARINGTON,
Deputy Receiver General.

RETURN shewing the names of all persons appointed

NAMES.	Salaries, 1st January, 1873.	Appointments, other than to fill vacancies, between 1st January, and 7th November, 1873.		Increase between 1st January and 7th November, 1873.		Salaries, 7th November, 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
Hon. Wm. McDougall—\$200 per month and \$4 per day expenses.....		January 15.....	2,400 00			2,400 00
J. Doherty.....		February 12.....	300 00			300 00
S. Gerald.....		do 12.....	100 00			100 00
J. McCormack.....		May 14.....	100 00			
Dr. Bacon.....		do 21.....	1,200 00			1,200 00
P. Doyle.....		do 21.....	1,000 00			1,000 00
J. Lowe.....		do 21.....	1,850 00			1,850 00
J. Summer.....		do 23.....	1,200 00			1,200 00
W. Winder.....		do 23.....	1,200 00			Nil.
Rev. J. C. Wood.....		do 23.....	100 00			100 00
Rev. W. J. Ancient.....		do 23.....	100 00			100 00
H. Hubbard.....		June 3.....	400 00			400 00
A. G. Smyth.....		do 3.....	800 00			800 00
G. S. Haigh.....		do 21.....	1,200 00			1,200 00
Rev. E. Gendreau.....		July 15.....	1,200 00			Nil.
W. E. Cooke, M.D.....		do 28.....	400 00			400 00
W. Webb.....		do 28.....	300 00			300 00
J. McCabe.....		August 11.....	500 00			500 00
Rev. J. H. Simonson.....		do 18.....	1,200 00			1,200 00
W. Hespeler.....		do 18.....	1,400 00			1,400 00
J. Lamjau.....		do 18.....	200 00			200 00
S. Lewin, M.D.....		do 18.....	400 00			400 00
A. Jessamine.....		do 18.....	300 00			300 00
Mary Devlin.....		do 18.....	150 00			150 00
R. Murdoch.....		do 18.....	1,200 00			1,200 00
H. Mattson.....		September 5.....	1,200 00			1,200 00
M. Burns.....		do 22.....	300 00			300 00
S. McKay.....		October 16.....	365 00			365 00
A. O. Kellam.....		November 4.....	1,200 00			1,200 00
J. Potts.....			1,200 00			1,200 00
A. B. Daveney } \$4 per day { J. Wallis..... } travelling { A. Walmsley } expenses. {		September 19.....	1,200 00			1,200 00
Rev. J. B. Proulx.....		do 30.....	100 00			100 00
J. Ross.....			660 00			Nil.
A. C. Nicholson.....		October 22.....	1,200 00			Nil.
G. Kingsmill.....		do 22.....	1,200 00			1,200 00
H. J. Richards.....		do 22.....	1,200 00			1,200 00
R. Cowling.....		do 22.....	1,200 00			1,200 00
J. Korman.....		do 22.....	1,200 00			1,200 00
G. S. Talbot.....			1,200 00			1,200 00
Dr. Taché.....	2,600 00			July 9.....	600 00	3,200 00
F. J. Dore.....	1,250 00			January 28.....	50 00	1,300 00
H. Casgrain.....	850 00			do 28.....	50 00	900 00
W. Cleaver.....	180 00			May 30.....	120 00	300 00

to office in the Department of Agriculture, &c.

SUBSEQUENT.				Salaries, 5th March, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
Discontinued..	2,400 00				Immigration Agent.
Deceased.....	300 00				Hospital Steward, St. John, NB.
Discontinued..	100 00				Immigration Agent, Prescott.
do					do Iceland.
do	1,200 00				Assistant Medical Inspector, Quarantine, Grosse Isle.
				1,000 00	Clerk, Quebec Agency.
		1874.	{ 150 00 50 00 50 00 50 00 }	2,150 00	Secretary, Department.
				1,200 00	Travelling Agent, G.T.R.
					do do
				100 00	Chaplain, Quarantine, Halifax.
				100 00	do do
				400 00	Immigration Agent, Sherbrooke, P.Q.
				800 00	do London, P.O.
Discontinued..	1,200 00				Emigration Agent, Liverpool.
					Special Mission.
				400 00	Inspecting Physician, Quarantine, Pictou, N.S.
Resigned.....	300 00				Clerk, Inside Service.
			{ 50 00 50 00 50 00 }	650 00	do do
Discontinued..	1,200 00				Special Immigration Agent.
				1,400 00	Immigration Agent, Winnipeg.
				200 00	Messenger, Sherbrooke Agency.
Discontinued..	400 00				Medical Insp'r, Quarantine, Miramichi.
do	300 00				Steward do do
				150 00	Matron do Halifax.
Discontinued..	1,200 00				Special Emigration Agent, Glasgow.
do	1,200 00				Special Mission, Scandinavian Kingdom
Resigned.....	300 00				Steward, Quarantine, Pictou.
				365 00	Messenger, London, (Ont.) Agency.
Discontinued..	1,200 00				Immigration Agent, Portland.
				1,200 00	Special Emigration Agent, U. Kingdom
				1,200 00	do do do
					do do do
				100 00	do R.R. Canada.
					do Continent of Europe.
					do United Kingdom.
				1,200 00	do Hebrides.
				1,200 00	do United Kingdom.
					do Channel Islands.
					do United Kingdom.
					do Continent of Europe.
				1,200 00	do Ireland.
				3,200 00	Deputy Minister.
		Under C.S. Act	{ 50 00 50 00 50 00 }	2,500 00	Salary increased while Acting Agent, London.
		Jan. 20, 1876...	550 00		
		Oct. 20, 1876...	500 00		
		Under C.S. Act	{ 50 00 200 00 }	1,150 00	Clerk, Inside Service.
		Nov. 12, 1874...	200 00		
				300 00	Interpreter, Hamilton.

RETURN shewing the names of all persons appointed

NAME.	Salaries, 1st January, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th November, 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
A. J. Cambie.....	1,800 00			July 9.....	50 00	1,850 00
S. Drapeau.....	1,200 00			do 9.....	50 00	1,250 00
W. J. Lynch.....	550 00			do 9.....	50 00	600 00
H. J. Hopkirk.....	750 00			do 9.....	50 00	800 00
J. B. Lacroix.....	480 00			do 9.....	20 00	500 00
R. McPherson.....	800 00			August 4.....	200 00	1,000 00
R. Shives.....	862 00			do 4.....	138 00	1,000 00
R. H. Roe.....	800 00			do 4.....	200 00	1,000 00
F. Montizambert, M.D.....	1,000 00			do 4.....	200 00	1,200 00
W. N. Wickwire, M.D.....	1,000 00			September 5.....	200 00	1,200 00
C. Foy.....	800 00			do 5.....	200 00	1,000 00
Total.....	14,922 00		35,025 00		2,178 00	47,765 00

RECAPIT

Salaries payable 1st January, 1873, of those whose salaries were increased between
Appointments between 1st January and 7th November, 1873.....
Increases do do

Reductions by death, resignation, superannuation and discontinuance of office, between
Salaries, 7th November, 1873, of those appointed or those whose salaries were increased
Increases between 7th November, 1873, and 5th March, 1877.....

Less Reductions by cancellation of appointments.....
do death, resignation, superannuation and discontinuance of office.....

Salaries, 5th March, 1877, of those affected by this Return.....

DEPARTMENT OF AGRICULTURE,
OTTAWA.

to office in the Department of Agriculture, &c.—*Continued.*

SUBSEQUENT.				Salaries, 5th March, 1873.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
		Under C.S. Act	50 00	2,000 00	Inside Service.
		do ..	50 00		
		do ..	50 00		
		do ..	50 00		
		do ..	50 00		
		do ..	50 00	1,400 00	do
	800 00	do ..	50 00	650 00	do
				500 00	Transferred to Post Office Department.
		Jan. 1, 1877.....	100 00	1,100 00	Inside Service.
				1,000 00	Immigration Agent, Kingston.
Deceased.....	1,000 00			1,000 00	do St. John, N.B.
					Hamilton.
				1,200 00	Physician, Quarantine, Grosse Isle.
				1,200 00	do do Halifax.
				1,000 00	Emigration Agent, Belfast.
	17,900 00		2,350 00	32,215 00	

U L A T I O N .

	No.	Amount.	No.	Amount.
1st January and 7th November, 1873.....	41	\$35,025 00		\$14,922 00
	15	2,178 00		37,203 00
				52,125 00
1st January and 7th November, 1873.....		4,360 00		4,360 00
between 1st January and 7th November, 1873.....				47,765 00
				2,350 00
				50,115 00
				Nil.
				17,900 00
				32,215 00

(Certified.)

JOHN LOWE,
Secretary of the Department of Agriculture.

RETURN shewing the names of all persons appointed to

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
Pierre Bouillianne.....		April 14.....	150 00			150 00
Thomas Connell.....		do 24.....	800 00			800 00
G. B. Simpson.....	325 00			May 15.....	375 00	700 00
James McKinnon.....	100 00			do 15.....	100 00	200 00
James Lloyd.....	160 00			do 15.....	40 00	200 00
W. S. Pettegrew.....		May 30.....	1,100 00			1,100 00
J. C. Andrews.....		do 30.....	30 00			30 00
James Brown.....		do 30.....	100 00			100 00
N. H. DeVeber.....		do 30.....	50 00			50 00
W. Skillen.....		do 30.....	100 00			100 00
W. Akerley.....		do 30.....	150 00			150 00
A. W. McDonald.....		do 30.....	125 00			125 00
James King.....		do 30.....	100 00			100 00
Hon. H. Blanchard.....		do 30.....				
Y. Barrington.....		do 30.....	120 00			120 00
A. McDonald.....		do 30.....	120 00			120 00
A. Bishop.....		do 30.....	125 00			125 00
John McDonald.....		do 30.....	170 00			170 00
Charles Henry.....		do 30.....	130 00			130 00
Henry Calcutt.....		do 30.....	100 00			100 00
L. J. Loranger.....		do 30.....	100 00			100 00
W. Clyde.....		do 30.....	50 00			50 00
D. Guay.....		do 30.....	200 00			200 00
H. Martin.....		do 30.....	200 00			200 00
L. E. Grondin.....		do 30.....	200 00			200 00
Bernard Kean.....		do 30.....	150 00			150 00
George Rogers.....		do 31.....	700 00			700 00
John Cameron.....		do 31.....	300 00			
W. W. Williston.....		do 31.....	300 00			300 00
H. F. Letson.....		do 31.....	200 00			200 00
John Robertson.....		do 31.....	80 00			
Wm. Fanjoy.....		do 31.....	80 00			80 00
Fredrick F. Rodrique.....	200 00			May 31.....	50 00	250 00
Donald Ross.....		June 10.....	400 00			400 00
W. G. Cretar.....		do 10.....	Honorary office.			
Robert P. Grant.....		do 10.....	do			
James H. Fraser.....		do 10.....	do			
James McKinnon.....		do 10.....	Fees.			
Elijah Fowler.....		do 24.....	30 00			30 00

office in the Department of Marine and Fisheries, &c.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
		Dec. 2, 1874 ...	50 00	200 00	Lightkeeper, Lark Islet.
April 29, 1874.	325 00	Feb. 19, 1876...	50 00	800 00	Keeper of lightship "Manicouagan."
				425 00	do Range lights, Presqu' Isle.
				200 00	do Negro Island light.
				200 00	do Carter's Island light.
		Statutory in- creases.	{ 50 00 50 00 50 00 }	1250 00	Senior 2nd class clerk. For 18 months previous to appointment an extra clerk, salary \$912.50.
May 27, 1874...	30 00				Was Fishery Overseer; another ap- pointed.
				100 00	Fishery Overseer, Sydney Mines.
				50 00	do East Bay.
				100 00	do
				150 00	do
				125 00	do
				100 00	do
					Was Fishery Overseer; now deceased Had no salary.
				120 00	Fishery Overseer.
				120 00	do
				125 00	do
				170 00	do
May 27, 1874...	130 00				Was Fishery Overseer; another ap- pointed.
do 9, 1875...	100 00				do do
				100 00	Fishery Overseer.
				50 00	do
March 14, 1874	200 00				Was Fishery Overseer; another ap- pointed.
				200 00	Fishery Overseer.
				200 00	do
				150 00	Lighthouse Keeper, Windmill Point, Prescott.
				700 00	Keeper of lightship near Fox Island.
					Keeper of beacon lights, Sheldrake, Fox Island. Suspended for absenting himself from his duties.
				300 00	Keeper of two lighthouses, Fox Island.
April 1, 1875...	200 00				Keeper of two lighthouses, Nequac. Died; vacancy filled.
Sept. 23, 1873...					Keeper of beacon light, Robertson Point. Declined appointment; va- cancy filled.
				80 00	Keeper of lighthouse, Fanjoy's Point.
				250 00	do do Portneuf.
				400 00	do do Porphyry Point.
March 23, 1875					Harbor Commissioner, Pictou, N.S. Appointment cancelled.
do					Harbor Commissioner, Pictou, N.S. Appointment cancelled, but re- appointed.
do					Harbor Commissioner, Pictou, N.S. Appointment cancelled.
Aug. 14, 1875...					Harbor Master, Pictou—fees of office \$400. Died; vacancy filled.
				30 00	Fish Warden.

RETURN showing the names of all persons appointed to Office

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
Charles Barteau.....		July 1.....	25 00			25 00
A. D. Munroe.....		do 1.....	25 00			25 00
Donald Chisholm.....		do 1.....	25 00			25 00
John Urquhart.....		do 1.....	50 00			50 00
William Elhumev.....		do 1.....	25 00			25 00
George Moore.....		do 1.....	25 00			25 00
Geo. N. Christie.....		do 1.....	25 00			25 00
Alex. McLellan.....		do 1.....	25 00			25 00
Hugh Cameron.....		do 1.....	25 00			25 00
James McGary.....		do 1.....	25 00			25 00
John McRae.....		do 1.....	25 00			25 00
George Foote.....		do 1.....	25 00			25 00
Alex. Douglas.....		do 1.....	25 00			25 00
Wm. Evans.....		do 1.....	25 00			25 00
John Turner.....		do 1.....	25 00			25 00
Alex. McKenzie.....		do 1.....	25 00			25 00
Donald Fraser.....		do 1.....	25 00			25 00
William McGregor.....		do 1.....	25 00			25 00
Samuel Fraser.....		do 1.....	25 00			25 00
Abraham Sampson.....		do 1.....	30 00			30 00
Justruen Sampson.....		do 1.....	30 00			30 00
Donald McLauchlin.....		do 1.....	30 00			30 00
Edward Madden.....		do 1.....	30 00			30 00
George Donahoe.....		do 1.....	30 00			30 00
Charles Grant.....		do 1.....	20 00			20 00
J. W. Burt.....		do 1.....	120 00			120 00
John McDonald.....		do 1.....	25 00			25 00
Donald McAulay.....		do 1.....	25 00			25 00
Francis Arnold.....		do 1.....	25 00			25 00
E. Goudock.....		do 7.....	200 00			200 00
John Niven.....		do 7.....	Fees.....			Fees.....
Capt. A. Christie.....		do 7.....	do.....			do.....
Capt. John Balson.....		do 7.....	do.....			do.....
James Dick.....		do 7.....	do.....			do.....
John B. Beaty.....		do 7.....	do.....			do.....
John Brooks.....		do 7.....	do.....			do.....
Capt. H. E. Dixon.....		do 7.....	do.....			do.....
G. H. Bramley.....		do 9.....	300 00			300 00
Geo. Smith.....		do 9.....				Fees.....
William Cullen.....		do 9.....				do.....
W. H. Mott.....		do 9.....				do.....

in the Department of Marine and Fisheries, &c.---Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
				25 00	Fishery Warden, Niltaux River, N.S.
				25 00	do Annapolis River, N.S.
				25 00	do Salt Springs, Anti- gonish, N.S.
				50 00	Fishery Warden, Tatamagouche.
				25 00	do Londonderry.
				25 00	Fishery Warden, Economy, N.S.
				25 00	do Truro, N.S.
				25 00	do Broad Cove, N.S.
				25 00	do S. W. Mabow, N.S.
				25 00	do Margaree, N.S.
May 27, 1874...	25 00				do Sutherland R., N.S.
do 27, 1874...	25 00				Vacancy filled by D. Rankin.
do 27, 1874...	25 00				Fishery Warden, French River, N.S.
					Vacancy filled by W. Stewart.
					Fishery Warden, Middle River, N.S.
					Vacancy filled by R. Archibald.
				25 00	Fishery Warden, West River, N.S.
				25 00	do French River, N.S.
				25 00	do Toney River, N.S.
				25 00	do East River, N.S.
May 27, 1874...	25 00				do East River, N.S.
do 27, 1874...	25 00				Vacancy filled by P. Delaney.
					Fishery Warden, East River, N.S.
					Replaced by Wm. Fraser.
				30 00	Fishery Warden, Petit Degrat, N.S.
				30 00	do L. Arloise, N.S.
May 27, 1874...	30 00				do West Bay, N.S. Re- placed by Alex. Smith.
				30 00	Fishery Warden, River Bourgeoise, N.S.
				30 00	do Moulin River, N.S.
				20 00	do River Inhabitant, N.S.
				120 00	Fishery Overseer, Ingonish, N.S.
				25 00	do Warden, Middle River, N.S.
				25 00	do Baddeck River, North Branch.
				25 00	Fishery Warden, Baddeck River, N.S.
				200 00	Lighthouse Keeper.
					Fees..... Harbor Master, Newcastle, N.B. Fees not to exceed \$300 collected.
April 22, 1876.					Harbor Master. Moved without limits.
					Harbor Master. } Salary not to do } exceed \$100 do } of the fees do } collected.
April 20, 1876.					do Superseded.
June 16, 1874.	300 00				do Sorel. \$300 of fees collected. Superseded when New Act proclaim- ed.
Dec. 12, 1874.					Harbor Master Bathurst. } Left Bathurst; an- } other appointed. } Salary not to Harbor Master, Dal- } exceed \$200 housie. Resigned; } of the fees vacancy filled. } collected.
July 8, 1874.					Harbor Master Camp- belton.

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increase between 1st January and 7th November, 1873.		Salaries, 7th November, 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
Thomas Savoy.....		July 9.....	200 00			200 00
Alex Wilson.....		do 9.....	150 00			150 00
Robt. Rennie.....	600 00			July 10, 1873...	400 00	1,000 00
Timothy Parker.....		July 9.....	100 00			100 00
Owen Smith.....		do 14.....	100 00			100 00
J. Mackenzie.....		do 14.....	50 00			50 00
Thomas McCallum.....		do 13.....	50 00			50 00
Robert N. Venning.....	400 00			July 16, 1873...	300 00	700 00
Richard Wilson.....		do 19.....	200 00			200 00
J. Hardie.....	1,950 00			July 9.....	50 00	2,000 00
J. Tilton.....	1,550 00			{ do Nov. 5.....	{ 50 00 200 00	{ 1,800 00
S. P. Bauset.....	1,250 00			{ July 9..... Nov. 3.....	{ 50 00 100 00	{ 1,400 00
W. L. Magee.....	1,200 00			{ July 9..... Oct. 21.....	{ 50 00 150 00	{ 1,400 00
W. B. Carleton.....	400 00				50 00	450 00
J. H. McIl'ree.....	400 00				50 00	Resigned
G. C. Haney.....	400 00				50 00	do
G. H. Harper.....	400 00				50 00	do
Alex. Jessamine.....		August 13.....	300 00			300 00
A. M. Delisle.....		do 15.....	No Salary.			
Wm. Workman.....			do			
Victor Hudon.....			do			
M. P. Ryan.....			do			
John Miller.....		August 16.....	300 00			300 00
John Haws.....		do 16.....	Fees.			
Benjamin Smith.....		do 18.....	100 00			100 00
H. W. Johnston.....	1,600 00			August 19.....	200 00	1,800 00
J. H. Harding.....	1,600 00			do.....	200 00	1,800 00
J. W. Gregory.....	1,600 00			do.....	200 00	1,800 00
E. D. David.....	1,600 00			do.....	200 00	1,800 00
James Cooper.....	1,600 00			do.....	200 00	1,800 00
James Mitchell.....	1,200 00			do.....	400 00	1,600 00
J. H. Rendrick.....	1,200 00			do.....	400 00	1,600 00
Successor to Isaac Hope.....	1,200 00			do.....	400 00	1,600 00
Darus Smith, \$3.00 per day.....	1,095 00			do.....	5 00	1,100 00
W. H. Venning.....	1,400 00			do.....	400 00	1,800 00
W. H. Rogers.....	800 00			do.....	200 00	1,000 00

to office in the Department of Marine and Fisheries, &c.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
				200 00	Lighthouse Keeper, Tabusintac.
				150 00	do Campbell's Island,
				1,000 00	Upper Ottawa. Keeper of Fog-whistle and Lighthouse at Cape Ray.
				100 00	Lighthouse Keeper, Walton Harbor.
				100 30	do Upper Ottawa.
				100 00	do Mackenzie Point.
	50 00	May 21, 1874...	50 00		Fishery Overseer. Cancelled.
Increase under C. S. Act..			{ 50 00 50 00 50 00 }	850 00	{ Jun. 2nd Class Clerk transferred from outside service; previous salary \$400.
April 1, 1875...	200 00				Fishery overseer. Replaced by J. Sutherland.
				2,000 00	Chief Clerk. Inside Service.
April 7, 1874...	200 00	{ Increases under Civil Service Act.	{ 50 00 50 00 50 00 }	1,750 00	The sum of \$200 per annum was allowed Mr. Tilton as Private Secretary, from July, 1870, to December, 1872, and the Order in Council of 5th Nov., 1872, proposed to make the salary equal to that previously received by him.
do	100 00	{ June 3, 1874. June 6, 1876.	{ 100 00 150 00 }	1,550 00	
		June 6, 1876...	150 00	1,550 00	
		{ Increases under Civil Service Act.	{ 50 00 50 00 50 00 }	600 00	
Sept., 1873.					
do					
do					
July 22, 1875...	300 00	Superseded			Lighthouse Keeper, for lighthouse in course of erection at Middle Island.
June 18, 1874...		Vacancy filled.			} Harbour Commissioners an—honorary office.
do		do			
do		do			
do		do			
Nov. 13, 1873...		Sept. 22, 1874... Cancelled	100 00	400 00	Lighthouse Keeper, Manitoulin Island. Agent as Inspector of Shipping. Fees of Office.
June 16, 1874...	100 00	Resigned..			Lighthouse Keeper, Mullin's Point.
	200 00	March 14, 1874	100 00	1,700 00	Agent, Halifax, N.S.
	200 00			1,600 00	do St. John, N.B.
	200 00	{ March 14, 1874 Sept. 18, 1876	{ 200 00 200 00 }	2,000 00	do Quebec.
	1,600 00	Dismissed.....			do and Shipping Master, Montreal.
	200 00			1,600 00	do do Victoria. P.C.
	400 00			1,200 00	Superintendent of Lights, New Brun- swick and Bay of Chaleurs.
	400 00			1,200 00	Superintendent of Lights, Nova Scotia.
	1,200 00	Deceased.....			do do Ontario.
	5 00	May 7, 1875.....	105 00	1,200 00	Formerly Assistant Superintendent of Lights, Ontario, now Superintendent.
	400 00			1,400 00	Inspector of Fisheries for N.B. and N.S.
	200 00			800 00	Assistant do do

The O. C. provided that these increases should not come into operation, unless nor until amount voted by Parliament; and no such vote was made except in the case of Mr. Buteau.

RETURN showing the names of all persons appointed

NAMES.	Salaries, 1st January, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th November, 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
Albert Parker.....	800 00			August 19.....	200 00	1,000 00
John McLaughlin.....	1,095 00			do	5 00	1,100 00
Samuel Risley.....	1,400 00			do	200 00	1,600 00
W. M. Smith	1,000 00			do	400 00	1,400 00
W. J. Meneilley.....	1,000 00			do	200 00	1,200 00
X. Befort.....	800 00			do	200 00	1,000 00
J. Samson.....	800 00			do	200 00	1,000 00
J. Taylor.....	800 00			do	200 00	1,000 00
P. A. Scott.....	1,600 00			do	200 00	1,800 00
D. M. Browne	800 00			do	200 00	1,000 00
E. E. Buteau	600 00			do	200 00	800 00
L. A. Blanchet	600 00			do	100 00	700 00
H. Dolby.....	600 00			do	200 00	800 00
F. Harding.....	600 00			do	200 00	800 00
C. Venning.....	400 00			do	200 00	600 00
Thomas H. Grant.....		August 25	No Salary.			
Julien Chabot.....		do	do ..			
John Gibbon.....		do	do ..			
John Hamilton.....		Sept. 3.....	120 00			120 00
Kenneth McLachlin.....		do	150 00			150 00
Thomas Philips.....		do 19.....	800 00			800 00
Francis Dionne, jr.....		do	200 00			200 00
Chas. D. Esnouf.....		do	800 00			800 00
John McKay.....		do 22.....	300 00			300 00
Wade G. Foott.....		September 23.....	150 00			150 00
David Crawford.....		do	250 00			250 00
Eugene Roy.....	500 00			September 23.....	100 00	600 00
James Cassidy		do	250 00			250 00
Zephirin Warren.....		do	200 00			200 00
Samuel W. Robertson.....		do	80 00			80 00
William Crooks		October 6.....	350 00			350 00
Dr. W. E. Cooke.....		do 13.....	400 00			400 00
Marmaduke Graburn.....		do 18.....	1,100 00			1,100 00
A. M. Fraser		do	500 00			500 00
Henry Ellenwood.....		do	350 00			350 00
Charles Bourget.....		do	100 00			100 00
Alex. Botherton.....		do	300 00			300 00
John Cormack		do	500 00			500 00
Benjamin Heney.....	400 00	do		October 18.....	100 00	500 00
Caspar Schwartz.....		do 22.....	400 00	do 31.....	100 00	500 00
William Young.....		do	Fees			
J. H. Wade.....		do	do ..			

to office in the Department of Marine and Fisheries, &c.—Continued.

SUBSEQUENT.				Salaries, 7th March, 1877.	REMARKS.	
Reductions.		Increases.				
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.			
	\$ cts.		\$ cts.	\$ cts.		
The Order in Council provided that these increases should not come into operation, unless not until amount voted by Parliament; and no such vote was made except in the case of Mr. Buteau.	200 00	March 14, 1874	} 200 00	1,095 00	Assistant to Shipping Master, Quebec.	
	1,000 00	Deceased.....			Chief Constable of Water Police Montreal.	
	5 00					
	200 00	March 14, 1874	400 00	1,800 00	Chairman Steamboat Inspection.	
	400 00	do	400 00	1,400 00	Deputy do do	
	200 00	do	200 00	1,200 00	Inspector, Toronto District.	
	200 00	do	200 00	1,000 00	do Three Rivers District.	
	200 00	do	200 00	1,000 00	do Quebec do	
	200 00	do	200 00	1,000 00	do East Toronto do	
	200 00	do	200 00	1,800 00	Chairman Board of Examiners of Masters and Mates.	
	200 00	do	100 00	900 00	Clerk to Chairman.	
		Sept. 18, 1876..	100 00	900 00	First Clerk, Quebec Agency.	
	100 00	March 14, 1874	100 00	} 900 00	Second do do	
	200 00	Sept. 18, 1876	200 00			
	200 00	March 14, 1874	100 00	700 00	Clerk, Halifax do	
200 00			600 00	do St. John do		
200 00			400 00	do to Inspector of Fisheries Nova Scotia and New Brunswick.		
March 15, 1876				} Members of Corporation of Quebec Harbor Commissioners.		
do						
do						
			120 00	Lighthouse Keeper, Hamiltons Island, River St. Lawrence.		
		April 1, 1875...	50 00	200 00	Lighthouse Keeper, Glengarry, or Stone House Point, Ontario.	
				800 00	Fog-whistle Engineer, Escuminac Point, N.B., for himself and Assistant.	
		April 1, 1875...	50 00	250 00	Lighthouse Keeper, Matane, P.Q.	
				800 00	do and Fog-whistle, Gaspé, P.Q.	
				300 00	do Shelldrake Island, Beacous.	
				150 00	Lighthouse keeper, Point aux Pins, Ont.	
		Sept. 22, 1874..	100 00	350 00	do Batchewana Bay.	
				600 00	do Point Rich, N.F.L.	
		Oct. 9, 1874....	50 00	300 00	do Entry Island.	
	250 00	Resigned. July 1, 1874....	50 00		do Point Neuf, P.Q.	
				80 00	do Robertson's Point.	
				350 00	do Peggy's Point.	
				400 00	Medical Superintendent, Marine Hospital, Pictou.	
				1,100 00	Sen. 2nd Class Clerk, transferred from outside service.	
Nov. 6, 1874...	500 00	Vacancy filled			Engineer, Fog Whistle, St. Paul Island.	
Feb. 23, 1874...	350 00	Supposed drowned. Vacancy filled			Beacon light-keeper, Yarmouth Harbor	
				100 00	Lighthouse-keeper, Perce Roadstead.	
				300 00	do Point Maquereau, P.Q.	
	500 00	Never took charge			Engineer Fog Whistle, Halifax Light Ship.	
				500 00	Lighthouse-keeper, Flint Island, N.S.	
Dec. 29, 1873...	500 00	Declined appointment.		Another	do Green Island, N.S.	
		appointed			Shipping-Master, Lunenburg, N.S.	
Sept. 22, 1874...		Fees cancelled		Fees.....	do Lahave.	

RETURN shewing the names of all persons appointed to office

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
Wm. Park.....		October 22...	No salary..			
Hon. Wm. Muirhead.....		do	do			
Alex. Morrison.....		do	do			
Thos. F. Gillespie.....		do	do			
Robt. R. Call.....		do	do			
Hon. W. Hamilton.....		do 22...	do			
Wm. Montgomery.....		do	do			
Geo. Moffat.....		do	do			
James Purcell.....		do	Fees.....			
James Kerr.....		do	do			
James Mitchell.....		do	do			
John H. Harding.....		do	do			
Charles M. Gove.....		do	do			
E. Landry.....	200 00			October 27....	100 00	300 00
John McAnulty.....		do 29...	do			
Joseph Carson.....		do	do			
Arsene Labrosse.....		do	200 00			200 00
John Corbett.....		do 30...	1,200 00			1,200 00
Daniel McDonald.....		do 31...	Fees.....			
John Thomson, M.D.....	200 00			October 31....	200 00	400 00
John C. Crowell.....		do 31...	800 00			800 00
James Bent.....		do 22...	Fees.....			
W. McNab.....		do	do			
W. Beatty.....		October 22...	Fees.....			
Hon. D. Gunn.....		do 22...	200 00			200 00
Allan McAdam.....		do 30...	25 00			25 00
Angus Morrison.....		do 30...	25 00			25 00
Denis Murphy.....		do 30...	25 00			25 00
Donald McDonald.....		do 30...	25 00			25 00
Michael McLellan.....		do 30...	25 00			25 00
Adam Glasgow.....		November 3...	Not stated			Not stated
Murdoch McGregor.....		do 3...	Fees.....			Fees.....
Samuel J. Brookman.....		do 3...	do			do
Ronald McDonald.....		do 3...	do			do
R. McNiel.....		do 3...	do			do
J. McPherson.....		do 3...	do			do
A. Chisholm.....		do 4...	150 00			150 00
J. T. Jenkins, M.R.C.S.....		do 6...	400 00			400 00
Thomas Taylor.....		October 22...	50 00			50 00
John Stymest.....		do 22...	50 00			50 00
Norman Campbell.....		do 22...	50 00			50 00
P. Robichaux.....		do 22...	100 00			100 00
W. Condon, jun.....		do 31...	500 00			500 00
J. Desjardins.....		November 4...	400 00			400 00
W. Hayden.....		do 5...	400 00			400 00
E. Blegdon.....		do 6...	600 00			600 00
W. Smith.....	2,600 00			July 9.....	600 00	3,200 00
Total.....	21,900 00		22,140 00		9,025 00	70,220 00

in the Department of Marine and Fisheries, &c.—*Continued.*

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
April 21, 1874.		Resigned.	Another appointed.		Commissioners of Pilots for Mira- michi District. No salary. Honora- ry office.
July 21, 1876.		Another appointed.			
do		do			Commissioners of Pilots for Resti- gouche District.
do		do			
March 21, 1874		Cancelled			Receiver of wrecks for Counties of An- tigonish, Guysborough, Richmond, Inverness, and Cape Breton, N.S.
do		do			Receiver of wrecks for remaining Counties of Nova Scotia.
do		do			Receiver of wrecks for North Shore of New Brunswick and Bay Chaleurs.
do		do			Receiver of wrecks for South Shore of New Brunswick, with exception of County of Charlotte.
do		do			Receiver of wrecks for County of Charlotte.
Nov. 13, 1873.		do		300 00	Lighthouse-keeper, Carlton Point
do		do			Harbor-Master, Musquash.
do	200 00	do			do Quaco or St. Martins.
do	1,200 00	do			Lighthouse-keeper, Point aux Anglais.
		do			Agent and Inspector of Lights and Fisheries.
	Fees	do			H. M. International and Gardner Mines.
Nov. 13, 1873.	800 00	do		400 00	Physician M. Hospital, Miramichi.
					Lightship-keeper, Halifax Harbor.
					Harbor Master, Piquash, N.S.
					do Wallace, N.S.
					Harbor Master, Parrsboro', N.S.
				200 00	Fishery Overseer, Winnipeg, Manitoba.
				25 00	do Warden, Eskasoni, N.S.
				25 00	do do Mira, N.S.
				25 00	do do Sydney Mines, N.S.
				25 00	do do Sydney Forks, N.S.
				25 00	do do Rory Brack's Brook, N.S.
Nov. 13, 1873.	Not stated				Secretary and Treasurer, St. John Pilot Commissioners.
	Fees				Shipping Master, North Sydney.
	do				do Sydney.
	do				do Lingan.
	do				do Little Glace Bay.
	do				do Cow Bay.
				150 00	Lighthouse keeper, Point Aconé, N.S.
				400 00	Medical Officer, Marine Hospital.
				50 00	Fishery Overseer.
				50 00	do
	50 00				do Replaced by another.
				100 00	do
Nov. 13, 1873.	500 00				Lightkeeper, Egg Island.
Dec. 22, 1873.	400 00				do Brandy Pots.
Nov. 13, 1873.	400 00				do Gull Rock.
do	600 00				do Bicquet.
				3,200 00	
	17,950 00		4,755 00	57,025 00	Deputy Minister of Marine and Fisherie

APPOINTMENTS in the Department of Marine and Fisheries, cancelled by Orders in
new appointments

ORIGINAL APPOINTMENTS.

Date.	Name.	Office.	Salary.
July 1, 1873.....	J. McRae.....	Fishery Warden, Sutherland River, N.S.....	\$ cts. 25 00
do 1, 1873.....	G. Foote.....	do French River, N.S.....	25 00
do 1, 1873.....	A. Douglas.....	do Middle do.....	25 00
do 1, 1873.....	W. McGregor.....	do East River.....	25 00
do 1, 1873.....	S. Fraser.....	do do.....	25 00
do 1, 1873.....	D. McLauchlan.....	do West Bay.....	30 00
Oct. 27, 1873.....	James B. Halkett.....	Third Class Clerk.....	500 00
do 29, 1873.....	J. McNulty.....	Harbor Master, Musquash.....	Fees.....
do 29, 1873.....	Joseph Carson.....	do.....	do.....
do 29, 1873.....	A. Labrosse.....	Lightkeeper, Pointe-aux-Anglais.....	200 00
do 31, 1873.....	J. O. Crowell.....	do.....	800 00
do 31, 1873.....	W. Condon, jun.....	Egg Island, N.S.....	500 00
do 31, 1873.....	D. S. McDonald.....	Harbor Master, International and Gardner Mines.....	Fees.....
Nov. 3, 1873.....	M. McGregor.....	Shipping Master, North Sydney.....	do.....
do 3, 1873.....	S. J. Brookman.....	do Sydney.....	do.....
Nov. 3, 1873.....	R. McDonald.....	Shipping Master, Lingan.....	Fees.....
do 3, 1873.....	R. McNeil.....	do Little Glacé Bay.....	do.....
do 3, 1873.....	J. McPherson.....	do Cow Bay.....	do.....
do 3, 1878.....	A. Glasgow.....	Secretary-Treasurer St. John Pilot Com- missioners.....	No Salary stated.
do 3, 1873.....	J. Corbett.....	Agent, Marine and Fisheries, Charlotte- town.....	1,200 00
do 4, 1873.....	P. Desjardin.....	Light Keeper, Brandy Pots.....	400 00
do 4, 1873.....	A. Chisholm.....	do Point Acone.....	150 00
do 5, 1873.....	W. Hayden.....	do Gull Rock.....	400 00
do 6, 1873.....	J. J. Jenkins, M.D.....	Marine Hospital Charlottetown, P.E.I.....	400 00
do 6, 1873.....	E. Blagdon.....	Light Keeper, Bicquet.....	600 00
August 13, 1873.....	A. Jessamin.....	Lighthouse Keeper, Middle Island.....	300 00
do 13, 1873.....	J. Hawa.....	Agent and Inspector of Shipping, Liver- pool England.....	Fees.....
do 13, 1873.....	A. M. Fraser.....	Engineer of Fog Whistle.....	500 00
Oct. 22, 1873.....	Caspar Schwartz.....	Lightkeeper.....	400 00
do 22, 1873.....	W. Young.....	Shipping Master, Lunenburg.....	Fees.....
June 10, 1873.....	W. G. Crerar.....	Harbour Commissioner, Pictou.....	Nil.....
do 10, 1873.....	J. H. Frasar.....	do.....	Nil.....
do 10, 1873.....	R. P. Grant.....	do.....	Nil.....
Oct. 22, 1873.....	J. Purcell.....	Receiver of Wrecks.....	Fees of office
do 22, 1873.....	J. Mitchell.....	do.....	do ..
do 22, 1873.....	J. H. Harding.....	do.....	do ..
do 22, 1873.....	C. M. Gove.....	do.....	do ..
do 22, 1873.....	D. Park.....	do.....	do ..
do 22, 1873.....	Hon. W. Muirhead.....	Commissioners of Pilots for Miramichi District.....	Nil.....
do 22, 1873.....	A. Morrison.....	do.....	do ..
do 22, 1873.....	T. F. Gillespie.....	do.....	do ..
do 22, 1863.....	R. R. Call.....	do.....	do ..
Total.....			6,505 00

Council of 13th November, 1873, and 7th April, 1874, with the names and dates of in place thereof.

REPLACED BY.

Date.	Name.	Office.	Salary.
			\$ cts.
May 27, 1874.....	D. Rankin.....	Fishery Warden, Sutherland River, N.S.....	25 00
do	W. Stewart.....	do French River, N.S.....	25 00
do	R. Archibald.....	do Middle do	25 00
do	P. Delaney.....	do East River, N.S.....	25 00
do	W. Fraser.....	do do	25 00
do	Alex. Smith.....	do West Bay.....	30 00
Dec. 12, 1874.....	James B. Halkett.....	Third Class Clerk, (inside).....	500 00
Mar. 26, 1874.....	Samuel Hayward.....	Harbor Master, Musquash.....	Fees.
May 14, 1874.....	Joseph Carson.....	do St. Martins.....	do
do 1, 1874.....	E. Charbois.....	Lightkeeper, Pointe-aux-Anglas.....	200 00
May 6, 1874.....	W. Condon, jun.....	Egg Island, N.S.....	500 00
April 9, 1874.....	A. Corbett.....	Shipping Master, North Sydney.....	Fees.
do	W. W. Oliver.....	do Sydney.....	do
April 23, 1874.....	M. Roche.....	Shipping Master, Lingan.....	Fees
June 6, 1876.....	J. E. Hitchins.....	do Little Glacé Bay	do
	No One.		
June 16, 1874.....	G. Stymest.....	Secretary-Treasurer St. John Pilot Com- missioners.....	800 00
May 15, 1875.....	Wm. Mitchell.....	Agent, Marine and Fisheries, Charlotte- town, P.E.I.....	600 00
Dec. 22, 1873.....	N. Richard.....	Light Keeper, Brandy Pots.....	400 00
April 18, 1874.....	G. Bonner.....	do Point Acone.....	150 00
do 3, 1874.....	W. Hayden.....	do Gull Rock.....	400 00
May 5, 1874.....	F. P. Taylor.....	Medical Officer, Marine Hospital, Char- lottetown, P.E.I.....	300 00
Dec. 22, 1873.....	J. Lebel.....	Light Keeper, Bicquet.....	600 00
July 22, 1875.....	D. McEwan.....	do Middle Island.....	300 00
	No One.		
Nov. 6, 1874.....	Robert Muirhead.....	St. Paul's Island, Fog Whistle.....	500 00
Dec. 29, 1873.....	Albert Pearl.....	Lightkeeper.....	500 00
Sept. ... 1874.....	Chief officer of Customs.....	Shipping Master, Lunenburg.....	Fees.
Mar. 29, 1875.....	J. D. McGregor.....	Harbour Commissioner for Pictou.....	Nil.
do 29, 1875.....	J. H. Fraser.....	do	Nil.
do 29, 1875.....	R. P. Grant.....	do	Nil.
	No one.....	do	
	do		
	do		
	do		
April 21, 1874.....	W. Park.....	Commissioners of Pilots for Miramichi District.....	Nil.
	The Hon. W. Muirhead...		
	A. Morrison.....		
	R. R. Call.....		
	The Hon. R. Hutchison...		
		Total	5,905 00

 APPOINTMENTS in the Department of Marine

 R E C A P I T U

Salaries payable 1st January, 1873, to persons whose salaries were increased between Appointments made between 1st January and 7th November, 1873

Increases do do

Reductions by death, resignation and superannuation, &c., of persons above alluded

Salaries payable 7th November, 1873, to persons who were appointed between 1st salaries increased between those dates

Increases to salaries of those persons between 7th November, 1873, and 5th of March,

Reductions by cancellation of appointments by Orders in Council of 13th November, Reductions by death, resignation, superannuation, &c., between 7th November, 1873,

Salaries payable 5th March, 1877, after effect is given to such appointments, increases

DEPARTMENT OF MARINE AND FISHERIES,
OTTAWA,

and Fisheries cancelled by Orders in Council, &c.---Continued.

L A T I O N.

	No.	Amount.
that date and 7th November, 1873.....		\$41,025 00
.....	159	21,900 00
.....	49	9,025 00
		<hr/> 71,950 00
to, between 1st January and 7th November, 1873.....		1,730 00
January and 7th November, 1873, and to those who had their		70,220 00
1877.....		4,755 00
	<hr/> No.	<hr/> Amount.
1873, and 7th April, 1874		\$6,505 00
and 5th March, 1877.....		11,445 00
		<hr/> 17,950 00
and reductions		57,025 00

WM. SMITH,
Deputy Minister of Marine.

RETURN showing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies between 1st January and 7th November, 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts		\$ cts.	\$ cts.
Geo. F. Herchmer		February 6.....	480 00			480 00
J. Henry.....		do 13.....	300 00			300 00
Chas. Hayden.....		do 13.....	480 00			480 00
J. W. Ring.....		do 17.....	360 00	February 17..	40 00	400 00
J. W. Beatteay.....		do 17.....	360 00	do 17..	40 00	400 00
A. J. Woodrow ..		do 17.....	360 00	do 17..	40 00	400 00
W. J. Parker.....		do 17.....	360 00	do 17..	40 00	400 00
F. Avery.....		do 17.....	360 00	do 17..	40 00	400 00
A. F. Seeley.....		do 17.....	480 00			480 00
W. J. Weldon.....		do 17.....	480 00			480 00
J. A. Carman.....		do 17.....	480 00			480 00
J. R. Pidgeon ..		do 17.....	480 00			480 00
A. O'Malley.....		do 20.....	360 00			360 00
J. V. Gavaza.....		do 21.....	480 00			480 00
J. Duffy.....		March 10.....	360 00			360 00
R. McGilton.....		do 17.....	360 00			360 00
H. Macarow.....		do 17.....	360 00		120 00	480 00
A. C. Crisp		do 17.....	360 00			360 00
H. G. Armitage.....		do 17.....	360 00			360 00
R. P. Wright.....		do 21.....	480 00			480 00
J. Dempsey.....		do 21.....	360 00			360 00
J. E. Renaud.....		do 21.....	360 00			360 00
J. Taylor.....		April 1.....	360 00			360 00
T. M. Casey.....		do 1.....	360 00			360 00
D. Stewart		do 1.....	360 00			360 00

to office in the Department of the Post Office, &c.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
	480 00				Railway Mail Clerk, 3rd Class, Mon- treal Division. Dismissed 31st Dec., 1874.
			{ 100 00 40 00 40 00 }	480 00	4th Class Clerk, Toronto Inspector's Office.
			160 00	640 00	Railway Mail Clerk, 3rd Class, Mon- treal Division.
			{ 40 00 40 00 40 00 40 00 40 00 }	520 00	4th Class Clerk, St. John P.O.
			{ 40 00 40 00 40 00 }	520 00	do do
			{ 40 00 40 00 40 00 40 00 40 00 }	520 00	do do Resigned 9th August, 1873.
			{ 40 00 40 00 40 00 40 00 40 00 }	520 00	4th Class Clerk, St. John P.O.
			{ 40 00 40 00 40 00 40 00 }	520 00	do do
	480 00				Railway Mail Clerk, 3rd Class, New Brunswick Division. Left the Service 23rd July 1874.
			160 00	640 00	Railway Mail Clerk, 3rd Class, New Brunswick Division.
			160 00	640 00	Railway Mail Clerk, 3rd Class, New Brunswick Division.
			160 00	640 00	Railway Mail Clerk, 3rd Class New Brunswick Division.
	360 00				4th Class Clerk, Toronto P.O. Dis- missed 12th Feb., 1874.
	640 00		160 00		Railway Mail Clerk, 3rd Class, Nova Scotia Division. Resigned Nov., 1876.
	360 00				4th Class Clerk, Toronto P.O. Dis- missed 12th Feb., 1874.
					4th Class Clerk, Ottawa P.O. Resigned 22nd April, 1873.
			160 00	640 00	4th Class Clerk, Kingston P.O. Trans- ferred to Railway Mail Service 1st November, 1873.
			{ 40 00 40 00 40 40 40 00 }	480 00	4th Class Clerk, Hamilton P.O.
	400 00				do do Resigned 17th April, 1875.
			160 00	640 00	Railway Mail Clerk, 3rd Class, London Division.
			{ 40 00 40 00 40 00 40 00 40 00 40 00 40 00 }	480 00	4th Class Clerk, Hamilton P.O.
			{ 40 00 40 00 40 00 40 00 }	480 00	do Montreal P.O.
	400 00		40 00		do Halifax P.O. Resigned 3rd June, 1875.
			{ 40 00 40 00 40 00 40 00 }	440 00	4th Class Clerk, Halifax P.O.
			{ 200 00 40 00 40 00 }	640 00	do do

RETURN showing the names of all persons appointed

NAMES.	Salaries January 1st 1873.	Appointments other than to fill vacancies between 1st January and 7th November, 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.	1873.	\$ cts.		\$ cts.	\$ cts.
J. Howe.....		April 5.....	360 00			
R. Bourget.....		do 7.....	360 00		120 00	480 00
F. Gaboury.....		do 7.....	400 00			400 00
T. Morissette.....		do 7.....	400 00			400 00
G. Paw.....		do 26.....	360 00			360 00
C. Beaudoin.....		do 26.....	480 00			480 00
J. S. Hale.....		do 26.....	360 00			360 00
C. H. Flood.....		May 23.....	300 00			300 00
L. W. Travis.....		June 10.....	300 00			300 00
D. Fairman.....		do 10.....	480 00			480 00
J. G. Fortier.....		July 1.....	600 00			600 00
H. R. Krans.....		do 8.....	480 00			480 00
R. Murray.....		do 8.....	480 00			480 00
G. J. Carter.....		do 8.....	480 00			480 00
J. Holmes.....		do 8.....	360 00			360 00
A. Thompson.....		August 4.....	480 00			480 00
G. L. Plunkett.....		do 4.....	300 00			300 00
L. Lefebvre.....		do 18.....	400 00			400 00
E. D. Skeddy.....		do 18.....	360 00			360 00
J. O. Pageau.....		September 6.....	480 00			480 00
J. W. Cameron.....		do 10.....	480 00			480 00
T. P. French.....		September 15.....	2,000 00			2,000 00
S. L. T. Rankin.....		do 17.....	360 00			360 00
R. Wallace.....		October 22.....	2,200 00			2,200 00
T. H. Allan ..		{ do	300 00	As Private Secretary.		300 00
		{ do	700 00			700 00

to office in the Department of the Post Office, &c.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
					4th Class Clerk, St. John P.O. Resigned 31st August, 1873.
			160 00	640 00	4th Class Clerk, Quebec P.O.
			40 00	520 00	do do
			40 00		
			40 00		
			40 00		
			40 00	520 00	do do
			40 00		
			40 00	480 00	do Halifax P.O.
			40 00		
			160 00	640 00	Railway Mail Clerk, 3rd Class, Mon- treal Division.
			40 00	480 00	4th Class Clerk, St. John P.O.
			40 00		
			40 00		
	400 00		100 00		do London Inspector's Office. Died 24th March, 1875.
		{ Nov. 5, 1874..	100 00	500 00	Probationary, Inside Service.
		{ April 22, 1875..	100 00		
			160 00	640 00	Railway Mail Clerk, 3rd Class, Mon- treal Division.
			50 00	650 00	3rd Class Clerk, Inside Service.
	480 00				Railway Mail Clerk, 3rd Class, Mon- treal Division. Died 2nd Dec. 1873.
			160 00	640 00	Railway Mail Clerk, 3rd class, Toronto Division.
	480 00				Railway Mail Clerk, 3rd Class, Mon- treal Division. Dismissed May, 1875.
	360 00				4th Class Clerk, Toronto P.O. Dis- missed March, 1874.
			160 00	640 00	Railway Mail Clerk, 3rd Class, Toronto Division.
		{ Nov. 5, 1874..	100 00	500 00	Probationary, Inside Service.
		{ April 22, 1875..	100 00		
			40 00	520 00	4th Class Clerk, Montreal P.O.
			40 00		
			40 00		
			40 00		
	480 00		40 00		do do Dismissed 17th November, 1876.
			160 00	640 00	Railway Mail Clerk, 3rd Class, Quebec Division.
			160 00	640 00	Railway Mail Clerk, 3rd Class, Nova Scotia Division.
				2,000 00	Post Office Inspector, Ottawa Division.
	440 00		{ 40 00		4th Class Clerk, St. John Post Office. Dismissed August, 1876.
			{ 40 00		
		January 19, '76	200 00	2,400 00	Post Office Inspector, British Colum- bia Division.
			{ 50 00	850 00	Junior 2nd Class Clerk, Inside Service.
	300 00		{ 50 00		
			{ 50 00		

RETURN shewing the names of all persons appointed to office in the

NAMES	Salaries, January 1st, 1873.	Appointments other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
W. H. Stinson		October 22.....	480 00			480 00
C. Byrne.....		do	480 00			480 00
W. L. Baby.....		do	480 00			480 00
J. Gilroy.....		do	480 00			480 00
T. Wells.....		do	480 00			480 00
J. Conroy.....		do	480 00			480 00
G. Elliott.....		do	480 00			480 00
T. Barrett.....		do	480 00			480 00
E. W. McUrea.....		do	480 00			480 00
G. Willoughby.....		do	480 00			480 00
T. Crowe		do 27.....	360 00			360 00
W. M. Webb		do 31.....	600 00			600 00
E. Wood		do	400 00			400 00
T. G. Creighton		do	720 00			720 00
T. Martin.....		do	480 00			480 00
A. Farrow.....		November 4....	480 00			480 00
E. Benoit.....		February 3....	360 00			360 00
J. G. Strachan		do 6.....	480 00			480 00
J. Parker.....		March 17.....	360 00			360 00
C. McCarthy		do 24.....	300 00			300 00
J. Callery		April 10.....	360 00			360 00
J. Kelly		do 28.....	360 00			360 00
T. Woodlock		June 30.....	360 00			360 00
S. Lee.....		Aug. 16.....	360 00			360 00
T. O'Brien		do 21.....	360 00			360 00
E. Oliver.....		Sept. 11.....	360 00			360 00
G. Coutlee		Oct. 27.....	360 00			360 00
B. King	1,250 00			January 28.....	50 00	1,300 00

Department of the Post Office, (Inside Service), &c.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
	480 00				Railway Mail Clerk, 3rd Class, London Division. Cancelled 29th Dec., 1873.
	480 00				do do
	480 00				do do
	480 00				do do
	480 00				do do
	480 00				do do
	480 00				do do
	480 00				do do
	480 00				Railway Mail Clerk, 3rd Class, Ottawa Division. Dismissed December, 1874
	480 00				Railway Mail Clerk, 3rd Class, Toronto Division. Resigned March, 1875.
	400 00				4th Class Clerk, Montreal Post Office. Died 19th March, 1875.
	600 00				Railway Mail Clerk, 3rd Class, Montreal Division. Cancelled 6th Dec. 1873.
	400 00				4th Class Clerk, Toronto Post Office. Cancelled 6th December, 1873.
	720 00				3rd Class Clerk, Halifax Post Office. Cancelled 6th December, 1873.
	480 00				Railway Mail Clerk, 3rd Class, Toronto Division. Cancelled 6th December, 1873.
	480 00				Railway Mail Clerk, 3rd Class, London Division. Cancelled 6th Decem-ber, 1873.
	360 00				Letter Carrier, Montreal Post Office. Left the Service 1st September, 1874.
			40 00	520 00	Letter Carrier, Kingston Post Office.
					Assistant Porter, Toronto Post Office. Resigned 25th March, 1873.
	360 00		60 00		Letter Collector, Montreal Post Office. Services dispensed with 1st October, 1874.
			{ 40 00	480 00	Letter Carrier, Montreal Post Office.
			{ 40 00		
			{ 40 00		
			{ 40 00		
			{ 40 00		
			40 00	480 00	do do
			40 00	400 00	Letter Collector, do
					Letter Carrier, Toronto Post Office. Resigned August, 1873.
	360 00				Letter Carrier, Montreal Post Office. Resigned 30th April, 1874.
			{ 40 00	480 00	Letter Carrier, Toronto Post Office.
			{ 40 00		
			{ 40 00		
			{ 40 00		
			{ 40 00		
			50 00	480 00	do Montreal Post Offic.
	1,450 00	March 9, 1874...	{ 50 00	480 00	{ 1st class Clerk. Superannuated 1st April, 1876.
			{ 50 00		
			{ 50 00		

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
G. R. Cochran	600 00			{ January 28.. October 27.....	{ 50 00 } 50 00 }	700 00
A. W. Troop.....	450 00			January 28..	50 00	500 00
R. J. Oliver	550 00			do ..	50 00	600 00
E. G. Bennett.....	1,150 00			do ..	50 00	1,200 00
J. R. Smith.....	700 00			do ..	50 00	750 00
P. T. Vankoughnet	450 00			do ..	50 00	500 00
W. H. Kreps.....	400 00			do ..	50 00	450 00
W. H. Egleson.....	400 00			do ..	50 00	450 00
H. H. Harrington	400 00			do ..	50 00	450 00
E. B. Bell	450 00			do ..	50 00	500 00
N. Garland	450 00			do ..	50 00	500 00
A. Stewart	400 00			do ..	50 00	
W. Blanchard.....	600 00			October 27.....	{ 50 00 } 50 00 }	700 00
W. H. McCuaig.....	300 00			February 13..	100 00	400 00
W. H. Smithson.....	1,350 00			May 31.....	450 00	1,800 00
N. E. Bucke	1,200 00				50 00	1,250 00
J. Walsh	800 00			June 14.....	300 00	1,100 00
J. Lemoine.....	300 00			do ..	100 00	400 00
A. Lindsay.....	800 00			do ..	300 00	1,100 00
J. Graham	750 00			do ..	350 00	1,100 00

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
J. F. Ruttan.....	650 00			October 27.....	50 00	700 00
G. M. Patrick.....	650 00			do	50 00	700 00
C. J. Higgins.....	600 00			do	100 00	700 00
L. Blanchet.....	650 00			do	50 00	700 00
W. White.....	2,150 00			July 9.....	50 00	2,200 00
W. D. LeSueur.....	1,350 00			do	50 00	1,400 00
H. S. Weatherly.....	1,600 00			do	50 00	1,650 00
G. H. Hargrave.....	1,200 00			do	50 00	1,250 00
H. J. Garrett.....	1,200 00			do	50 00	1,250 00
H. W. Griffin.....	1,100 00			do	50 00	1,150 00
J. Plunkett.....	1,100 00			do	50 00	1,150 00
W. A. Maingy	800 00			do	50 00	850 00
J. Leslie	{ 100 00 700 00	As Private Secretary		May 15..... July 9.....	100 00 50 00	{
S. Smith, Jr.....	700 00			do	50 00	750 00
H. A. Wicksteed.....	2,350 00			do	50 00	2,400 00
E. H. Benjamin.....	1,200 00			do	50 00	1,250 00
J. McNab.....	850 00			do	50 00	900 00
C. Roger	800 00			do	50 00	850 00
D. Mc Carthy.....	550 00			do	50 00	600 00
J. Hopkirk.....	400 00			do	50 00	450 00
C. G. Falconer	400 00			do	50 00	450 00

to office in the Department of the Post Office, &c.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
			{ 50 00 50 00 50 00	850 00	Junior 2nd class.
			{ 50 00 50 00 50 00	850 00	do
			{ 50 00 50 00 50 00	850 00	do
			{ 50 00 50 00 50 00	850 00	do
		June 16, 1875..	{ 50 00 150 00	2,400 00	Chief Clerk (1)
			{ 50 00 50 00 50 00	1,550 00	1st class.
			{ 50 00 50 00 50 00	1,800 00	do
			{ 50 00 50 00 50 00	1,400 00	Senior 2nd class.
			{ 50 00 50 00 50 00	1,400 00	do
			{ 50 00 50 00 50 00	1,300 00	do
			{ 50 00 50 00 50 00	1,300 00	do
	900 00				Junior 2nd class. Superannuated October, 1874.
			50 00		{ Junior 2nd class. Transferred to De- partment of Justice August, 1873.
			{ 50 00 50 00 50 00	900 00	Junior 2nd class.
				2,400 00	Chief Clerk (1)
			{ 50 00 50 00 50 00	1,400 00	Senior 2nd class.
	900 00				Junior 2nd class. Superannuated 1st November, 1874.
	900 00		50 00		Junior 2nd class. Superannuated 1st May, 1875.
		April 22, 1875..	{ 50 00 50 00 50 00	750 00	3rd class.
			{ 50 00 50 00 50 00	600 00	do
			{ 50 00 50 00 50 00	600 00	do

RETURN showing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
J. Ashworth.....	1,950 00			July 9.....	50 00	2,000 00
C. W. Jenkins.....	1,400 00			do 9.....	50 00	1,450 00
J. Brophy.....	1,250 00			do 9.....	50 00	1,300 00
J. McDougall.....	850 00			do 9.....	50 00	900 00
R. J. Shaw.....	700 00			do 9.....	50 00	750 00
C. Sangster.....	550 00			do 9.....	50 00	600 00
M. K. Dunlevie.....	550 00			do 9.....	50 00	600 00
J. F. Wall.....	450 00			do 9.....	50 00	500 00
J. C. Stewart.....	1,950 00			do 9.....	50 00	2,000 00
D. Matheson.....	1,250 00			do 9.....	50 00	1,300 00
A. J. Boswell.....	600 00			do 9.....	50 00	650 00
M. Bennett.....	480 00			do 9.....	20 00	500 00
E. Daughtry.....	300 00			do 9.....	30 00	330 00
J. Bell.....	300 00			do 9.....	30 00	330 00
D. Fileatrault.....	500 00				60 00	560 00
E. C. Dowd.....	440 00				40 00	480 00
P. Lapointe.....	440 00				40 00	480 00
A. Dufresne.....	440 00				40 00	480 00
C. Lefebvre.....	400 00				40 00	440 00
J. Odell.....	320 00				40 00	360 00
J. Brennan.....	310 00				50 00	360 00
P. Leahy.....	300 00				60 00	360 00
P. Brennan.....	300 00				60 00	.....
W. Cuppage.....	1,100 00				100 00	.....
W. E. Griffiths.....	800 00				100 00	900 00

to office in the Department of the Post Office, &c.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
			50 00	2150 00	Chief Clerk. (2)
			50 00		
			50 00		
			50 00		
			50 00	1600 00	1st Class Clerk, Inside Service.
			50 00		
			50 00	1400 00	Sen. 2nd Class Clerk do
			50 00		
			50 00	1000 00	Jun. do do
			50 00		
			50 00	900 00	Jun. do do
			50 00		
			50 00	1200 00	3rd Class Clerk do
		Nov. 5, 1874	450 00		
			50 00	750 00	do do
		April 22, 1875	50 00		
			50 00	750 00	do do
		do	50 00		
			150 00	2150 00	Chief Clerk (2) do
			50 00		
			50 00	1450 00	Sen. 2nd Class Clerk do
		May 5, 1875	50 00		
			50 00	500 00	3rd Class Clerk do Resigned 1st April, 1876.
	750 00	Nov. 5, 1874	50 00		
			50 00	420 00	do do
			30 00		
			30 00	420 00	do do
			30 00		
			30 00	560 00	Letter Carrier, Montreal P.O.
			30 00		
			40 00	560 00	do do
			40 00		
			40 00	560 00	do do
			40 00		
			40 00	560 00	do do
			40 00		
			40 00	560 00	do do
			40 00		
	360 00		40 00	500 00	Letter Collectors, Montreal P.O. Ser- vices dispensed with 31st Dec., 1874. Letter Collector, Montreal P.O. Ser- vices dispensed with October, 1873.
	360 00				
	360 00				
			40 00	1200 00	1st Class Clerk, Toronto Insp. Office. Dismissed, 31st August, 1873.
			260 00		
			40 00	1200 00	2nd do do
			260 00		

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
C. Beatty	440 00				40 00	480 00
J. Carruthers	1,100 00				100 00	1,200 00
A. Cooper.....	1,060 00				40 00	1,100 00
A. Langley	1,060 00				40 00	1,100 00
A. Harstone.....	800 00				100 00	900 00
H. F. Faulkner	680 00				40 00	720 00
A. Beatty.....	360 00				80 00	440 00
J. Forsyth.....	940 00				40 00	980 00
B. M. Armstrong	520 00				80 00	600 00
B. Langley.....	520 00				80 00	600 00
J. Monaghan	520 00				80 00	600 00
W. Loudon.....	680 00				40 00	720 00
J. J. Ross.	800 00				100 00	900 00
C. J. N. Shanly.....	360 00				120 00	480 00
W. Butler	800 00				160 00	960 00
G. A. Burnham	800 00				160 00	960 00
E. Lefebvre.....	800 00				160 00	960 00
J. C. Chellas.....	640 00				40 00	680 00
D. Maloney	480 00				160 00	640 00
T. Gaudry	480 00				160 00	640 00
H. J. Kimlin	480 00				160 00	640 00
J. Hale.....	1,600 00				200 00	1,800 00
J. H. Thorne	1,600 00				200 00	1,800 00
H. Colbeck	1,200 00				200 00	1,400 00
A. Crisp.....	1,100 00				100 00	1,200 00
A. Thompson.....	940 00				40 00	980 00
R. Mercer.....	360 00				40 00	400 00

to office in the Department of the Post Office, &c.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount. \$ cts.	Dates of Orders in Council.	Amount. \$ cts.		
			160 00	640 00	R'y Mail Clerk, 3rd Class, Toronto Div.
		Dec. 12, 1873.	200 00	1600 00	1st Class Clerk, Toronto P.O.
			200 00		
			100 00		
	1,100 00			1200 00	2nd do do 2nd do do August, 1874. Died 11th
			40 00	1060 00	2nd Class Clerk, Toronto P.O.
			40 00		
			40 00		
			40 00		
			40 00		
			100 00	980 00	3rd do do
			40 00	640 00	4th do do
			40 00		
			40 00		
			200 00	1100 00	2nd do do
			40 00		
			40 00		
			40 00		
			40 00	760 00	3rd do do
			40 00		
			40 00		
			40 00		
			40 00	760 00	3rd do do
			40 00		
			40 00		
			40 00		
			40 00	760 00	3rd do do
			40 00		
			40 00		
			40 00		
			40 00	760 00	3rd do do
			40 00		
			40 00		
			40 00		
			40 00	800 00	3rd do do
			40 00		
			40 00		
			40 00		
			40 00	1060 00	2nd do London P.O.
			40 00		
			40 00		
			40 00		
			160 00	640 00	R'y Mail Clerk, 3rd Class, Toronto Div.
				960 00	do 1st Class do
			440 00	1400 00	do do do
				960 00	do do Montreal Div.
			40 00	800 00	3rd Class Clerk, Montreal Inspector's Office.
			40 00		
			40 00		
			80 00	720 00	R'y Mail Clerk, 2nd Class, Kingston Div.
			80 00	720 00	do do Quebec Div.
			80 00	720 00	do do do
	1,890 00				Died January 4th, 1875.
				1,800 00	Money Order Superintendent, N.S.
				1,400 00	Assistant Postmaster, Hamilton P.O.
				1,200 00	1st Class Clerk do
			40 00	1100 00	2nd do London Inspector's office.
			40 00		
			40 00		
			40 00		
			40 00	520 00	4th Class Clerk, London Inspector's office.
			40 00		

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1876.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
H. Huot.....	480 00				40 00	520 00
J. Macdougall.....	600 00				40 00	640 00
J. Gordon.....	980 00				40 00	1,020 00
J. D. Sharman.....	980 00				40 00	1,020 00
J. Hunter.....	680 00				40 00	720 00
R. F. Mathews.....	680 00				40 00	720 00
J. McLaughlin.....	680 00				40 00	720 00
T. J. O'Meara.....	400 00				40 00	440 00
E. Wilson.....	400 00				40 00	440 00
W. Blair.....	360 00				40 00	400 00
J. Ward.....	360 00				40 00	400 00
F. J. Osborne.....	360 00				40 00	400 00
H. A. Eager.....	980 00				40 00	1,020 00
J. B. Eager.....	980 00				40 00	1,020 00
G. H. Armstrong.....	980 00				40 00	1,020 00
T. Burns.....	940 00				40 00	980 00
J. Gordon.....	720 00				40 00	760 00
G. H. Bull.....	400 00				40 00	440 00
R. Kelly.....	680 00				40 00	720 00
W. Paisley.....	1,330 00				40 00	1,370 00
W. C. Whittaker.....	980 00				40 00	1,020 00
W. F. Campbell.....	400 00				40 00	440 00
J. Meagher.....	760 00				40 00	800 00

to office in the Department of the Post Office, &c.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount. \$ cts.	Dates of Orders in Council.	Amount. \$ cts.		
			80 00	680 00	} 4th Class Clerk, Quebec Inspector's office.
			40 00		
			40 00		
		April 7, 1874...	360 00	1400 00	} 3rd Class Clerk, Fort Garry P.O.
			400 00		
			40 00	1100 00	} 2nd do London P.O.
			40 00		
			40 00	1100 00	} 2nd do do
			40 00		
			40 00	800 00	} 3rd do do
			40 00		
			40 00	800 00	} 3rd do do
			40 00		
			40 00	800 00	} 3rd do do
			40 00		
			40 00	800 00	} 3rd do do
			40 00		
			40 00	800 00	} 3rd do do
			40 00		
			40 00	640 00	} 4th do do
			160 00		
			40 00	640 00	} 4th do do
			40 00		
			40 00	640 00	} 4th do do
			80 00		
			40 00	520 00	} 4th do do
			40 00		
			40 00	520 00	} 4th do do
			40 00		
			40 00	600 00	} 4th do do
			40 00		
			40 00	1100 00	} 2nd do Hamilton, P.O.
			80 00		
			40 00	1100 00	} 2nd do do
			40 00		
			40 00	1100 00	} 2nd do do
			40 00		
			40 00	1100 00	} 2nd do do
			40 00		
			40 00	1020 00	} 3rd do do
			140 00		
			40 00	520 00	} 4th do do
			40 00		
			40 00	800 00	} 3rd do do
			40 00		
			30 00	1,400 00	} 1st do New Brunswick In- spector's office.
			40 00		
			40 00	1100 00	} 2nd Class Clerk do
			40 00		
			40 00	520 00	} 4th do do
			40 00		
			100 00	980 00	} 3rd do Kingston Inspector's office.
			40 00		
			40 00		

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
A. Jones.....	640 00				40 00	680 00
T. Southall.....	980 00				40 00	1,020 00
A. Burnham.....	600 00				40 00	640 00
S. S. Thorne.....	440 00				40 00	480 00
A. Harstone.....	900 00				40 00	940 00
D. P. Ross.....	760 00				40 00	800 00
P. Ross.....	440 00				40 00	480 00
A. T. Middleton.....	360 00				40 00	400 00
R. Winstanley.....	360 00				40 00	400 00
C. T. Bell.....	360 00				40 00	400 00
W. E. Bennett.....	360 00				40 00	400 00
A. Rains.....	360 00				40 00	400 00
T. F. O'Reilly.....	360 00				40 00	400 00
A. Magurn.....	1,060 00				40 00	1,100 00
W. S. Smith.....	360 00				40 00	400 00
C. Shaw.....	400 00				{ 40 00 160 00 }	600 00
G. W. Baker.....	400 00				40 00	440 00
E. H. Williams.....	360 00				40 00	400 00
D. Gordon.....	360 00				40 00	400 00
J. Smith.....	360 00				40 00	400 00
H. Phillion.....	360 00				40 00	400 00
W. Mercer.....	360 00				40 00	400 00

to office in the Department of the Post Office, &c.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
			{ 40 00	980 00	3rd Class Clerk, Kingston Inspector's [Office.
			{ 180 00		
			{ 40 00		
			{ 40 00	1100 00	2nd do Nova Scotia Inspec- tor's office.
			{ 40 00		
			{ 40 00		
	900 00		{ 40 00	3rd Class Clerk, Nova Scotia Inspec- tor's office. Died May 15, 1876.
			{ 180 00		
			{ 40 00		
			{ 160 00	760 00	4th Class Clerk, Nova Scotia Inspec- tor's office.
			{ 40 00		
			{ 40 00		
			{ 40 00	1060 00	2nd Class Clerk, Toronto P.O.
			{ 40 00		
			{ 40 00		
	800 00		{ 40 00	3rd do do Resigned Aug. 31, 1874.
			{ 80 00		
			{ 40 00		
			{ 40 00	520 00	4th do do
			{ 40 00		
			{ 40 00		
			{ 40 00	520 00	4th do do
			{ 40 00		
			{ 40 00		
			{ 40 00	520 00	4th do do
			{ 40 00		
			{ 40 00		
			{ 40 00	520 00	4th do do
			{ 40 00		
			{ 40 00		
	440 00		{ 40 00	4th do do Resigned Oct. 31, 1874.
			{ 80 00		
			{ 40 00		
			{ 40 00	1,100 00	2nd do Kingston P.O.
			{ 40 00		
			{ 40 00		
			{ 40 00	520 00	4th do do
			{ 40 00		
			{ 40 00		
			{ 40 00	720 00	4th do Ottawa P.O.
			{ 40 00		
			{ 40 00		
			{ 40 00	520 00	4th do do
			{ 40 00		
			{ 40 00		
	440 00		{ 40 00	4th Class Clerk, Ottawa P.O. Resigned 15th September, 1874.
			{ 40 00		
			{ 40 00		
			{ 40 00	520 00	4th Class Clerk, Ottawa P.O.
			{ 40 00		
			{ 40 00		
			{ 40 00	520 00	4th do do
			{ 40 00		
			{ 40 00		
	400 00		{ 40 00	4th do do Resigned 30th April, 1874.
			{ 40 00		
			{ 40 00		
			{ 40 00	520 00	4th Class Clerk, Ottawa P.O.
			{ 40 00		
			{ 40 00		

RETURN shewing the names of all persons appointed

NAMES.	Salaries, 1st January, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November, 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
W. Benoit.....	980 00	.....			40 00	1,020 00
L. Malard.....	980 00	.....			40 00	1,020 00
F. Pridham.....	940 00	.....			40 00	980 00
H. A. Lemieux.....	760 00	.....			40 00	800 00
W. Fenton.....	760 00	.....			40 00	800 00
D. O'Connor.....	680 00	.....			40 00	720 00
F. X. Beaugard.....	680 00	.....			40 00	720 00
L. Pepin.....	680 00	.....			40 00	720 00
O. Clement.....	680 00	.....			40 00	720 00
A. Loftus.....	680 00	.....			40 00	720 00
T. Desnoyers.....	680 00	.....			40 00	720 00
H. Goyette.....	680 00	.....			40 00	720 00
J. E. Barcelo.....	400 00	.....			{ 40 00 } { 160 00 }	600 00
J. A. Aymer.....	360 00	.....			40 00	.....
H. McKenzie.....	360 00	.....			40 00	400 00
C. Beaudoin.....	360 00	.....			40 00	400 00
A. D'Amour.....	800 00	.....			100 00	900 00
F. F. Larseneur.....	800 00	.....			100 00	900 00
H. J. Thorne.....	980 00	.....			40 00	1,020 00
J. Cameron.....	600 00	.....			40 00	640 00
M. J. Potter.....	980 00	.....			40 00	1,020 00
A. J. Woodrow.....	360 00	.....			40 00	.....
W. J. Parker.....	360 00	.....			40 00	400 00

to office in the Department of the Post Office, &c.—Continued.

SUBSEQUENT.				Salaries, 5th March, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
			40 00	1100 00	2nd Class Clerk, Montreal P.O.
			40 00		
			40 00		
			40 00	1100 00	2nd do do
			40 00		
			40 00		
	800 00		40 00	1100 00	2nd do do
			40 00		
			40 00		
	800 00		40 00		3rd do do Transferred to Customs 1st March, 1874.
			40 00		3rd Class Clerk, Montreal P.O. Died 26th May, 1874.
			40 00	800 00	3rd Class Clerk, Montreal P.O.
			40 00		
			40 00		
			40 00	800 00	3rd do do
			40 00		
			40 00		
	760 00		40 00		3rd do do Superannuated 1st July, 1875.
			180 00	980 00	3rd Class Clerk, Montreal P.O.
			40 00		
			40 00		
			40 00	900 00	3rd do do
			40 00		
			100 00		
			40 00	800 00	3rd do do
			40 00		
			40 00		
			40 00	800 00	3rd do do
			40 00		
			40 00		
			40 00	720 00	3rd do do
			40 00		
			40 00		
			40 00		3rd do do Resigned
			40 00	520 00	3rd Class Clerk, Montreal P.O.
			40 00		
			40 00		
			40 00	520 00	3rd do do
			40 00		
			40 00		
			40 00	1020 00	2nd do do
			40 00		
			40 00		
			40 00	1200 00	2nd do do
			160 00		
			100 00		
		May 5, 1875....	40 00	1400 00	2rd do Fredericton P.O.
			40 00		
			300 00		
			40 00	940 00	3rd do do
			220 00		
			40 00		
			40 00	1200 00	2nd do St. John P.O.
			40 00		
			100 00		
			40 00		4th do do Resigned
			40 00	520 00	4th Class Clerk, St. John P.O.
			40 00		
			40 00		

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
F. Avery.....	360 00				40 00	400 00
F. V. Tremaine.....	900 00				40 00	940 00
J. B. Gray.....	900 00				40 00	
A. Cunningham.....	600 00				40 00	640 00
J. D. Story.....	600 00				40 00	640 00
A. Beatty.....	400 00				40 00	440 00
J. G. Poston.....	360 00				40 00	400 00
W. White.....	360 00				40 00	400 00
F. X. L'Abbé.....	440 00				40 00	480 00
W. Crocker.....	360 00				40 00	400 00
R. T. Burns.....	800 00				100 00	900 00
S. McLean.....	480 00				160 00	640 00
R. J. C. Dawson.....	1,200 00				200 00	1,400 00
E. Mayer.....	600 00				40 00	640 00
J. Saulter.....	900 00				60 00	960 00
C. Shaw.....	440 00				160 00	600 00
T. McCormick.....	800 00				160 00	960 00
J. B. Plante.....	400 00				40 00	440 00
J. Melancon.....	400 00				40 00	
A. S. Higgins.....	360 00				40 00	400 00
R. P. Madden.....	360 00				40 00	
J. Beaudoin.....	360 00				40 00	400 00
F. B. Menard.....	360 00				40 00	

to office in the Department of the Post Office, &c.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
			{ 40 00	} 520 00	4th Class Clerk, St. John, P.O.
			{ 40 00		
			{ 40 00		
		Feb. 19, 1875...	{ 40 00	} 1200 00	2nd do Halifax P.O.
			{ 220 00		
			{ 40 00	} 900 00	20th August, 1873. 3rd Class Clerk, Halifax P.O.
			{ 40 00		
			{ 180 00		
		June 1, 1875...	{ 40 00	} 1200 00	3rd do do
			{ 220 00		
			{ 300 00		
			{ 40 00	} 640 00	4th do Toronto P.O.
			{ 40 00		
			{ 80 00		
			{ 40 00	} 680 00	4th do Quebec P.O.
			{ 200 00		
			{ 40 00		
			{ 40 00	} 680 00	4th do do
			{ 200 00		
			{ 40 00		
			{ 40 00	} 640 00	4th do do
			{ 80 00		
			{ 40 00		
			{ 40 00	} 520 00	4th do Toronto P.O.
			{ 40 00		
			{ 40 00		
			{ 40 00	} 1020 00	2nd do Kingston P. O.
			{ 40 00		
			{ 40 00		
	640 00				Railway Mail Clerk, 3rd Class, Toronto Division. Dismissed January, 1874.
				1400 00	Assistant Postmaster, London P.O.
			{ 40 00	} 980 00	3rd Class Clerk, Montreal P.O.
			{ 260 00		
			{ 40 00	} 960 00	Railway Mail Clerk, 1st Class, Toronto Division.
			{ 40 00		
			{ 40 00		
			{ 40 00	} 720 00	3rd Class Clerk, Ottawa P.O.
			{ 40 00		
			{ 40 00		
				960 00	Railway Mail Clerk, 1st Class, Toronto Division.
			{ 40 00	} 560 00	Letter Carrier, Montreal P.O.
			{ 40 00		
			{ 40 00		
	400 00				do do Dismissed 12th February, 1873.
					Letter Carrier, Montreal P.O. Dismissed 29th July, 1874.
					Letter Carrier, Montreal P.O. Dismissed May, 1873.
			{ 40 00	} 530 00	Letter Carrier, Montreal P.O.
			{ 40 00		
			{ 40 00		
					do do Dismissed July, 1873.

RETURN shewing the names of all persons appointed

NAMES.	Salaries, 1st January, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th November, 1873.		Increases between 1st January and 7th November, 1873		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
P. D. Rottot	360 00	.....	.....	.....	40 00	400 00
L. Lefebvre	360 00	.....	.....	.....	40 00	400 00
D. V. de Grandpré	360 00	.....	.....	.....	40 00	400 00
A. P. Giroux	360 00	.....	.....	.....	40 00	400 00
A. A. Doray	360 00	.....	.....	.....	40 00	400 00
L. Derome	360 00	.....	.....	.....	40 00	.....
L. F. Cobet	440 00	.....	.....	.....	40 00	.....
V. Daze.....	400 00	.....	.....	.....	40 00	440 00
B. Huckell	400 00	.....	.....	.....	40 00	.....
P. Lindsay.....	520 00	.....	.....	.....	40 00	560 00
J. S. Wilson.....	480 00	.....	.....	.....	40 00	.....
S. Saunders	400 00	.....	.....	.....	40 00	440 00
J. Wilson	400 00	.....	.....	.....	40 00	440 00
E. Carrol.....	360 00	.....	.....	.....	40 00	400 00
D. Silverthorne	360 00	.....	.....	.....	40 00	400 00
J. Alston.....	520 00	.....	.....	.....	40 00	560 00
J. Bazeley.....	520 00	.....	.....	.....	40 00	560 00
J. Clode.....	480 00	.....	.....	.....	40 00	520 00
J. Stendson	480 00	.....	.....	.....	40 00	520 00
T. Roddy.....	440 00	.....	.....	.....	40 00	.....
J. M. Shannon	360 00	.....	.....	.....	40 00	400 00
W. Foster	360 00	.....	.....	.....	40 00	400 00
W. Green	360 00	.....	.....	.....	40 00	400 00
W. Vezina	400 00	.....	.....	.....	40 00	440 00

to office in the Department of the Post Office, &c.—Continued.

SUBSEQUENT.				Salaries, 5th March, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
			40 00	560 00	Letter Carrier, Montreal P.O.
			40 00		
			40 00		
			40 00		
			40 00	520 00	do do
			40 00		
			40 00		
			40 00	560 00	do do
			40 00		
			40 00		
			40 00	560 00	do do
			40 00		
			40 00		
			40 00	640 00	do do
			40 00		
			120 00		
			40 00		do do Dismissed
					January, 1873.
					Letter Carrier, Ottawa P.O. Resigned
			40 00	560 00	Letter Carrier, Ottawa P.O.
			40 00		
			40 00		
					do do Services
				560 00	dispensed with 13th June, 1873.
					Letter Carrier, Kingston P.O.
					Letter Carrier, Halifax P.O. Left 16th
			40 00	600 00	Letter Carrier, Halifax P.O.
			40 00		
			40 00		
			40 00	560 00	do do
			40 00		
			40 00		
			40 00	560 00	do do
			40 00		
			40 00		
			40 00	480 00	do do
			40 00		
			40 00		
	560 00			560 00	do Toronto P.O.
					do do Left 21st
					February, 1874.
			40 00	560 00	Letter Carrier, do
			40 00	560 00	do do
					do do Dismissed
	400 00				June, 1873.
					Letter Carrier, Toronto P.O. Left 28th
			40 00	520 00	Letter Carrier, Toronto P.O.
			40 00		
			40 00		
	440 00				do do Dismissed
			40 00	600 00	Letter Carrier, Quebec P.O.
			40 00		
			80 00		

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
J. McClutchy	360 00	.....	.....	.....	40 00	400 00
N. Grasson	360 00	.....	.....	.....	40 00	400 00
H. A. Bourret	1,000 00	.....	.....	.....	200 00	1,200 00
T. W. Dewolfe	600 00	.....	.....	.....	300 00	900 00
J. Sencz	440 00	.....	.....	.....	160 00	600 00
J. B. A. Daoust.....	400 00	.....	.....	.....	200 00	600 00
J. Thomson	360 00	.....	.....	.....	60 00	420 00
J. Moersfelder.....	640 00	.....	.....	.....	260 00	900 00
B. Bascom	360 00	.....	.....	.....	240 00	600 00
F. J. Logie.....	720 00	.....	.....	.....	40 00	760 00
D. Nelligan	680 00	.....	.....	.....	40 00	720 00
J. Gray.....	940 00	.....	.....	.....	40 00	980 00
O. Biron.....	940 00	.....	.....	.....	40 00	980 00
B. Lacasse	940 00	.....	.....	.....	40 00	980 00
C. Chamberland.....	940 00	.....	.....	.....	40 00	980 00
W. Handford.....	600 00	.....	.....	.....	40 00	640 00

to office in the Department of the Post Office, &c.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
			40 00	560 00	Letter Carrier, Quebec P.O.
			40 00		
			40 00		
			40 00		
			40 00		
			40 00	560 00	do do
			40 00		
			40 00		
			200 00	1500 00	1st Class Clerk, Montreal P.O.
			100 00		
			40 00	1060 00	2nd do Halifax P.O.
			40 00		
			40 00		
			40 00		
			40 00	900 00	3rd do Montreal P.O.
			40 00		
			180 00	760 00	3rd do do
			40 00		
			40 00		
			40 00		
			20 00	520 00	Messenger do
			40 00		
			40 00		
			40 00	1200 00	2nd Class Clerk, Toronto P.O.
			40 00		
			220 00		
			40 00	760 00	3rd do do
			40 00		
			40 00		
			40 00		
			100 00	00	3rd do Montreal Inspector's Office.
			40 00		
			40 00		
			40 00		
			140 00	980 00	3rd Class Clerk, Montreal Inspector's Office.
			40 00		
			40 00		
			40 00	1100 00	2nd Class Clerk, Quebec P. O.
			40 00		
			40 00	1100 00	2nd do do
			40 00		
			40 00		
			40 00	1100 00	2nd do do
			40 00		
			40 00		
			40 00	1100 00	2nd do do
			40 00		
			40 00		
			40 00	800 00	3rd do do
			40 00		
			80 00		

RETURN shewing the names of all persons appointed

NAMES.	Salaries 1st January, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th November, 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November, 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
			\$ cts.		\$ cts.	\$ cts.
L. A. Rochette.....	440 00				40 00	480 00
H. D. Dalton.....	900 00				40 00	940 00
J. Kelly.....	940 00				40 00	980 00
H. G. Goodfellow.....	400 00				{ 40 00 160 00 }	{ 600 00
J. St. Amour.....	680 00				40 00	720 00
J. C. Simms.....	680 00				40 00	720 00
J. O'B. Scully.....	680 00				40 00	720 00
G. H. Matthews.....	400 00				40 00	440 00
G. H. Bull.....	300 00				{ 100 00 40 00 }	{ 440 00
F. French.....	940 00				40 00	980 00
E. S. McDermott.....	440 00				160 00	600 00
F. Robérge.....	360 00				40 00	400 00
P. A. Maingy.....	360 00				40 00	400 00
E. J. O'Connor.....	400 00				{ 200 00 120 00 }	{ 720 00
W. B. Phair.....	360 00				40 00	400 00
H. P. Otty.....	760 00				40 00	800 00
R. C. McIntyre.....	480 00				40 00	520 00
A. McNicholl.....	480 00				40 00	520 00
D. H. Waterbury....	400 00				40 00	440 00
J. S. Flaglor....	400 00				40 00	440 00
A. W. Reed.....	400 00				40 00	440 00

to office in the Department of the Post Office, &c.—Continued.

SUBSEQUENT.				Salaries, 5th March, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders of Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
			40 00	680 00	4th Class Clerk, Quebec P.O.
			80 00		
			40 00		
			40 00	1100 00	2nd do London P. O.
			40 00		
			40 00		
			40 00	1100 00	2nd do Kingston P. O.
			40 00		
			40 00		
			40 00	720 00	4th do do
			40 00		
			40 00		
	900 00		140 00	1020 00	3rd do Montreal P. O. Super- annuated July 1, 1875.
			40 00		
			140 00		
			40 00	1020 00	3rd Class Clerk, Montreal P. O.
			40 00		
			40 00		
	720 00				3rd do do Resigned Dec. 19, 1873.
	480 00			520 00	4th Class Clerk, Hamilton P. O. Re- signed June 1, 1874.
			40 00		
			40 00		
			40 00	1100 00	4th Class Clerk, Hamilton P. O.
			40 00		
			40 00		
			40 00	760 00	2nd Class Clerk, Ottawa P. O.
			40 00		
			40 00		
			40 00	760 00	3rd do do
			40 00		
			40 00		
	440 00				4th do Ottawa P. O. Dismissed Oct. 24, 1874.
			40 00	520 00	4th Class Clerk do
			40 00		
			40 00		
			40 00	800 00	3rd do do
			40 00		
			40 00		
			40 00	520 00	4th do Fredericton P. O.
			40 00		
			40 00		
				800 00	3rd do St. John P. O.
			80 00		
			40 00		
			40 00	720 00	4th do do
			40 00		
			40 00		
			80 00	720 00	4th do do
			40 00		
			40 00		
	520 00				4th do St. John P.O. Dismissed July 15, 1875.
			40 00	520 00	4th Class Clerk do
			40 00		
			40 00		
			40 00	520 00	4th do do
			40 00		
			40 00		

RETURN shewing the names of all persons appointed

NAMES.	Salaries, January 1st, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th Nov., 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 7th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
J. Henderson.....	600 00				40 00	640 00
A. B. Campbell	360 00				40 00	400 00
W. H. Chamberlain.....	400 00				40 00	440 00
W. H. Donovan.....	400 00				40 00	440 00
F. Flowers	360 00				40 00	400 00
O. Frechette.....	800 00				100 00	900 00
C. Vohl.....	400 00				40 00	440 00
T. W. Creighton.....	940 00				40 00	980 00
Frank Cronyn.....	640 00				40 00	680 00
W. C. Noble.....	480 00				160 00	640 00
M. E. Kelly.....	480 00				160 00	640 00
R. Peden.....	480 00				160 00	640 00
J. P. Chillas.....	480 00				160 00	640 00
F. A. Estey.....	480 00				160 00	640 00
G. M. Ryan	480 00				160 00	640 00
J. Egan.....	480 00				160 00	640 00
S. Johnston	800 00				100 00	900 00
W. R. Avery.....	480 00				120 00	600 00
P. Patterson.....	384 00				60 00	444 00
F. Hawken.....	900 00			February 20...	100 00	1,000 00
H. Dunbar	300 00				100 00	400 00
J. Rooney.....	480 00				160 00	640 00
W. Prest.....	480 00				160 00	640 00
R. Bourget.....	360 00				120 00	480 00
H. Cousins.....	720 00				240 00	960 00
E. H. Fletcher.....	540 00				{ 60 00 }	760 00
A. Woodrow	1,100 00				{ 160 00 }	1,200 00
W. A. Black.....	800 00				100 00	900 00

to office in the Department of the Post Office, &c.—Continued.

SUBSEQUENT.				Salaries, March 5th, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
			40 00	800 00	3rd Class Clerk, Toronto Inspector's office.
			40 00		
			40 00		
			40 00		
			40 00	600 00	4th Class Clerk, Toronto Inspector's office. Resigned June 7, 1873.
			40 00		
			80 00		
			40 00	600 00	4th do do
			40 00		
			80 00		
	440 00		40 00	1060 00	4th do do Died Dec. 24, 1874.
			40 00		
			40 00		
			40 00	640 00	3rd Class Clerk, Quebec Inspector's office.
			40 00		
			80 00		
			40 00		
			80 00	1100 00	4th Class Clerk, Quebec Inspector's office.
			40 00		
			40 00		
	680 00		40 00	1100 00	2nd Class Clerk, Nova Scotia Inspector's office.
			40 00		
			40 00		
			80 00	720 00	3rd Class Clerk, London Inspector's office.
			80 00		
			80 00		
			80 00	720 00	Railway Mail Clerk, 2nd Class, Toronto Division.
			80 00		
			80 00		
			80 00	720 00	Railway Mail Clerk, 2nd Class, Kingston Division.
			40 00		
			40 00		
			40 00	800 00	Railway Mail Clerk, 2nd Class, Montreal Division.
			40 00		
			40 00		
			80 00	720 00	Railway Mail Clerk, 2nd Class, Mcntreal Division.
			80 00		
			80 00		
			80 00	720 00	Railway Mail Clerk, 2nd Class, New Brunswick Division.
			80 00		
			80 00		
			80 00	720 00	Railway Mail Clerk, 2nd Class, New Brunswick Division.
			80 00		
			80 00		
			80 00	720 00	Railway Mail Clerk, 2nd Class, Toronto Division.
			40 00		
			40 00		
			40 00	1060 00	2nd Class Clerk, Montreal P. O.
			40 00		
			40 00		
			40 00	760 00	3rd do New Brunswick Inspector's office.
			40 00		
			40 00		
			40 00	444 00	Housekeeper, Montreal P. O.
			200 00		
			200 00		
			80 00	1,200 00	Assistant Postmaster, Ottawa.
			80 00		
			160 00		
			80 00	400 00	Messenger, Kingston Post Office.
			80 00		
			80 00		
			160 00	720 00	R'y. Mail Clerk, 2nd Class, Toronto Div.
			80 00		
			80 00		
			160 00	640 00	do do
			80 00		
			80 00		
			160 00	960 00	R'y. Mail Clerk, 3rd Class, Quebec Div. do 2nd Class, London Div.
			80 00		
			80 00		
			140 00	1,100 00	3rd Class Clerk, Ottawa Inspector's Div.
			200 00		
			200 00		
			200 00	1,400 00	Assistant Postmaster, St. John, N.B.
			40 00		
			40 00		
			40 00	940 00	2nd Class Clerk do
			40 00		

RETURN shewing the names of all persons appointed

NAMES.	Salaries, 1st January, 1873.	Appointments, other than to fill vacancies, between 1st January and 7th November, 1873.		Increases between 1st January and 7th November, 1873.		Salaries, 78th November 1873.
		Dates of Orders in Council.	Salaries.	Dates of Orders in Council.	Amount of Increase.	
	\$ cts.		\$ cts.		\$ cts.	\$ cts.
J. E. Barcelo.....	400 00				{ 40 00 } { 160 00 }	600 00
R. J. Arless.....	560 00				40 00	600 00
E. A. Auger.....	560 00				40 00	600 00
T. Crotty.....	380 00				20 00	400 00
F. W. Blizzard.....	640 00				80 00	720 00
P. H. Macarow.....	360 00				120 00	450 00
H. G. Goodfellow.....	440 00				160 00	600 00
P. Forsyth.....	980 00				120 00	1,100 00
P. Hynes.....	900 00				200 00	1,100 00
T. Burns.....	940 00				80 00	1,020 00
C. H. E. Tilstone.....	360 00				{ 60 00 } { 60 00 }	480 00
T. B. Smith.....	640 00				260 00	900 00
W. H. McCuaig.....	300 00				100 00	400 00
J. W. Ring.....	360 00				40 00	400 00
J. W. Beatteay.....	360 00				40 00	400 00
A. Barley.....	900 00				200 00	1,100 00
P. Stewart.....	310 00				90 00	400 00
W. J. Jarvis.....	640 00				80 00	720 00
C. Ermatinger.....	640 00				80 00	720 00
Total.....	186,824 00		36,020 00		22,220 00	234,564 00

to office in the Department of the Post Office.—Continued.

SUBSEQUENT.				Salaries, 5th March, 1877.	REMARKS.
Reductions.		Increases.			
Dates of Orders in Council.	Amount.	Dates of Orders in Council.	Amount.		
	\$ cts.		\$ cts.	\$ cts.	
			{ 40 00 40 00 40 00	720 00	3rd Class Clerk, Montreal Post Office.
			{ 40 00 40 00 40 00	720 00	do do
			{ 40 00 40 00 40 00	720 00	do do
	80 00		40 00	440 00	Letter Collector, Toronto Post Office.
			80 00	720 00	Railway Mail Clerk, 2nd Class, New Brunswick Division.
			{ 120 00 40 00	640 00	Railway Mail Clerk, 3rd Class, Kingston Division.
			{ 40 00 40 00 40 00	720 00	3rd Class Clerk, Kingston Post Office.
	120 00		{ 40 00 40 00 40 00	1,100 00	2nd do Toronto do
	200 00		{ 40 00 40 00	900 00	2nd do do do
			{ 40 00 40 00	1,100 00	2nd do Hamilton do
			60 00	540 00	1st Class Clerk, Ocean Mail Service.
			{ 40 00 40 00 40 00	1,020 00	2nd Class Clerk, New Brunswick Money Order Office.
			{ 50 00 50 00 50 00	550 00	3rd Class Clerk, Inside Service.
			{ 40 00 40 00 40 00	520 00	
			{ 40 00 40 00 40 00	520 00	4th Class Clerk, St. John Post Office.
				1,100 00	2nd do Toronto do
	440 00		40 00		Letter Collector, do do Died February, 1877.
	720 00				Railway Mail Clerk, 2nd Class, London Division. Dismissed 7th Aug., 1874.
	720 00				Railway Mail Clerk, 2nd Class, Montreal Division. Dismissed 22nd May, 1875
	41,910 00		42,000 00	234,654 00	

APPOINTMENTS in the Department of the Post Office cancelled by Orders in Council of 6th and 29th December, 1873, with the Names and Dates of New Appointments in place thereof.

ORIGINAL APPOINTMENTS.

Date.	Name.	Office.	Salary.	REMARKS.
1873.			\$ cts.	
October 22...	W. H. Stinson.....	Railway Mail Clerk, 3rd Class....	480 00	} <i>a</i> Appointments were made to meet a probable early extension of Mail Service to certain railways in the western part of Ontario.
do 22...	C. Byrne.....	do do	480 00	
do 22...	W. L. Baby.....	do do	480 00	
do 22...	J. Gilroy.....	do do	480 00	
do 22...	T. Wells.....	do do	480 00	
do 22...	J. Conroy.....	do do	480 00	
do 22...	G. Elliott.....	do do	480 00	
do 22...	T. Barrett.....	do do	480 00	
do 31...	Wm. Webb.....	do do	600 00	
do 31...	E. Wood.....	4th Class Clerk.....	400 00		} Not replaced.
do 31...	T. G. Creighton...	3rd Class Clerk.....	720 00	
do 31...	T. Martin.....	Railway Mail Clerk, 3rd Class....	480 00	} See remark <i>a</i> .
November 4.	A. Farrow.....	do do	480 00	
	Total.....		6,520 00	

RECAPITULATION.

	No.	Amount.
<i>Salaries</i> payable 1st January, 1873, to persons whose salaries were increased between that date and 7th November, 1873.....		\$186,824 00
<i>Appointments</i> made between 1st January and 7th November, 1873.....	78	36,020 00
<i>Increases</i> between 1st January and 7th November, 1873.....	311	22,220 00
		245,064 00
<i>Reductions</i> by death, resignation, superannuation, &c., of persons above alluded to, between 1st January and 7th November, 1873.....		10,500 00
<i>Salaries</i> payable 7th November, 1873, to persons who were appointed between 1st January and 7th November, 1873, and to those who had their salaries increased between those dates.....		234,564 00
<i>Increases</i> to salaries of those persons, between 7th November, 1873, and 5th March, 1877.....		42,000 00
		276,564 00
<i>Reductions</i> by cancellation of Appointments by Orders in Council.....	No.	Amount.
<i>Reductions</i> by death, resignation, superannuation, &c., between 7th November, 1873, and 5th March, 1877.....		\$ 6,520 00
		35,390 00
		41,910 00
<i>Salaries</i> payable 5th March, 1877, to those affected by this Return...		\$234,654 00

W. H. GRIFFIN,
Deputy Postmaster General.

SUMMARY

OF Appointments (other than to fill vacancies) and increases of Salaries, between
the 1st of January and 7th November, 1873.

Department.	Appointments.		Increases.		Total.	
	No.	\$ cts.	No.	\$ cts.	No.	\$ cts.
Governor General's Office .....	.....	Nil.	3	350 00	3	350 00
Privy Council.....	1	700 00	6	820 00	7	1,520 00
Secretary of State.....	9	4,690 00	9	1,650 00	18	6,340 00
Public Works.....	28	21,546 75	171	19,074 22	199	40,620 97
Justice.....	75	77,800 00	11	1,760 00	86	79,560 00
Interior.....	19	14,070 00	25	5,010 00	44	19,080 00
Customs	111	58,076 25	636	67,185 75	747	125,262 00
Militia	6	5,600 00	18	2,677 50	24	8,277 50
Inland Revenue.....	84	30,515 00	96	16,550 00	180	47,065 00
Finance.....	17	15,400 00	24	2,650 00	41	18,050 00
Receiver-General.....	2	1,600 00	7	1,200 00	9	2,800 00
Agriculture	41	35,025 00	15	2,178 00	56	37,203 00
Marine and Fisheries.....	159	21,900 00	49	9,025 00	208	30,925 00
Post Office.....	77	36,020 00	311	22,220 00	388	58,240 00
Totals.....	629	322,943 00	1381	152,350 47	2010	475,293 47

(No. 144.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 5th March, 1877;—For a Return of the names of persons appointed to office between the 1st of January and the 7th of November, 1873; the names of the officials whose salaries were increased during the same period, the names of those so appointed whose appointments were cancelled subsequent to the 7th of November. A Statement shewing whether the positions which were filled up by those whose appointments were cancelled have remained unfilled, or have been since filled up; and if so, where and by whom, and whether the salaries of those officials which were increased during the period named have been since reduced or increased, and shewing the reduction or increase in each office, respectively.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 28th April, 1877.

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

(No. 145.)

RETURN

To an ADDRESS of the SENATE, dated 13th March, 1877 ;—For copies of the Reports and Estimates of the Engineers upon the works proposed to be performed at the following ports or localities, viz :—

Arisaig, N.S.	Lingan Beach, N.S.
Annapolis, N.S.	Musquodobot, N.S.
Baxter's Harbor, N.S.	Malpeque, P.E.I.
Bayfield, N.S.	Montague River, P.E.I.
Beach Point, P.E.I.	Nail Pond to Egmont Bay, P.E. I.
Beaver Cove, N.S.	North Sydney, N.S..
Bedeque, P.E.I.	Port Gilbert, N.S.
Canada Creek, N.S.	Pubnico, N.S.
Chipman's Brook, N.S.	Port Hood, N.S.
Cape Traverse, P.E.I.	Richibucto, N.B.
Christmas Island, N.S.	St. Peter's Bay, P.E.I.
Cove Head, P.E.I.	Scott's Bay, N.S.
Grand Manan, N.B.	Truro, N.S.
Hopewell, N.B.	Victoria Harbor, N.S.
Hall's Harbor, N.S.	West Arichat, N.S.
Liverpool, N.S.	Walton, N.S.
Lingan, N.S.	West Sandy Cove, N.S.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 7th April, 1877.

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

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 28th March, 1877:—For a Return showing the names of all Government Officials in Prince Edward Island, specifying nature of office held by each, date of appointment and amount of salary.

By Command,

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 9th April, 1877.

RETURN showing the Names of all Officers of the Finance Department in Prince Edward Island, specifying Nature of Office held by each, Date of Appointment, and amount of Salary.

Names.	Nature of Office.	Date of Appointment.	Salary.
			\$ cts.
John Robins.....	Auditor and Savings Bank Manager	January 9, 1874..	1,800 00
Thomas Foley.....	1st Clerk to Auditor and Savings Bank Manager	do ...	900 00
Wallace Leitch.....	2nd do do ...	do ...	600 00
George Walker	Messenger, Dominion offices	January 15, 1875	400 00

(Signed)

JOHN SIMPSON.

Assistant Auditor.

OTTAWA, 3rd April, 1877.

OFFICERS and Employés of the Public Works Department in Prince Edward Island.

PRINCE EDWARD RAILWAY.

Name.	Office.	Date of Appointment.	Salary.
SUPERINTENDENT'S OFFICE.			\$ cts.
W. McKechnie.....	Superintendent.....		2,500 00 per annum.
Alex. Devine.....	Clerk.....		720 00 do
ACCOUNTANT'S OFFICE.			
Thomas Williams.....	Accountant.....		1,400 00 do
Hon. Benjamin Davies.....	Cashier and Paymaster.....		1,200 00 do
E. O. Faulkner.....	Travelling Auditor.....		1,100 00 do
H. C. Brownswell.....	Clerk.....		700 00 do
S. F. Hodgson.....	do		700 00 do
Daniel Davis, jun.....	do		450 00 do
Ernest Welsh.....	do		400 00 do
Charles Coles.....	do		350 00 do
STORES OFFICE.			
S. H. Brown.....	Storekeeper.....		1,000 00 do
F. W. Moore.....	Chief Clerk		500 00 do
B. F. Williams.....	Clerk.....		450 00 do
TRAFFIC DEPARTMENT.			
<i>Stations.</i>			
Thos. F. Fairbairn.....	Agent.....		40 00 per month.
Donald Montgomery.....	do		40 00 do
G. M. McLeod.....	do		40 00 do
W. Jenken.....	do		40 00 do
J. E. Arsenaull.....	do		40 00 do
J. D. Emmen.....	do		800 00 per annum.
A. E. Clarke.....	Freight Clerk.....		40 00 per month.
J. P. Norman.....	Operator.....		30 00 do
D. Mackenzie.....	Agent.....		40 00 do
John H. Byrne.....	do		40 00 do
John A. Hughes.....	do		40 00 do
J. T. Carruthers.....	do		40 00 do
W. F. Scantlebury.....	do		40 00 do
H. McEwen.....	do		40 00 do
Jas. MacFagus.....	do		40 00 do
J. J. Macdonald.....	do		40 00 do
Geo. B. MacEachern.....	do		500 00 per annum.
J. S. Dorien.....	do		40 00 per month.
E. J. Wickwire.....	do		60 00 do
G. A. Sharp.....	Freight Agent.....		50 00 do
M. McLeod.....	do Checker.....		35 00 do
W. Glasford.....	Ticket Agent.....		650 00 per annum.
Chas. MacNeil.....	Operator.....		30 00 per month.
<i>Train Service.</i>			
James McKechnie.....	Train despatcher.....		1,000 00 per annum.
H. Archibald.....	Conductor.....		600 00 do
E. H. Brennan.....	do		600 00 do
J. W. Robertson.....	do		600 00 do
C. MacGowan.....	do		600 00 do
H. C. Campbell.....	do		45 00 per month.
George Hibbett.....	do		45 00 do
Frank Kelly.....	do		45 00 do

OFFICERS and Employés of Public Works, &c —Prince Edward Island.—*Concluded.*PRINCE EDWARD RAILWAY.—*Concluded.*

Name.	Office.	Date of Appointment.	Salary.
MECHANICAL DEPARTMENT.			\$ cts.
Alex. Stronach	Mechanical Superintendent.....		1,500 00 per annum.
D. J. Johnson.....	Chief Clerk.....		720 00 do
W. MacLeod	Clerk.....		40 00 per month.
John Brean.....	Locomotive Foreman.....		65 00 do
D. M. Fraser.....	Car do		60 00 do
ENGINEERING DEPARTMENT.			
G. C. Cunningham.....	Resident Engineer.....		2,000 00 per annum.
Thos. W. May.....	Assistant do		800 00 do
Angus McEachern.....	Chief Clerk.....		720 00 do
Henry Houle.....	Trackmaster		1,000 00 do
John MacPherson.....	do		1,000 00 do
Samuel Poole.....	Bridge Inspector.....		800 00 do

STATEMENT showing the number of Officers employed by this Department in Prince Edward Island, specifying the nature of the office held by each,, date of appointment and amount of Salary.

Name.	Office.	Date of Appointment.	Salary.
<i>Charlottetown.</i>			\$ cts.
S. C. Nash	Acting Collector of Inland Revenue.....	December 14th, 1870 ...	700 00
	Exciseman	January 9th, 1874	500 00
<i>Summerside.</i>			
† Geo. Ramsey	Acting Collector of Inland Revenue.	September 1st, 1875	500 00
J. A. Macdonald	District Inspector	January 9th, 1874.....	1,200 00

* Mr. Nash transferred from Halifax on the entry of the Island into the Union.

† Probationary.

(Signed)

A. BRUNEL,
Commissioner.

DEPARTMENT OF INLAND REVENUE,
6th April, 1877.

List of Officials employed by Department of Agriculture in Prince Edward Island, nature of Office, date of Appointment, and amount of Salary.

Name..	Office.	Date of Appointment.	Salary.
			\$ cts.
W. H. Hobkirk	Inspecting Physician (Quarantine)	May 11th, 1874	400 00
Thomas Cullen	Hospital Steward	December 23rd, 1874 ...	300 00

(Signed)

J. C. TACHÉ,

Deputy Minister Agriculture.

DEPARTMENT OF AGRICULTURE,
OTTAWA, 6th April, 1877.

STATEMENT showing the Officials employed by the Indian Branch of the Department of the Interior in Prince Edward Island; specifying the nature of the Office held by each; the date of appointment and amount of Salary in each case.

Name.	Office.	Date of Appointment.	Salary.
			\$ cts.
T. Stewart	Superintendent	July 1st, 1874	200 00
M. Francis	School Teacher	November 22nd, 1875...	200 00

(Signed)

L. VANKOUGHNET,

*Deputy Superintendent-General,
Indian Affairs.*

DEPARTMENT OF THE INTERIOR,
INDIAN BRANCH, OTTAWA, 4th April, 1877.

MARINE BRANCH.

Name.	Nature of Office.	Date of Appointment.	Salary.
William Mitchell	Agent of Department	May 15, 1875...	\$600.
Roderick Cameron.....	Examiner of Masters and Mates	June 22, 1876...	4 per diem when on duty.
Frederick W. Hyndman ..	Shipping Master, Charlottetown.....	do 22, 1876...	4 do do
William Roughan.....	Harbour Master do	July 22, 1875...	Fees of office.
David Small	do do	Feb. 19, 1877...	400 of fees.
John B. Howlett	do Georgetown	June 17, 1874...	200 of fees.
Ronald Campbell	do Summerside	do 17, 1874...	do
George Mackenzie	do New London	do 17, 1874...	do
Wesley Meyers	do Crapaud	do 17, 1874...	do
Neil McLeod	do North Pinette.....	do 17, 1874...	do
John Furness	do Vernon River	do 17, 1874...	do
William Millar	do Murray Harbour	do 17, 1874...	do
George Alley	do Cardigan Bridge	Nov. 4, 1874...	do
D. C. Campbell	do Montague do	June 17, 1874...	do
George Wells	do Cascumpec	do 17, 1874...	do
James Ellis	do Port Hill	do 17, 1874...	do
A. McArthur	do Egmont Bay	do 17, 1874...	do
R. S. Macdonald	do Grand River.....	April 10, 1875...	do
Charles Deagle	do Rollo Bay	do 10, 1875...	do
W. R. Dingwell.....	do Bay Fortune	do 10, 1875...	do
Alex. Halloran	do Souris	do 10, 1875...	do
James Macdonald	do St. Peter's Bay.....	do 10, 1875...	do
Hugh Campbell	do Tracadie.....	May 5, 1875...	do
Ewen McMillan	do West River	do 5, 1875...	do
John Hazard	Measurer and Surveyor of Shipping, Charlottetown	June 16, 1874...	Fees of office.
Archibald McLaine	Light Keeper, Charlottetown	April 3, 1867...	300
Asa McCabe	do Cascumpec	do 2, 1866...	250
Wm. Ford	do South Rustico	Dec. 17, 1875...	100
A. R. Beaton	do East Point .....	.....1867...	250
Wm. McDonald	do West Point	Dec. 1, 1875...	100
A. J. McLellan	do Fish Island	April 20, 1873...	250
J. McMillan	do Wood Island	Sept. 7, 1876...	100
L. McDonald	do North Cape	Feb. 18, 1876...	250
W. Macdonald	do Panmure Island.....	Nov. 20, 1873...	250
M. McLeod	do Point Prim	June 3, 1873...	300
P. Ronaghan	do Sea Cow Head	April 21, 1873...	250
P. McVeigh	do Summerside	May 5, 1873...	100
M. Ready	do Tracadie.....	August, 1867...	100
W. W. McGrath	do St. Peter's Harbour	May 8, 1872...	100
M. McFadyen	do Murray Harbour	May, 1870...	100
Hon. J. Wightman	do St. Andrew's Point	March, 1869...	100
T. G. Pursey	do North Rustico	July 26, 1875...	100
G. McKenzie	do New London.....	do 26, 1875...	100
W. Hardie.....	do Little Channel.....	do 26, 1875...	100
H. P. Palmer	do Crapaud	do 26, 1875...	100

COUNTY KINGS, PRINCE EDWARD ISLAND.

Martin McInnis	Fishery Overseer	April 1, 1876...	150 per annum.
John Crane	do Warden	do 1, 1876...	30 do
James McInnis.....	do do	do 1, 1876...	30 do

COUNTY KINGS, PRINCE EDWARD ISLAND.—*Concluded.*

Name.	Nature of Office.	Date of Appointment.	Yearly Salary.
John MacGuire	Fishery Warden	April 1, 1876...	\$30
James MacAulay	do do	do 1, 1876...	30
Patrick McInnes	do do	do 1, 1876...	30
Wm. R. Dingwell	do do	do 1, 1876...	30
John Brien	do do	do 1, 1876...	30
Thomas Clay	do do	do 1, 1876...	30
Duncan D. Campbell.....	do do	do 1, 1876...	30
Francis Cook	do do	do 1, 1876...	30

COUNTY QUEENS, PRINCE EDWARD ISLAND.

Isaac Thompson	Fishery Overseer	Oct. 1, 1875...	150
Ewen Clark	do Warden	do 1, 1875...	30
Michael Ready.....	do do	do 1, 1875...	30
James Clow	do do	do 1, 1875...	30
Lionel Garman	do do	do 1, 1875...	30
William Whitehead	do do	April 1, 1876...	30
Thomas Murphy	do do	do 1, 1876...	30
Roderick Morrison	do do	do 1, 1876...	30
Alexander McRae.....	do do	do 1, 1876...	30
David Rathay	do do	do 1, 1876...	30
John McMillan.....	do do	do 1, 1876...	30
John Clarke	Fishery Overseer	do 1, 1876...	150
Lawrence Phee	do Warden	Feb. 1, 1877...	30
James T. Reid	do do	do 1, 1877...	30
James Ramsay.....	do do	do 1, 1877...	30
Hugh McIntosh	do do	do 1, 1877...	30
Peter H. Perry	do do	Oct. 1, 1876...	30
Abraham Wall	do do	do 1, 1876...	30
Patrick McBride	do do	do 1, 1876...	30
William Burns.....	do do	do 1, 1876...	30
Nathaniel McArthur	do do	do 1, 1876...	30

(Signed) Wm. SMITH,
Deputy Minister of Marine and Fisheries.

DEPARTMENT OF MARINE AND FISHERIES,
OTTAWA, 3rd April, 1877.

STATEMENT showing the Names of all Officials employed by the Department of Militia and Defence in Prince Edward Island, specifying nature of Office, date of Appointment and amount of Salary.

Name.	Office.	Date of Appointment.	Yearly Salary.	Remarks.
			\$ cts.	
Lt.-Col. Hon. J.H. Gray	Deputy Adjutant-General..	Jan. 9, 1874...	1,700 00	
Capt. F. D. Beech	Paymaster.....	Jan. 1, 1875...	300 00	
Major Robert Cropley.....	Storekeeper.....	July 1, 1874...	400 00	
J. Carroll.....	Caretaker.....	Aug. 11, 1875...	162 22	
P. Pollard.....	do	Jan. 21, 1876...	162 22	

(Signed) C. EUG. PANET,
Deputy Minister of Militia and Defence.

OTTAWA, 3rd April, 1877.

List of Officials employed by the Post Office Department in Prince Edward Island, specifying nature of Office held by each, date of Appointment and amount of Salary.

Name.	Office.	Date of Appointment.	Present Salary.
			\$ cts.
<i>Charlottetown Post Office.</i>			
A. A. Macdonald.....	Postmaster.....	July 1, 1873....	1,500 00
W. W. McLeod.....	Asst. Postmaster and Asst. Inspector.....	do	1,200 00
D. A. Macdonald.....	3rd class clerk.....	do	760 00
J. A. Lawson.....	do	Oct. 1, 1874....	680 00
W. C. Harris.....	4th class clerk.....	July 1, 1873....	520 00
N. White.....	do	do	480 00
B. Trainor.....	do	Oct. 1, 1874....	440 00
J. Campbell.....	do	April 1, 1875....	400 00
T. W. Hazard.....	do	Aug. 11, 1875....	400 00
<i>Railway Mail Service.</i>			
J. A. Carman.....	2nd class railway mail clerk.....	Jan. 1, 1873....	640 00
O. R. Crabbe.....	3rd class do	July 23, 1875....	480 00

(Signed) W. H. GRIFFIN,
Deputy Postmaster-General.

POST OFFICE DEPARTMENT,
OTTAWA, 3rd April, 1877.

RETURN to an Address of the House of Commons showing names of all Customs employees in the Province of Prince Edward Island, at the present time, their rank, salary and date of appointment.

Name.	Rank.	Date of Appointment.	Salary.	Where Stationed.
			\$ cts.	
D. Currie.....	Collector	8th Jan., 1874.	1,800 00	Charlottetown.
G. Bremner.....	Sub-Collector.....	do	1,200 00	do
F. Longworth ..	Appraiser.....	do	1,000 00	do
J. P. Irving.....	Chief Clerk.....	do	1,000 00	do
W. H. Wilson.....	Clerk	do	800 00	do
H. McKenna.....	do	do	750 00	do
J. Mullin	do	14th June, 1875.	600 00	do
W. Pasmore.....	Chief Landing Waiter....	8th Jan., 1874.	500 00	do
J. Foster	Landing Waiter	do	500 00	do
J. B. McKenna.....	do	do	400 00	do
G. F. Robinson ..	do	4th Nov., 1874.	400 00	do
J. McDonald.....	Measuring Surveyor.....	8th Jan., 1874.	500 00	do
N. Campbell.....	Chief Locker.....	15th Jan., 1875.	500 00	do
B. McPhillips.....	Locker.....	8th Jan., 1874.	500 00	do
F. Hughes.....	Boatman.....	4th Nov., 1874.	150 00	do
J. Currie	do	do	150 00	do
C. W. Strong.....	Sub-Collector	25th Feb., 1875.	800 00	Summerside.
J. S. Crosman ..	Clerk and Measuring Sur- veyor	8th Jan., 1874.	600 00	do
G. Crabbe	Clerk	do	500 00	do
C. R. Clark	Landing Waiter	do	400 00	do
P. Lanigan.....	do	do	300 00	do
J. B. Schurman..	Locker.....	do	300 00	do
F. Barry.....	Preventive Officer.....	4th Nov., 1874.	50 00	do
C. Owen	Sub-Collector	do	700 00	Georgetown.
A. C. Stewart ..	Clerk and Measuring Sur- veyor	8th Jan., 1874.	600 00	do
T. G. Hessian.....	Landing Waiter	do	400 00	do
W. Dalziel.....	Locker.....	do	300 00	do
E. Chandler.....	Preventive Officer.....	4th Nov., 1874.	50 00	Charlottetown.
C. Stewart.....	Sub-Collector	do	120 00	West Point.
R. McPherson ..	Preventive Officer.....	do	50 00	do
R. Wood	do	do	50 00	do
W. Callaghan ..	do	do	50 00	Cascumpec.
J. McCormack.....	Sub-Collector.....	do	120 00	Cardigan Bridge.
J. F. White.....	do	8th Oct., 1875.	250 00	Cascumpec.
J. R. Larkin.....	Preventive Officer.....	4th Nov., 1874.	60 00	do
S. J. B. Leard ..	Sub-Collector	do	250 00	Crapaud.
W. Myers.....	Preventive Officer.....	do	50 00	do
A. McDonald.....	Sub-Collector.....	do	120 00	Grand River.
P. McKinnon.....	Preventive Officer.....	do	50 00	Port Hill.
J. M. McNutt.....	Sub-Collector.....	do	150 00	Malpeque.
A. McLellan.....	Preventive Officer.....	do	50 00	do
R. Stewart.....	do	8th Oct., 1875.	50 00	do
M. Rowe.....	Sub-Collector	4th Nov., 1874.	150 00	Montague Bridge.
H. Macpherson..	Preventive Officer.....	14th June, 1875.	60 00	do
H. J. Brehaut.....	Sub-Collector	4th Nov., 1874.	150 00	Murray Harbour.
J. H. Graham.....	Preventive Officer.....	14th June, 1875.	40 00	do
E. McEwen.....	Sub-Collector	4th Nov., 1874.	100 00	New London.
C. A. Crosby.....	Preventive Officer.....	do	50 00	do
J. J. McDonald..	Sub-Collector	do	75 00	Orwell.
J. McLeod.....	Preventive Officer.....	do	60 00	do
T. Crane	do	do	40 00	do
A. Murchison ..	Sub-Collector	do	100 00	Pinette.
S. McArthur.....	Preventive Officer.....	do	60 00	Port Hill.
G. Doyle.....	Sub-Collector	do	75 00	Rustico.
J. McLean	do	6th April, 1876	250 00	Souris.

RETURN to an Address of the House of Commons showing Names of all Customs Employees in the Province of Prince Edward Island, &c.—*Concluded.*

Name.	Rank.	Date of Appointment.	Salary.	Where Stationed.
			\$ cts.	
D. McLean.....	Preventive Officer.....	4th Nov., 1874.	40 00	Souris.
R. St. John.....	do	do ..	50 00	do
L. Bushey.....	do	14th June, 1875.	60 00	
R. McCallum	Sub-Collector	4th Nov., 1874.	120 00	St. Peter's Bay.
U. Conroy.....	do	do ..		
		Resigned 31st July, 1876.		
C. Gallant	Preventive Officer.....	4th Nov., 1874.	50 00	Tignish.
G. McIntyre.....	do	do ..	40 00	do
J. Phee	do	do ..	40 00	Souris.
J. McRae.....	Landing Waiter.....	do ..	40 00	Tignish.
J. Hughes	Preventive Officer.....	do ..	50 00	Pownal.
J. Bell.....	do	do ..	40 00	Tracadie Bay.
J. Bell.....	do	15th Jan., 1875.	100 00	Cape Traverse.
R. Dragle.....	do	14th June, 1875.	40 00	Bay Fortune.
A. McPhie.....	do	27th Aug., 1875.	50 00	North River.
W. Hopgood.....	Sub-Collector.....	8th Oct., 1875.	250 00	Port Hill.
R. Clow..	Preventive Officer.....	4th Nov., 1874.	No salary.	

(Signed)

J. JOHNSON,
Commissioner of Customs.

CUSTOMS DEPARTMENT,
OTTAWA, 5th April, 1877.

(No. 147.)

RETURN

To an ADDRESS of the SENATE, dated 21st March, 1877;—1. Copy of a Petition complaining of injustice done by the Montreal Harbour Commissioners, or by some person or persons in their employ, in the arbitrary dismissal of Pierre Charbonneau, Pierre Côté and several others employed on the works of the said Commissioners on the River St. Lawrence, with the signatures to the said petition.

2. A return of the names, surnames, occupations and residences of the persons who have been appointed in place of those so dismissed.

3. Copies of all letters and complaints relating to the persons so dismissed,—or if no written complaint or correspondence exists, a statement in writing of the reasons for their dismissal.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 10th April, 1877.

(No. 148.)

RETURN

To an ADDRESS of the HOUSE OF COMMONS, dated 28th March, 1877 ;—For copies of all correspondence between the Local Government of British Columbia and the Dominion Government, relative to the appointment of a County Court Judge for the District of New Westminster, in place of A. T. Bushby, Esq., deceased.

By Command.

R. W. SCOTT,
Secretary of State

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 12th April, 1877.

(No. 149.)

RETURN

To an ADDRESS of the HOUSE OF COMMONS, dated 26th March, 1877 ;—For copies of all communications from the First Council of the North-West Territories, in regard to the preservation of the Buffalo ; all communication on the same subject from Indian Commissioners, or other Dominion Government Officials, and all Orders in Council or Acts passed by the present Government of the North-West Territories, having this object in view.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 7th April, 1877.

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

(No. 150.)

R E T U R N

To an ORDER of the HOUSE OF COMMONS, dated 16th March, 1877;—For the Engineer's Report of the Survey of Parry Sound Harbor, made by Mr. Michaud, C.E., and others, in 1876.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 12th April, 1877.

(No. 151.)

R E T U R N

To an ORDER to the HOUSE OF COMMONS, dated 8th March, 1877;—For a Return showing the quantity of woodland in the County of Marquette, and the number of licenses to cut wood or timber, in the said County, sold or issued by the Dominion Lands Office in Manitoba, during the last three years, to persons not being actual settlers.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 7th April, 1877.

(No. 152.)

R E T U R N

To an ADDRESS of the HOUSE OF COMMONS, dated 19th February, 1877;—For a Return showing the number of accidents to persons caught in Railway Frogs, the points where the accidents occurred, and the particulars connected therewith, for the five years ending 31st December last.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 12th April, 1877.

(No. 153.)

R E T U R N

To an ADDRESS of the HOUSE OF COMMONS, dated 2nd April, 1877;—For copies of any Correspondence between the Local and the Dominion Governments during 1876 with reference to the adjustment of Indian Lands in British Columbia.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 10th April, 1877.

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

(No. 154.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 7th March, 1877 ;—For Copies of papers and correspondence in connection with the defalcations of the ex-Collector of Customs, Wm. Kidston, at the Port of Baddeck, and the Return showing if the amount has been refunded to the Department ; and, if not, the reason for its not being refunded.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 5th April, 1877.

(No. 155.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 26th March, 1877 ;—For a Return of all correspondence, telegrams, and orders in connection with the dismissal of William Colwell, Locker in the Custom House Department, St. John, New Brunswick ; also, all papers, telegrams and correspondence, in connection with the investigation carried on by Inspector Cudlip together with his report thereon,—date of dismissal,—copy of medical report as to his health after examination,—a statement of all other official appointments which were offered him,—copy of letter addressed by Commissioner Johnson, at Ottawa, to the Department of the Minister of Justice, recommending him for an appointment,—together with a statement of the fund from which the sum of one hundred dollars was paid him,—of the grounds for such payment and the account to which such payment was charged in the Public Accounts.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 13th April, 1877.

(No. 156.)

R E T U R N

To an ADDRESS of the HOUSE OF COMMONS, dated 28th March, 1877;—For copies of any correspondence that may have passed during the past three years, between the Government of Great Britain and the Government of this Dominion, relative to the abolition of Light dues upon Canadian shipping.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 7th April, 1877.

(No. 157.)

R E T U R N

To an ORDER of the HOUSE OF COMMONS, dated 2nd April, 1877; —For copies of all papers relating to the abolition of the fisheries in the rapids of the Richelieu, in front of the Village of the Canton of Chambly; of the report of the fishery overseer, and of all correspondence of the Government with the proprietors of the said fisheries, and with any other person in relation thereto.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 7th April, 1877.

(No. 158.)

RETURN

To an ADDRESS of the HOUSE OF COMMONS, dated 12th March, 1877;—For copies of all contracts and Orders in Council, during the year 1876, in connection with the enlargement of the St. Peter's Canal.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 14th April, 1877

(No. 159.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 26th March, 1877;—For copies of all the instructions given to Mr. Kingsford, of the Department of the Public Works, and of all reports and correspondence in relation to repairs and other work done on the Breakwaters at L'Islet, Rivière Ouelle, Rivière du Loup and Rimouski, on the south shore of the St. Lawrence, Province of Quebec; also, a Statement showing the amounts expended for such work or repairs on each of the said Breakwaters.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 14th April, 1877.

(No. 160.)

R E T U R N

To an ORDER of the HOUSE OF COMMONS, dated 2nd April, 1877 ;—For a Return of all petitions, papers and correspondence had with the Government, or any of the Departments, by or from the Inhabitants of the County of Northumberland, in the Province of New Brunswick, in relation to the necessity of a Breakwater for the protection of Fishermen at the easterly side of the Point Escuminac.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 14th April, 1877.

RETURN

TO an ORDER of the HOUSE OF COMMONS, dated 15th February, 1877;—For a return showing the quantity of iron rails removed from the Government railways, Railway Companies to which they have been loaned, the date of such loans, the counties and districts through which said railways run, the quantity loaned to each Railway Company, the terms upon which such loans have been made, the nature of the security given by each Railway Company to secure the return of said iron rails, the names of the Directors of the Companies respectively to which iron rails have been loaned, together with all correspondence between the Government and any Company or individual making application for such loans.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 14th of April, 1877.

RAILWAY DEPARTMENT,
MONCTON, N.B., 11th April, 1877.

SIR,—I beg to return the Order from House of Commons in regard to old rails loaned to different Railway Companies.

I also enclose a statement shewing the different branch railways to which rails have been loaned, giving the name of each branch, the quantity loaned, the counties through which the roads run, and the names of the directors of the different companies as far as we have been able to ascertain.

These rails have been loaned in accordance with the resolution adopted by Parliament last Session.

There is no correspondence that I am aware of in connection with these matters.

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

(Signed) C. J. BRYDGES,
General Supt. Govt. Railways.

F. BRAUN, Esq.,
Secretary Department Public Works,
Ottawa.

INTERCOLONIAL RAILWAY.

RETURN showing the Railway Companies to which old iron rails have been loaned, and the quantity loaned, to 31st December, 1876.

Name of Company.	Quantity Loaned,				Counties through which railways run.	Names of Directors.
	Tons.	Cwt.	Qrs.	Lbs.		
Elgin Branch Railway.....	1,395	15	3	26	Westmoreland and Albert.....	E. P. Eastman, D. M. Steeves, Jos. Steeves, J. D. Robinson, and L. O. Merriam
Onitama Branch Railway.....	985	5	1	22	Northumberland.....	Hon. W. M. Kelly, J. B. Snowball, F. G. Letson, and Alexander Morrison.
Steel Company of Canada, Branch Railway.....	480	14	2	12	Colchester.....	An English Company.
Hillsboro Branch Railway.....	302	8	3	8	Albert.....	J. J. Tomkins, A. E. Killam, D. Steeves, J. Steeves, and A. W. Peters.
St. Martin's and Upham Railway	995	2	2	10	Kings and St. John..	U. H. Upham, G. Brady, M.D., William Titus, E. Nugent, J. W. Smith, and S.G. Fowler.

(Signed) ALEX. MACNAE,
Engineer.

RAILWAY DEPARTMENT,
OTTAWA, 20th April, 1877.

SIR,—With reference to the old rails loaned to the branch lines in the Lower Provinces, I beg to say that the quantities given in the return already sent in, are charged at the rate of \$20 a ton, and the total amount is then debited to each branch line as a loan of old rails, for the quantity actually delivered at the price named.

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

(Signed) C. J. BRYDGES,
General Supt. Govt. Railways.

F. BRAUN, Esq.,
Secretary.

OFFICE OF THE SPRING HILL AND
PARRSBORO' COAL & RAILWAY CO. (LIMITED)
84 WATER STREET, ST. JOHN, N.B., 24th April, 1875.

SIR,—In further pursuance of the policy of the Dominion Government in granting to branches of the Intercolonial Railway a loan of old rails taken up from the main line, we have, on behalf of the Spring Hill and Parrsboro' Coal and Railway

Company (Limited), most respectfully to make application for such a quantity of the old rails from the Intercolonial, for temporary use on the Parrsboro' Branch, as Government may be pleased to allot, and as may not interfere with engagements of this kind already entered into with other Companies.

We have, &c.,

(Signed)

ROBERT REED,
President.
E. N. SHARPE,
Secretary.

Hon. A. MACKENZIE,
Minister of Public Works, &c.,
Ottawa.

OTTAWA, May 12th, 1875.

GENTLEMEN,—In reply to your joint application of the 24th ultimo, on behalf of the Spring Hill and Parrsboro' Coal and Railway Company for old rails taken up from the Intercolonial Railway, for temporary use on your branch of railway, I beg to inform you that the Department has none on hand.

I have the honour to be, gentlemen,
Your obedient servant,

(Signed) F. BRAUN,
Secretary.

R. REED & E. N. SHARPE, Esqrs.,
Spring Hill Co. Branch Railway,
St. John, N. B.

To the Hon. Alexander Mackenzie, Minister of Public Works, Dominion of Canada.

The petition of the undersigned respectfully sheweth that your petitioner is President of the New Brunswick Railway Company, a Company incorporated by the Province of New Brunswick for the construction of a railway from St. Mary's (opposite Fredericton) in York County, to Edmundston in the County of Victoria (now County of Madawaska.)

That about one hundred miles of the said railway have been built, and are now in operation.

That the said railway affords facilities for the transportation of goods along the course of the St. John River to points in the upper counties, at a lower cost than the same can be carried by water, and at all times of the year, water transportation being restricted to about two months in the spring and about two months in the fall of each year.

That this railway, forming a constant means of communication with the fertile valley of the River St. John, including the Counties of York, Carlton, Victoria and Madawaska, and bring them into connection with the railway system of Canada through the Grand Trunk and the European and North American Railways, cannot fail, it is respectfully submitted, to promote the increased settlement of that region, and increase its consumption of Dominion produce and manufactures.

That in consequence of the existence of this line of railway running as near as may be along the River Saint John, the expenditure for improving the channel of the said river above the city of Fredericton may be greatly reduced if not entirely dispensed with.

That in connection with the work of building the said railway, the said New Brunswick Railway Company caused to be brought into the Province in the year 1872 one hundred and twenty emigrants from Scotland, many of whom are still in the employ of the said Company, and propose to become settlers on its lands.

That in the month of November last there was obtained from the Intercolonial Railway a quantity of old rails—about one hundred tons—through Messrs. E. K. Burpee and C. H. Fairweather, who applied for the same for the purpose of using them as sidings for the above first mentioned railway.

That your petitioner has learned that in some cases old rails have been granted to railways in course of construction with the condition that they be returned to the Government when worn out.

Your petitioner respectfully prays that the New Brunswick Railway may be granted this privilege, and that for the lot of partly worn rails which have been received from the Intercolonial Railway, the Government will accept their equivalent in worn out rails at such future time as the Government may direct.

And that a further grant of an additional quantity of two hundred tons of old rails, or such quantity as to your Department may seem expedient, for the purpose of sidings, may be granted to the said New Brunswick Railway upon the same terms.

And, as in duty bound, will ever pray.

(Signed)

ALEX. GIBSON,
President N. B. R.

CHATHAM, 29th June, 1875.

SIR,—I have the honour to submit the following memorial, and offer for your consideration, pursuant to a resolution adopted at a meeting of the stockholders of Chatham Branch Railway, held at Chatham, New Brunswick, on the fifth day of May, last.

That the Branch Railway extends from the town of Chatham to the Intercolonial, forming a junction with the latter, after running a distance of eight and three-fourths miles, the point of junction being about two miles from the south-west branch of the Miramichi River.

That the construction of the said Branch Road was undertaken by the Company with the expectation that the Intercolonial Railway would be completed and opened for traffic as soon as they could possibly complete their line, such expectation being based on the spirit of the terms on which the Provinces were confederated, and, also, more particularly on reports of the progress of construction on the Intercolonial made from time to time to, and announced by, the Government. That believing in the announcements thus made, this Company pushed the construction of its line forward, so that the contractor's work was completed some eight months ago, when the road was made ready for laying the rails.

That the road is well graded, the drainage thorough, and the masonry of superior quality. Besides this it is fenced in a substantial manner, on both sides, and the sleepers are purchased and now lie distributed along the line.

That although it is intended that the road shall be prolonged to a deep water wharf at Chatham, the Directors have purchased material for the necessary station buildings at the present terminus at the rear of the town, within five minutes' drive of the business houses and hotels, provided you accept the following offer which I am authorized to make.

To loan said Branch to the Dominion Government, to be used in the same manner as if it were a portion of the Intercolonial Railway, until the said Intercolonial Railway is fully opened for traffic, for the purpose of securing the opening of that portion of the Intercolonial Railway, between Moncton and the Miramichi, the Dominion Government to provide rails and lay them on said Branch Railway, and open the

whole from Moncton to Chatham, on or before the first day of November, of the present year. We, the President and Directors of the Chatham Branch Railway Company, to erect all necessary station buildings at Chatham, in time for said opening.

We are convinced, that, even when the Intercolonial is fully opened, Chatham, from its advantageous location, importance as a commercial centre, possessing a fine harbour, and being the largest port of the north shore, must be the objective and distributing point of a very large amount of the railway traffic of the northern portion of the province, and we urge the opening from Moncton to Chatham this season, as a matter of justice to the people, who have had reason to expect railway facilities at the hand of the Government for the past two years, at least, in the event of the main line not being completed in time for opening the coming autumn, we submit that the acceptance of our offer would give to the people advantages for which they could not fail to feel grateful, the whole country south and up river would avail itself of them in the export of fish in ice, a trade that has now assumed very large proportions and would be yearly increased as well as for the ordinary traffic which must always be supplied in proportion as a country is populated. In Chatham and the places connected with it by steam ferries alone there are upwards of 7,000 people, while the fishermen of the county who, according to the Departmental Blue Book of 1874, took in that year, fish to the value of \$358,737, obtain nearly their whole supplies at Chatham.

The Customs returns of the port for the year ending 30th November, 1874, shew that 244 vessels averaging over 455 tons each, or aggregating 111,109 tons, entered and cleared in the lumber business with the United Kingdom alone; this amount of shipping, together with that engaged in the coasting trade, is suggestive of a large traffic which must be almost entirely monopolized by this railway.

Without railway facilities, as we are at present, our merchants and traders are obliged to bring large stocks of goods from St. John and other portions of the Dominion and elsewhere, partly by rail, and partly by steam during the season of navigation, thus keeping their means locked up in heavy stocks for at least six months longer than they would be obliged to do were the centres of trade brought within their reach, at all seasons, by the opening of the railway as we suggest.

Were such railway communication established, Chatham would, until the Intercolonial is opened northwards, become a depot for a large proportion of the county imports, as well as of those of other important sections of the country north and south.

Had not a sod been turned on our road, we feel that we might reasonably have asked and secured the co-operation of the Dominion Government in its construction; and now, when so much has been done, in both the Intercolonial and the branch, and so little, comparatively, is required, the necessity for the whole being made rapidly ready for and engaged in traffic seems to be urgent, as to leave little room for doubts that what we seek will be acceded in the interest of all concerned.

While less fearful, we are less hopeful than many as to the keeping continually open of the main line during the winter; and, even supposing the Miramichi might be reached, it can hardly be doubted in such a case that Chatham, with its machine shops and large population, would be a very desirable point of railway access.

It is not our object to revert to the history of the selection of the route of the Intercolonial Railway, further than to say that in the event of it becoming necessary to use it for the transportation of a military force, the advantage of direct railway communication with Chatham can scarcely be over-estimated.

All which is respectfully submitted.

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

(Signed)

ALEX. MORRISON,

President, C.B.R.C.

The Hon. ALEX. MACKENZIE,
Minister of Public Works,
Canada.

OTTAWA, July 15th, 1875.

SIR,—I beg to acknowledge the receipt of your petition of the 29th ulto. on behalf of the Chatham Branch Railway Company, offering to loan said branch of railway to the Government, on condition that the latter complete and open the same for traffic by the 1st of November next, etc., and to inform you that the Department will take the matter into consideration.

(Signed) W. J. TILLEY,
For Secretary.

A. H. MORRISON,
President, Chatham Branch Railway,
Chatham, N.B.

OTTAWA, July 15th, 1875.

SIR,—I beg to refer for your examination and report the accompanying petition from the President of the Chatham Branch Railway Company, offering to loan said branch of railway to the Dominion Government, providing the latter complete and open the same for public traffic by the 1st of November next. etc.

(Signed) W. J. TILLEY,
For Secretary.

C. J. BRYDGES, Esq.,
General Superintendent G. R.,
Montreal.

CHATHAM, July 24th, 1875.

SIR,—Referring to correspondence and other communications we have had with the Minister of Public Works, in reference to assistance to the Chatham Branch Railway, all of which we presume have been submitted to you, and being without reply to our memorial and offer of 29th ult., and in view of the season advancing, and our anxiety to have the road finished at once, as a matter of economy, &c., and having no doubt but it is the intention of the Government to assist us with the loan of rails, scabbards and spikes; pending a reply, we are prepared to proceed with the work, and you would confer a great favour on us if you could so arrange as to deliver the rails, &c., at once. Presuming that you intend opening the road from Moncton to Miramichi this fall, we will require a locomotive, first class passenger car, and combination second class and baggage car. One of your old locomotives converted to our gauge will be quite ample for our purpose. Please inform us if you could supply these, and their very lowest prices.

I am, your most obedient servant,

(Signed) ALEX. MORRISON,
President C. B. R. Co.

To C. J. BRYDGES, Esq.,
General Superintendent of Government Railways,
Moncton.

RAILWAY DEPARTMENT,
MONTREAL, 23rd August, 1875.

SIR,—I now beg to report upon the accompanying petition from the President of the Chatham Branch Railway Co., referred to me in your letter of the 15th July for a report.

This memorial asks in effect that the branch in its present condition be taken over by the Dominion Government, to be completed by them with rails and fastenings, &c., and run as a part of the Intercolonial Railway at the expense of the Government, the Chatham Branch Company agreeing to erect the necessary station buildings at Chatham.

I cannot recommend this request to be complied with.

When I rode over the Intercolonial line last month, I went to Chatham and rode over the greater part of the branch, accompanied by some of the Directors.

I found the branch graded and ready for the rails, the necessary sleepers being either actually on the ground or in the immediate vicinity.

The necessary bridging and culverts were completed, but the fencing was not wholly finished.

No preparations had been made in regard to the construction of buildings for a terminus at Chatham.

The request which has been made in the petition I now return to you was based upon the assumption that it would not be possible to open the railway beyond the Miramichi River this fall. And the Chatham Branch Company therefore proposed that the Government should lay the branch and work it as a through line to Chatham irrespective of the rest of the railway.

It is, however, now certain that the line from Moncton to Campbellton will be completed, so as to permit of the running of trains in connection with the present open portion of the railway, not later than the 1st November next.

I explained this to the Directors of the Chatham Company and they then expressed their readiness to make a different proposition. They have done so in a letter addressed to me on the 24th ultimo, a copy of which I beg to enclose.

Their proposal now is that the Government lend them the necessary quantity of old rails, which are now on hand, having been taken up where the steel rails are being laid, and that the Chatham Company will lay these rails themselves, and agree to work the branch in connection with the railway at their own costs and charges.

They ask that the rails, spikes and fittings shall be loaned to them, the value of the materials being about \$20,000.

As I have already said the Government has them on hand, and would not, therefore, require to expend any money in doing what is asked in this respect.

The Chatham branch is about nine miles long and makes a convenient junction with the Intercolonial Railway three or four miles from the bridge, across the Miramichi River, near Newcastle.

Chatham is an important point having the largest population of any place in the Miramichi district. Its trade is considerable, and I have no doubt it will be of advantage to the Intercolonial Railway to have a connection with Chatham, provided it is done upon terms which would not be too onerous.

I have already said that I could not recommend the branch to be taken over by the Government and worked by it as part of the Intercolonial Railway.

The proposition, however, to borrow the rails and fittings, places the matter in a different light.

Rails have already been promised to the Branch Bay from Petitcodiac to Elgin and they are now in course of delivery to that line. The letter from the Chatham Branch Company further asks that we let them have an engine and two cars, they agreeing to pay such reasonable prices as we may put upon them. There would be no difficulty in converting, if the order is given at once, one of our old locomotives, which would suit the business of the Chatham Branch, and we could let them have the two cars they require at a total cost for the engine and cars of say \$8,000.

If anything is to be done for the trade of this fall, there is not a day to be lost as it will take the whole of the time between now and the end of the season to collect the rails, deliver them at the junction of the branch and give time to the Chatham Company so as to be ready by the time that the main line is open.

I shall be glad if you will give me instructions in regard to this matter, so that I may make the necessary communication to the President of the Chatham Branch Railway Company in reply to his letter to me of the 24th ult.

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

(Signed) C. J. BRYDGES.

F. BRAUN, Esq.,
Secretary Dept. of Public Works,
Ottawa.

OTTAWA, 13th September, 1875.

SIR,—In reference to your memorial of 29th June and to your letter of Mr. Brydges of 24th July, the Minister of Public Works directs me to say that he regrets that he is unable to comply with your request to be supplied with old rails, or engines and cars from the stock of the Intercolonial Railway, for use on the Chatham Branch Road.

(Signed) F. BRAUN,
Secretary.

ALEX. MORRISON, Esq.,
President Chatham Branch Railway,
Chatham, N. B.

FREDERICTON, 27th October, 1875.

DEAR SIR,—I recently attended a meeting of the New Brunswick Railway Construction Company, of which I am Treasurer, when a letter from Mr. Brydges was read, urging payment for some old rails obtained from the Government. You are, no doubt, aware that this Company, consisting of only about a dozen of our business men, has, for some time, been engaged in a very important undertaking. During the summers of 1872-3-4, they built and equipped about 100 miles of railway, about one-third of which was built the first summer with funds raised among the members as stock. They then began to issue bonds, the whole of which were taken and are held by themselves. Meantime, the commercial crisis overtook us, which has been severely felt here as well as elsewhere. After having drawn so largely on their business capital—for they are all business men—the present is a very trying time to be called on to do more. I may mention the circumstance under which these rails became necessary. They had the road graded, sleepers on the ground and every other preparation made to complete the road to Tobique, when they found they would be short of rails for a few miles, and it being too late in the season to get them from abroad, they applied to the Government.

Notwithstanding the financial stringency, they are, this year, making a very important addition to their line, having erected an expensive bridge across the St. John and carried a branch up the valley of the Aristook to the Maine boundary, and thence to Fort Fairfield, by which they expect to divert the trade of the richest portion of that state into and through this part of the Dominion.

I shall not take up your time by referring to the difficulties the Company has met and overcome in prosecuting this important work, but would merely suggest that, as the old rails must be replaced by new ones at no very distant day, it would

not, I trust, be asking too much to request you to allow the Company the use of them till then, with the understanding that the same weight will be returned.

Trusting you will be able to meet their wishes to this extent.

I remain, dear Sir,
Yours very truly,

(Signed) DAVID WARK.

The Honorable ALEX. MACKENZIE.

OTTAWA, November 12th, 1875.

SIR,—I am directed to acknowledge the receipt of your letter of the 27th ult., on behalf of the New Brunswick Railway Construction Company, praying for old rails supplied to them by the Intercolonial Railway, they may be allowed to use them until replaced by new ones, when they shall be returned to the Government, etc.; and in reply, to inform you that said request cannot be granted.

(Signed) F. H. ENNIS.

DAVID WARK, Esq.,
Fredericton, N. B.

RICHIBUCTO, N.B.,
December 31st, 1875.

SIR,—I am instructed by the Directors of "The Northern Railway Company" to forward you the enclosed memorial, and to say that a copy of the same has been forwarded to George McLeod, Esq., M.P. for this county, who will probably support the prayer of the memorial, and supplement it with his own views on the subject.

Trusting that the memorial will meet with your favorable consideration,

I have the honor to be,
Your obedient servant,

(Signed) L. D. PHINNEY,
Secretary Northern Railway Company.

To the Hon. ALEX. MACKENZIE,
Minister of Public Works.

To the Hon. Alex. Mackenzie, Minister of Public Works, Canada.

The Memorial of "The Northern Railway Company," of New Brunswick, respectfully sheweth:—

That the Legislation of New Brunswick during the session of the year 1874 passed an Act entitled "An Act to aid in the construction of railways in this Province," by which it was provided that Provincial aid to the extent of five thousand dollars per mile should be given towards the construction and completion of certain lines of railway therein specified, including amongst others,—

A line of railway from the town of Richibucto to some point on the Intercolonial Railway in the Parish of Wiltford, with County of Kent;

That by an Act of the said Legislation passed in the same year, your memorialists were incorporated a Company to build the said line of railway.

That the Company has been duly organized, pursuant to the provisions of the said Acts of Assembly, and a survey of the proposed line of railway from a deep-water terminus (the public wharf) at Richibucto to the Intercolonial, a distance of about twenty-five miles, has been made, and a contract entered into by the Company with a responsible party to build the said road;

That the proposed line of railway is one easy of construction, presenting few engineering difficulties, and your memorialists are fully assured of their ability to build and equip the road, provided they can obtain the aid and assistance from the Dominion and Local Governments which they hope to be able to secure;

That your memorialists have been informed that the Dominion Government has agreed with two or three other companies in this Province now engaged in constructing branch lines of railway connecting with the Intercolonial, under the provisions of the said Act of Assembly, to loan to them the rails necessary for their respective roads, and your memorialists entertain no doubt that if they are treated with equal generosity by the Dominion Government, they could, with the other means available to them, fully equip their road, but they fear that unless they can thus obtain the rails, several years must elapse before their road can be completed;

That under their contract, the road can be built up to formation level, the sleepers provided, and the fences built, for a sum not exceeding the amount of the Provincial subsidy, and if the loan of the rails can be obtained as mentioned, the stock of the Company will be quite sufficient to enable them to finish and equip the road;

Your memorialists would further remark that the location of the Intercolonial Railway from Miramichi to Moncton, and through the County of Kent—made, your memorialists believe, not in the public interests, but to subserve personal and private interests—along the extreme western border of this county, through an almost barren wilderness, far removed from the centres of population, has entirely cut off the greater portion of this thriving and important county with its varied resources, from railway communication, and deprived the road of a large amount of traffic which it would have received had a more easterly location been made—a fact which your recent trip on the Intercolonial must have convinced you of—and that the only way in which the injury done the county can now be repaired, is by the construction of the proposed branch line;

That the proposed line of railway, having its terminus at the important seaport town of Richibucto—the chief port in the county, from which three-fourths of the county exports are made, and running through the heart of the county, drawing the trade of the northern and southern section—would prove the most valuable feeder to the Intercolonial which that road could have in this Province, and largely increase its traffic;

That your memorialists flatter themselves with the belief that a desire exists on the part of yourself and the present Dominion Government to do something towards remedying the gross wrong done this county by the location of the Intercolonial, and believing that the line of railway contemplated in their charter, is one that can be cheaply constructed; that it is the only feasible route in the county connecting with a sea-port, and that it will provide an outlet for the trade of the county. They would, therefore, most respectfully request that if the Government have the rails to dispose of, you will give them the promise of the loan of the rails, subject to such conditions as you may see fit to impose, as soon as their road shall be in a position to require them;

That your memorialists are assured that if they can obtain such a promise, the Provincial Government will at once enter into the necessary contract with the Company and advance them the subsidy provided by the said Act of Assembly.

Your memorialists, therefore, most respectfully request that if you can give them this promise, you will be pleased to do so, as soon as convenient.

We have the honour to be

Your most obedient servants,
On behalf of the Northern Railway Company,

(Signed) ALEX. GIRVAN,
President Northern Railway Co.

" L. D. PHINNEY,
Secretary Northern Railway Co.

RICHIBUCTO, KENT Co., N.B., 31st December, 1875.

SAINT JOHN, N.B., 4th Jan., 1876.

DEAR SIR,—You will receive a memorial from the Northern Railway Company, asking for the loan of the rails for the road they propose to build from the town of Richibucto, to connect with the Intercolonial Railway, a distance of 25 miles. If you can comply with their request, I am satisfied the road can be built by the Company, which will prove an important feeder to the Intercolonial Railway.

Another company are agitating the construction of a road along the shore, from Shediac to Richibucto, but they cannot possibly build it on \$5,000 per mile subsidy, and this is the only assistance they have, or can obtain; while the Northern Company, with a level country to build over, and no rivers to cross, can, without any doubt, prepare the roads for the rails, if they can get your promise they will be furnished, when they have the road built. I can, therefore, commend their request to your most favourable consideration.

I am, dear Sir,
Yours truly,

(Signed) GEORGE McLEOD.

HON. A. MACKENZIE,
Minister of Public Works.

OTTAWA, 12th Jan., 1876.

SIR,—I beg to acknowledge the receipt of your letter of the 31st ultimo, transmitting a memorial by the Northern Railway Company of New Brunswick, asking the Hon. the Minister to procure them the loan of the rails they may hereafter require for their line, and am directed to reply that it is at present impossible to state whether there will be any rails available when required by the Company, but nevertheless that the application has been duly noted.

(Signed) F. BRAUN,
Secretary.

L. D. PHINNEY, Esq.,
Secretary N. R. Co., Richibucto.

OTTAWA, 12th January, 1876.

SIR,—I beg to acknowledge receipt of your letter of 4th inst. in support of a memorial presented by the Northern Railway Company of New Brunswick, asking:

the Hon. the Minister to promise them the loan of the rails they may hereafter require for their line, and am directed to reply that it is at present impossible to state whether there will be any rails available when required by the Company, but nevertheless that the application has been duly noted.

(Signed) F. BRAUN,
Secretary.

GEO. McLEOD, Esq., M.P.,
St. John, N.B.

HOUSE OF COMMONS,
OTTAWA, March 27th, 1876.

Referring to the conversation we had at the interview with which you favoured me a few days since, I beg to still further urge upon you the propriety of submitting for the approval of Parliament a loan of old rails for the Spring Hill and Parrsboro' Railway in the same manner and on the same terms as other Railway Companies have received them from the Government.

The Spring Hill and Parrsboro' Railway will connect the thriving village of Mill Village with the Intercolonial Railway through the short branch to the Spring Hill Mines already constructed.

It will lead to the rapid creation of a town at Parrsboro', which must largely increase the revenue, and at the same time draw a great increase of traffic from the Basin of Minas to the Intercolonial Railway. The road is already graded, but owing to the great difficulty experienced just now in obtaining capital for such enterprises, I fear it will not be finished for some time unless this aid is given by the Government. A large portion of the old rails taken up in Nova Scotia, have, I believe, been given to lines in New Brunswick, and I sincerely hope that the application for similar assistance to a road in Nova Scotia will not be withheld.

Requesting the most favorable consideration of the Government for this assistance to a work subsidized by the Government of Nova Scotia, and which will materially contribute to the development of a large section of the country, and thus make a substantial return to the Dominion Government,

I remain,
Yours faithfully,

(Signed) CHARLES TUPPER.

To the Hon. A. MACKENZIE.

OTTAWA, April 1st, 1876.

SIR,—I am directed by the Minister of Public Works to acknowledge receipt of your letter of the 27th ultimo, urging the propriety of making a loan of old rails to the Spring Hill and Parrsboro' Railway.

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

(Signed) F. BRAUN,
Secretary.

HON. C. TUPPER, C.B., M.P.,
&c., &c., &c.,
Ottawa.

To the Hon. Alex. Mackenzie, Premier and Minister of Public Works, &c.

The humble memorial of the Hillsborough Branch Railway Company respectfully represents:—

That a charter has been granted by the Legislature of New Brunswick to your memorialists to construct a line of railway about four and one-half miles from a point on the Albert Railway to the town of Hillsborough for the purpose of general traffic and for facilitating the transportation of gypsum, ground or calcined, to and over the Intercolonial Railway of which the Albert Railway, will be an important branch. That said Albert Railway is being built by a private company, aided liberally by the Province and district. The people along the lines having contributed the sum of \$70,000. That no subsidies are provided for this branch line, its construction being dependent on private enterprise, and, considering the carrying trade which it will stimulate, your memorialists believe that they may reasonably hope for Governmental assistance, and most respectfully ask that their application may be considered and assistance returned by granting them the loan of rails sufficient to lay the track, on such terms and conditions as have been made in similar cases, or such other aid as deemed best. An assurance of your willingness to grant so great a loan will encourage your memorialists to proceed vigorously with the work.

Respectfully submitted on behalf of the Company.

(Signed) JOHN WALLACE.

PARLIAMENT HOUSE,
OTTAWA, 5th April, 1876.

OTTAWA, 11th April, 1876.

SIR,—I have the honour to acknowledge receipt of your letter of the 5th inst., transmitting the petition of the "Hillsboro" Branch Railway Company, praying for a loan, on certain conditions, of old Government rails.

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

(Signed), F. BRAUN.
Secretary.

JOHN WALLACE, Esq., M.P.,
House of Commons,
Ottawa.

LEVIS AND KENNEBEC RAILWAY COMPANY,
QUEBEC, 11th April, 1876.

SIR,—By a motion adopted in the Dominion Parliament few days ago; the Government has been authorized to loan to different companies in course of construction, iron rails to be returned weight for weight.

The Levis and Kennebec Railway Company beg leave to avail themselves of the privilege by asking the Government to lend them four thousand tons of iron rails, to be returned by this Company whenever the Government may require the same, weight for weight, according to the terms and conditions to be fixed for the said loan.

The Levis and Kennebec Railway's entire line is ninety miles, from the town of Levis opposite Quebec, to the frontier of the State of Maine, out of which forty-five miles are built and in operation.

The line may be considered as the Eastern terminus of the Canadian Pacific Railway, and serves as a powerful feeder to the different Government roads building and in operation in the Maritime Provinces.

Financial difficulties in obtaining money on the London markets, England, and the small municipal aid granted to this Company compels us to suspend work for the remaining forty-five miles to complete the whole line.

By obtaining the loan of four thousand tons iron rails as mentioned above, the Company would be in a position to resume work, and complete the line from Levis to the frontier immediately.

Hoping that you will take the above application into your favourable consideration, and oblige us with an answer as soon as possible, as the opening of navigation will take place in a very short time, and enable the Company to resume work, should the Government decide favorably.

We remain
Yours truly,

(Signed),

E. BEAUDET,
President.

"

E. DEMERS,
Secretary.

"

LAROCHELLE & SCOTT,
Contractors Levis & Kennebec R.R.

Hon. A. MACKENZIE,
Minister of Public Works,
Ottawa.

OTTAWA, 4th May, 1876.

GENTLEMEN,—With reference to the communication signed by yourself and others, dated the 25th ultimo, recommending to favourable consideration the application of the Levis and Kennebec Railway for the loan of four thousand tons of old rails, I am directed by the Honorable the Minister of Public Works to inform you that the resolution passed by Parliament last Session authorizes the loan of those rails to roads which are feeders of the Intercolonial. The Lévis and Kennebec Railway not being of those, the Minister regrets that the application cannot be granted.

I have the honour to be, gentlemen,

Your obedient servant,

(Signed) F. BRAUN,
Secretary.

E. BEAUDET, Esq.,
President L. & K. Railway.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the 12th May, 1876.

On a Report dated 11th May, 1876, from the Hon. the Minister of Public Works, stating that applications for the loan of old iron rails that may be removed from the Intercolonial Railway to make room for steel rails, have been received from certain Railway Companies mentioned in his report, and recommending that authority be given to apportion the 96 miles of rails amongst the following companies, the

location of whose lines appears to him to conform to the requirements of the Resolution of the House of Commons, viz :—

Chatham Branch.....	9	miles
Elgin and Peticodiac.....	12	"
Northern.....	15	"
St. Martin's and Upham.....	15	"
New Brunswick Central.....	42	"
Hillsborough Branch.....	3	"
	96	"

The Committee advise that the requisite authority be granted.

Certified.

(Signed)

W. A. HIMSWORTH,
Clerk, Privy Council.

To the Honorable
The Minister of Public Works.

To the Hon. Alexander Mackenzie, Minister of Public Works of the Dominion of Canada.

The memorial of the Northern Railway of New Brunswick humbly sheweth :— That your memorialists are informed that an Order in Council has been passed by the Dominion Government for the appropriation of a quantity of rails to certain lines of railway therein enumerated, divided *pro rata* according to the length of the respective roads ;

That by this division the proportion coming to your memorialists would be about fifteen miles, leaving a deficiency of ten or twelve miles which it will be necessary for the Company to secure in order to complete their road.

That the Government of this Province has informed your memorialists that they will be prepared to entertain the contract with your memorialists for the construction of this road upon receiving in addition to the guarantees and assurances already given by your memorialists, a promise or guarantee of rails sufficient for the whole road ;

That the proportion of rails already promised your memorialists by the Order in Council above referred to will not enable them to fulfil the conditions imposed upon them by the Local Government. And your memorialists fear that unless they can secure from the Dominion Government a promise of all the rails they require, it will be impossible for them to meet this condition.

Your memorialists are informed and believe that the Local Government has positively refused to subsidize the Central Railway Company and the Miramichi Valley Railway Company (both of which they understood were included in the Order in Council above referred to) and in consequence of this neither of those lines will be built, at any rate not for several years ; and the Dominion Government will therefore not be required to loan them the rails.

Your memorialists would further represent that the County of Kent, cut off as it is entirely from railway communication, receiving little if any benefit from the Intercolonial, stands in an exceptional position, and seems to have special claims upon the Dominion Government for such assistance as they can render towards remedying the wrong done it by the location of that great public work.

Your memorialists would further state that the line of railway to be laid by your memorialists, would undoubtedly prove the most valuable feeder to the Intercolonial which that road could receive in this Province, and in the opinion of your memorialists, it presents the only mode in which this country can be in part recompensed for the improper location of the Intercolonial.

That the location survey of the proposed branch has been completed and a large amount of work already done on this road, the whole of which will be entirely lost the Company unless they can by securing the balance of the rails place themselves in a position to have the contract executed by the Local Government.

Your memorialists would therefore, in view of these facts, most earnestly and respectfully solicit from the Dominion Government a promise of the loan of the rails sufficient for their whole road.

And as in duty bound will ever pray.

On behalf of the Northern Railway Company

(Signed) ALEX. GIRVEN,
President Northern Railway Company.

" L. D. PHINNEY,
Sec. Northern Railway Co.

Richibucto, 9th June, 1876.

—————
RICHIBUCTO, 13th June, 1876.

I beg to recommend the prayer of this memorial to the most favourable consideration of the Honorable Mr. Mackenzie.

(Signed) GEORGE McLEOD.

—————
OTTAWA, 24th June, 1876.

SIR,—I am directed by the Minister of Public Works to inform you, in reply to your memorial of the 9th instant, that all the rails which the Government expect to have at their disposal have already been promised to various railway companies, and that it is quite impossible that any further grant can be made to your company.

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

(Signed) F. BRAUN,
Secretary.

ALEX. GIRVEN, Esq., President,
Northern Railway Company of New Brunswick,
Richibucto, N.B.

—————
RICHIBUCTO, N.B., 9th October, 1876.

SIR,—At a meeting of the Board of Directors of the Northern Railway Company of New Brunswick held this day, I was directed to forward you the following resolution unanimously adopted thereat, and respectfully request your kind attention thereto.

Whereas the most favourable season of the year for completing the location survey of the Richibucto Branch Railway is rapidly passing away;

And whereas the Board has every reason to believe that, upon the production of a guarantee of the balance of the rails required for the road from the Premier of the Dominion Government, the Local Government would at once enter into the necessary contract to enable the contractor to proceed with the work of construction;

And, whereas it is desirable to renew negotiations with the Hon. Mr. Mackenzie on the subject of the rails;

Therefore *Resolved*,—That a copy of this resolution be forwarded to the Premier of the Dominion, requesting his earliest attention to, and most favourable consideration of, the matter.

And that a copy of the same be forwarded to George McLeod, Esq., on representation, with the request that he give to our interests (which are the true interests of the whole county), his earnest and active advocacy, and place himself in communication with the Premier and use his influence to obtain from him that measure of assistance which upon every principle of justice and fair play the people of Kent are unquestionably entitled to.

I have the honour to be,
Your obedient servant,

(Signed) L. D. PHINNEY,
Secretary, Northern Railway Co.

RAILWAY DEPARTMENT,
MONCTON, N.B., 27th November, 1876.

SIR,—I beg to report that application has been made by the Steel Company of Canada (Limited) at Londonderry, in Nova Scotia, to be placed on the same footing as other branches in regard to rails supplied to them.

The Steel Company of Canada have erected very large works, which will produce a very considerable traffic to the railway, and they have received altogether rails of the value of about \$11,500. They have paid on account the sum of \$2,000, and the balance still due for rails supplied to them, amounts to the sum of \$9,525.50. They make application that they may be placed on the same footing as other branches which have had rails from us in consideration of their being feeders to the traffic of the railway. I beg to recommend that their application be granted, and I be authorised to place the sum of \$9,525.50 against the Canada Steel Company as a loan for old rails.

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

(Signed) C. J. BRYDGES,
General Superintendent Government Railways.

F. BRAUN, Esq., Secretary,
Public Works Department.

R E T U R N

To an ORDER of The HOUSE OF COMMONS, dated 2nd April, 1877.—For all letters, telegrams, accounts and other papers which have passed between Robert Moffatt, of Dalhousie, N. B., and the Government of the Dominion, or any of its members or officers, in respect to the transport of cargoes of rails and other railway materials from the vessels *Colonist*, *Bessie Parker*, and *Stabstadt*, which vessels arrived at the Port of Dalhousie in the summer of 1875; also communications with the masters of said vessels in reference to said materials, and more especially the communications between Mr. Peter Grant, District Engineer of the Intercolonial Railway, and the said Robert Moffatt;—Also, copies of the charter parties under which the said vessels carried such cargoes;—also, copies of all contracts or agreements for the transport and delivery of the cargoes of said vessels from the port of delivery at Dalhousie to Campbellton.

By Command

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 17th April, 1877.

BIC, April 12th, 1875.

DEAR SIR,—In accordance with our verbal offer to you at Ottawa, we are prepared to land all railroad iron arriving at Restigouche, N. B., at the following rates:—

Receiving from ship at Dalhousie, scowing to Campbellton	\$2 00
and unloading, per ton.....	
* * * * *	

To be received from the ship's rail.

Yours, &c., &c.,
(Signed) JOHN J. McDONALD.

St. JOHN, 19th April, 1875.

DEAR SIR,—Your offer as contractors of the tracklaying and ballasting on the demurrage Intercolonial Railway between Millstream and Section 16, to take delivery of all railway iron arriving at Restigouche, N.B., from the ship's rail, at the figures therein named, is accepted, it being an indispensable condition that you accept all liability for damage and other expenses after the ship arrives in port. I purpose being in Campbellton in about three weeks, by which time I hope to find the country in a condition for your operations.

I am,

Yours truly,

(Signed) COLLINGWOOD SCHRIEBER.

JOHN J. McDONALD & Co.,
Bic, Que.

—
(Telegram.)

DALHOUSIE, May 31st, 1875.

To PETER GRANT :

Barque "Colonist" with rails, &c., arrived and ready to discharge. Answer.

(Signed) D. LESLIE,
Master.

—
(Telegram.)

DALHOUSIE, 2nd June, 1875.

To PETER GRANT, C.E. :

Mr. Moffatt wants to know what he has done wrong in connection with taking iron to Campbellton last year, that the contract for doing so should be let to another. This year he made no preparation for doing so, but can. At same time wants to be aware of his fault before doing so.

(Signed) ROBT. MOFFATT.

—
(Telegram.)

June 2nd, 1875.

To ROBERT MOFFATT,
Dalhousie :

Please send scows to "Colonist" and Mr. Stevenson will pay you. Understood from McDonald that he had arranged with you about scows.

(Signed) PETER GRANT.

—
(Telegram.)

DALHOUSIE, 3rd June, 1875.

To C. SCHRIEBER :

Barque "Colonist" with rails here ready to discharge since Monday morning. Who is to receive them from ship, as up to present no preparation has been made by parties rumoured as having contract to do so? Captain complaining bitterly. Ship consigned to me; must do something shortly. I will land all iron here and Campbellton as cheap as anyone. Will I do so?

(Signed) GEO. MOFFATT.

(Telegram.)

8th June, 1875.

To ROBERT MOFFATT,
Dalhousie.

More ships with iron leaving Shediac; is the difficulty about scows ended?
Please reply.

(Signed) PETER GRANT.

(Telegram.)

DALHOUSIE, 8th June, 1875.

To PETER GRANT :

Do not anticipate any difficulty.

(Signed) R. MOFFATT.

(Telegram.)

DALHOUSIE, 9th June, 1875.

To PETER GRANT :

Yes; I can get one.

(Signed) R. MOFFATT.

DALHOUSIE, 14th June, 1875.

DEAR SIR,—Enclosed please find bill for detention, &c., barque "Colonist," as per charter party, and shall thank you to forward to the proper parties for adjustment and payment.

Your obedient servant,

(Signed) DAVID LESLIE,
Master, Barque "Colonist."

" ROBERT MOFFATT.

PETER GRANT, Esq.

(Telegram.)

DALHOUSIE, 16th June, 1875.

To P. GRANT :

"Bessie Parker" with rails arrived this morning.

(Signed) GEO. MOFFATT.

(Telegram.)

16th June, 1875.

To R. MOFFATT,
Dalhousie :

If Reily is not done tallying ["Colonist," will you kindly employ another man for "Bessie Parker."]

(Signed) PETER GRANT.

(Telegram.)

DALHOUSIE, 30th June, 1876.

To PETER GRANT:

"Stabstadt" arrived.

(Signed) R. MOFFATT.

Received from Barque "Colonist" (Captain Leslie) in good order and condition, rails and fish plates, as per bill of lading.

1st July, 1875.

A receipt, as the above will, as signed by you as Engineer in charge of construction.—"Annabella" is in. Will send your things, as soon as landed, to Campbellton.

(Signed) R. MOFFATT.

P. GRANT, Esq.,—

DALHOUSIE, 9th July, 1875.

DEAR SIR,—I enclose you the account for removing iron to Campbellton, which you will please certify to same and Mr. Stevenson will pay.

Yours truly,
(Signed) ROBERT MOFFATT.

As Mr. Stevenson is giving up, please get the amount or cheque and give him a receipt in my name for same, for me.

Yours,
(Signed) R. M.

P. GRANT, Esq.

DALHOUSIE, 10th July, 1875.

INTERCOLONIAL RAILWAY,
To R. MOFFATT.

901 fish plates and fish rails to Campbellton (Colonist)	\$1,802 00
47½ days' labour, receiving.....	71 25
10 days, man tallying.....	20 00
848 tons rails and fish plates to Campbellton (B.Parker)	1,696 00
55½ days' labour, receiving.....	83 25
13½ days, tallying man	27 50
38 tons bolts, per steamer to Campbellton.....	95 00
	\$3,795 00

The Tally-man's time is correct, \$47.50.

Those bolts lay in Dalhousie all winter and J. R. McDonnell ordered them to be taken to Campbellton.

(Signed) PETER GRANT.

DALHOUSIE, 10th July, 1875.

DEPARTMENT OF PUBLIC WORKS, DOMINION OF CANADA,
To T. R. MOFFATT—*Dr.*

901 tons rails and fish plates to Campbellton (Colonist)	\$1,802 00
47½ days' labour, receiving..... do	71 25
10 days, man tallying..... do	20 00
848 tons rails and fish plates (Bessie Parker).....	1,696 00
55½ days' labour receiving.....	83 25
13¾ days, tallying.....	27 50
	\$3,700 00

(Telegram.)

DALHOUSIE, July 30th, 1875.

To PETER GRANT :

Two thousand rails, seven hundred fish plates. No bolts here.

(Signed) R. MOFFATT.

30th July, 1875.

DEAR SIR,—The barque "Stabstadt" arrived to-day with rails, and find that she was to discharge here and not Campbellton as I expected, as in signing bills of lading, the captain took the freight of 12s. 6d. per ton instead of the high one at 13s. 6d., and discharge at Campbellton. I have entered the ship and will start discharging to-morrow morning, unless some other arrangements are made; hope that it is all right.

* * * * *

I am in hopes that all will be right; do you think the whole thing as arranged will suit? I feel anxious, but at the same time the best that could be was done, and hope that it will meet with your approval.

Yours truly,
(Signed) ROBERT MOFFATT.

P. GRANT, Esq.

RIMOUSKI, 5th August, 1875.

MY DEAR SIR,—

* * * * *

The McDonald-Moffatt matter I cannot yet understand, although I have spoken to both the parties.

Yours truly,
(Signed) WM. H. STEVENSON,

COLLINGWOOD SCHRIEBER, Esq.,
St. John, N.B.

St. JOHN, 1st December, 1875.

DEAR SIR,—I have examined your account for discharging rails, etc. from the barque "Margaret" (which I now return). I can but feel that you are attempting to pass off a practical joke upon me, and I may state I do not appreciate joking in matters of business, especially when it concerns the business of the Department of Public Works. I must ask you, therefore, to render a fair and reasonable account for the service performed, and it shall have my best attention.

Yours truly,
(Signed) COLLINGWOOD SCHRIEBER.

ROBERT MOFFATT, Esq.,
Dalhousie.

DALHOUSIE, 3rd December, 1875.

DEAR SIR,—Yours of the 1st to hand, and I think that the joke, if any, must be on the other side, as, at the request of Mr. Grant, I received all the rails, etc.

"Colonist," "Bessie Parker" and "Stabstadt" to Campbellton and as yet have not received one cent for work done, notwithstanding that the bill has been long rendered, and I hold Mr. Grant's telegrams saying, when asking me to bring the rails to Campbellton that the bill would be paid, and I shall feel obliged if you will let me know who will pay it and when. The bill for landing and reshipping cargo "Margaret," may to you appear high, but you must bear in mind that a cargo of rails cannot be handled so often without cost, and also the disadvantages to work against, not being prepared to do so.

The bill for demurrage of "Colonist" also remains unpaid. Hoping you will give it all your consideration, when I am confident that you will find that work done in June should be paid for before this.

Your obedient servant,
(Signed) ROBERT MOFFATT.

C. SCHRIEBER, Esq.

SAINT JOHN, 18th December, 1875.

DEAR SIR,—I have to acknowledge the receipt of your letter of the 3rd instant. In reply, I desire to say I am not aware that the Department of Public Works is indebted to you for any service excepting the discharging of the cargo of the ship "Margaret," at Dalhousie, and re-shipping the rails on board schooners for Pictou, a fair and reasonable charge for which, as I stated in my last letter, will receive attention. With respect to the discharging and towing of the cargoes of the "Colonist" and others, from Dalhousie to Campbellton, for the contractor (Henry John J. McDonald), you must look to him for payment. In my presence, in the Intercolonial Railway office in Campbellton, he told you he was ready at any moment to settle with you for the work. With regard to the office rent you claim I know nothing, &c.

I am,
Yours truly,
(Signed) COLLINGWOOD SCHRIEBER.

ROBERT MOFFATT, Esq.,
Dalhousie.

11th February, 1876.

What is your charge for tallying cargo of ship "Stabstadt"? Please answer.

(Signed) COLLINGWOOD SCHRIEBER.

ROBERT MOFFATT, Esq.,
Dalhousie,

(Telegram.)

To C. SCHRIEBER.

DALHOUSIE, 11th, 1876.

Amount of bill rendered is the amount due.

(Signed) R. MOFFATT.

DALHOUSIE, 1st May, 1876.

DEAR SIR,—Yours of the 17th inst. to hand and contents noted. I still say that no arrangement or misunderstanding existed between McDonald and the undersigned; besides, if I had been ever so willing the barges were high and dry in the beach, and could not be got off for days after ship arrived, besides the ice was still on the beach; and even if there had been a misunderstanding that should not affect the ship; besides, she was consigned to the Intercolonial Railway Company with a cargo of steel rails, &c. I having nothing to do with this until she was ready to load lumber, the cargo delivered.

With the other ships ("Colonist" and "Margaret" excepted) I had to pay the freight, when captain handed me a receipt from parties receiving cargoes that all was properly delivered. These two ships' freight was paid in England.

I still must say that I don't see why ships should not be paid for detention, and the fact is, if settlement had not been effected the claim was good for more days than $3\frac{1}{2}$ C 12—£42 sterling, and I must say I never anticipated any demur about the payment of it, as charter said ships had been in cargo for demurrage, and if I had not settled it the captain could, and would have detained cargo for amount until it was paid, and trust that you will order cheque to be sent for amount, as I have no right to lose anything by it.

Besides the Intercolonial Railway Company have not as yet sent any person to remove that cargo, with any authority to the captain to deliver it to them; and it was through the interest I took in landing the rails, &c., and forwarding them that they were delivered as soon as they were. At one thought you will see the irregularity of the whole thing, and that the captain and all others acted in good faith, as up to the present time no person has presented himself with that authority that would compel the captain to give him the cargo even on payment of freight, demurrage, &c., as by and under the charter party if he felt so inclined, and again trust that payment of the bill is all right, and if it had not been for Mr. Grant I would never have thought of doing anything with cargo or ship until such time as captain called upon me for his return cargo, and that when rails, &c., had been all discharged.

Yours truly,

(Signed) GEORGE MOFFATT.

Per ROBT. MOFFATT.

C. J. BRYDGES, Esq.,
Montreal.

DALHOUSIE, 25th July, 1876.

SIR,—In June, July and August, 1875, I, at the request of Peter Grant, C.E., took the cargoes of rails, &c., brought from England by the following ships, viz.: the "Colonist," "Bessie Parker" and "Stabstadt," from here to Campbellton, amounting to \$4,728.25. Out of this sum I have been paid \$47.50, a sum I paid men for taking account of cargoes, also at the request of Mr. Grant, as he had work of more importance for a Mr. J. J. McDonald to do.

The balance, \$4,670.75, remains unpaid to me, the reason given is that J. J. McDonald & Co. have a contract for removing iron to Campbellton.

I understand that he had engaged to do so, but I refused to do any part of it for him. Hence Mr. Grant, as Government agent, asking me to do it to prevent demurrage on the part of the ships and delay in track-laying on the I. C. R. I have endeavoured to get paid but cannot, as the authority of Mr. Grant appeared to be repudiated as far as the large amount is concerned, yet acknowledged when it is to employ and pay a tallyman.

I am not in a position to remain out of this sum, but cannot get it, though I am informed that J. J. McDonald is paid for it; and, as I did not do the work for him, but for the Government, I cannot well enforce payment, besides, he mixes the matter up with a third party, and matters I know nothing about.

Nor yet can I see the justice of paying Mr. McDonald for work he did not do; besides, all instructed immediately with the carrying of the rails know that I did the work and not McDonald, and feel assured that some undue influence has been used to prevent me being paid, and hope you will cause an investigation into the affairs and see that justice is done.

Mr. Grant is in Ottawa, and should be possessed of and able to furnish all the telegrams; if not, I can furnish them, to show that I did it at his request and for him as Government agent.

Besides all this, my charge is based upon 2240 lb to the ton, while I am informed that McDonald was paid a bill based upon 2,000 lb to the ton. I do not remember just now who my authority was for this statement, but will do so; however, the bill will show.

I trust that you will cause the investigation, and feel confident that I can show you that I did the work in the way above, and that I have only been paid the sum of \$47.50 out of the whole.

Your humble and obedient servant,

(Signed) ROBERT MOFFATT.

Hon. A. MACKENZIE,

Minister of Public Works.

DALHOUSIE, 28th Sept., 1876.

DEAR SIR,—Some time since I laid before you a statement of my claim against Department for moving steel rails, &c., from here to Campbellton for use on Inter-colonial in 1875, as yet I have not had any information as to when I will be paid.

It is a long time since the work was done and the amount became due. The amount being an object of importance, I shall esteem it a great favour if you will let me know what is being done about it and when I am to be paid.

Your obedient servant,

(Signed) ROBERT MOFFATT.

F. BRAUN, Esq.

DALHOUSIE, 21st October, 1876.

SIR,—Yours of the 18th, No. 7098, to hand and contents noted. I must say your decision as regards my claim seems strange, I did the work at the request of Mr. Peter Grant, C.E., Metapedia, a representative of the Government work, under a promise of payment from him, the amount to be paid by Government paymaster when work was done, and all this after I had refused to do it for J. J. McDonald. As yet I have not got one cent for work done, nor has any one for me, and still must

say I think my claim against the Department is a just one, as I did the work and have not been paid; the amount is too much for me to lose, or give for nothing to even J. J. McDonald, and must think that your decision has been arrived at from one side of the story only being told you, as it is no reason why I am going to work for nothing because some persons have made a mistake in paying the wrong person.

Your obedient servant,
(Signed) ROBERT MOFFATT.

The Hon. Minister of Public Works,
Ottawa.

MONTREAL, 1st February, 1876.

DEAR SIR,—I send you a bundle of papers about that old account of Moffat's which he appears to have sent to Mr. Burpee.

Be good enough to let me know anything you have to say upon the subject.

Yours truly,
(Signed) C. J. BRYDGES.

C. SCHREIBER, Esq.,
I. C. Ry., St John, N.B.

DALHOUSIE, 6th January, 1876.

SIR,—I hope you will excuse my laying the enclosed account before you, and requesting you to enquire the cause of it not being paid to me. I do not do so myself but at the suggestion of mutual friends in St. John, therefore hope you will excuse the liberty.

I, at the request of Peter Grant, C.E., Metapedia, transported all the rails for Intercolonial Railway, landed here, to Campbellton, except what came by barque "Margaret." Those, I, at Grant's request, and orders of Mr. Schrieber, landed here and re-shipped to Pictou, I paying people to and passage of all as laid in and shipped, and as yet have not got one cent payment, but heard to-day that J. J. McDonald & Co. have been paid some time ago, but from no one of authority can I get any information as to when I will be paid, and by whom. J. J. McDonald told me last May that he had taken the contract to transport all rails landed here to Campbellton, and wanted me to join him in doing so. I refused to have anything to do with it in connection with him, saying as he had taken the contract, to fulfil it, but he would get no scows or steamers from me. He told a long story that he expected in taking contract that I would do a portion of the work and he would pay for it. I refused. The barque "Colonist," then ready to discharge, and detained, until her demurrage amounts to £47 10s. stg., which is not paid yet. Mr. Grant then seeing that Mr. McDonald could not do it, asked me to bring rails to Campbellton, which I did, he and all connected with the railway knowing I did so. Yet I cannot get paid, and hope you will be kind enough to enquire why.

Besides the enclosed, I have been of service to all, or nearly all, placed in charge of the railway ever since the first survey, receiving and taking care of valuable parcels of money, &c., forwarding material, &c. landed here from steamers, and chartering vessels, &c., at cost to myself and my son. For doing as I did for these in charge, I do not even get "thank you," but find, that if obstacles are not thrown in the way of my getting my own paid to me, a desire not to give me the information that should be mine—yes or no!

Mr. Marcus Smith or Mr. Peter Grant, or any of the engineers, are in a position to corroborate my statements as to services rendered, as well as Mr. Stevenson (paymaster.)

From the way I have been treated (by whom I know not), it has placed me in a false position with many; the amount due, and impossible to get any information about it, and bills to pay.

For the transportation of iron, &c., I feel I have been badly used.

For these services rendered to the Government and its employees I do not feel, as, although I knew that others were paid thousands of dollars for as little as I did, and perhaps less, I never asked for it, although was told to keep account of any commissions in charters made or expenses incurred, and I would be paid, but never presented a bill.

Trusting that you will excuse my troubling you about this matter, but friends advised me to lay the whole matter before you and you would see justice done.

Your humble servant,

(Signed) ROBERT MOFFATT.

I send you a few of the telegrams that I had by me bearing on the matter, and would, and can, if required, send you whole, only I have been confined to the house with sickness in the past three weeks, but think that those sent will show you that I was expected to do, and did the work.

Your humble servant,

(Signed) R. MOFFATT.

Hon. I. BURPEE.

DALHOUSIE, 6th January, 1876.

INTERCOLONIAL RAILWAY,
To R. MOFFATT.

June.—To transporting bolts to steamers.....	\$ 95 00
“ Cargo rails, &c., barque “Colonist.”.....	1,373 23
“ “ “ barque “Bessie Parker.”....	1,806 75
Aug. 12. “ “ barque “Stabstadt.”.....	908 25
Oct. 16.—Landing and re-shipping cargo Barque “Margaret” This cargo shipped to Pictou by schooners, and to Campbellton by steamers..	1,169 40
	<u>\$5,852 65</u>

The above includes the amount paid to men taking account of cargoes as landed and shipped, together with all lighterage, wharfage, &c.

(Signed) ROBT. MOFFATT.

OTTAWA, 10th February, 1876.

DEAR SIR,—In reply to your letter of the 1st instant, I desire to say, that my reasons for not certifying to Mr. Robert Moffatt's bill, as rendered for unloading and transporting rails, &c., amounting to \$5,872.65, are that the following charges \$1,802.00, \$71.25, \$1,696.00, \$83.25, \$808.00 and \$80.25 of the charge of \$100.25, in all \$4,540.75 are for services covered by Messrs. John J. McDonald & Co's contract, and that in my opinion the charges of \$708.00, \$345.00 and \$22.50 are most unreasonable.

The charges of \$20.00 and \$27.50 for tallying the cargoes of the "Colonist" and "Bessie Parker" have been certified and, I think, paid, and the following charges I believe to be correct, \$20.25, \$18.00 and \$28.00 for tallying, \$95.00 for steamer freight, \$35.40 for wharfage, and \$12.50 for chartering the "St. Herbert."

Attached hereto will be found a copy of the account.

I am, yours truly,

(Signed) COLLINGWOOD SCHRIEBER.

C. J. BRYDGES, Montreal.

Copy of Mr. Robert Moffatt's accounts rendered in connection with the discharging &c. of rails.

INTERCOLONIAL RAILWAY.

To R. MOFFATT—*Dr.*

To 901 tons rails and fish plates to Campbellton.....	\$1,802 00
" 47½ days' labour receiving.....	71 25
" 10 days' man's tallying "Colonist".....	20 00
" 848 tons rails and fish-plates to Campbellton.....	1,696 00
" 55½ days' labour receiving.....	83 25
" 18¼ days' man's tallying "Bessie Parker".....	27 50
" 38 tons bolts per steamer to Campbellton	95 00
" 414 tons rails and fish bolts to Campbellton.....	808 00
" Receiving and tallying "Stabstadt".....	100 25
" 354 tons rails and fish bolts landed at Dalhousie...	708 00
" 9 days' man's tallying "Margaret".....	18 00
" Wharfage.....	35 50
" Scowing and hauling iron to schooner.....	345 00
" M. McNeil's tallying 14 days.....	28 00
" Chartering schooner "St. Herbert".....	12 50
" 9 tons rails to Campbellton, reshipping cargo "Margaret".....	22.50
	<hr/>
	\$5,872.65

(Telegram.)

DALHOUSIE, 11th February, 1876.

To ROBERT MOFFATT:

What is your charge tallying cargo of "Stabstadt." Please answer.

(Signed) COLLINGWOOD SCHRIEBER

(Telegram.)

OTTAWA, 11th February, 1876.

By Telegraph from Dalhousie, N.B.,

To C. SCHRIEBER.

Amount of bill rendered is the amount due.

R. MOFFATT.

RESTIGOUCHE, 22nd March, 1877.

SIR,—I beg again to bring to your notice the amount of my account now enclosed against you, \$5,766.67, for the transport of rails from Dalhousie to Campbellton, the cargoes of ships "Colonist," "Bessie Parker" and "Stabstadt"; also for money paid and service performed in connection therewith, and have to ask that you enquire fully into the matter, when I trust you will pay me without further delay.

The facts are as follows:—In April, 1875, I was applied to by J. J. McDonald to see if I would transport several cargoes of rails from Dalhousie to Campbellton, which were expected to arrive for the Government of Canada, for the use of the Intercolonial Railroad, for which he informed me that he had, or was about closing a contract with Mr. Collingwood Schrieber, Engineer in charge of the road. I refused to have anything to do with McDonald, and as he could not get any one else to engage to do the work he informed me that he would give it up, as he had neither scows or tug boats to do the work with. Then the matter ended with McDonald and myself.

About the end of May the barque "Colonist," with a cargo of rails, arrived, Captain Leslie in charge of said vessel, who immediately telegraphed to Mr. C. J. Brydges for instructions, but got no reply, as he informed me. He then telegraphed to Mr. Schrieber, but to this he also informed me that he got no reply. He then, as follows, under date of 31st May, 1875, telegraphed to Peter Grant, Divisional Engineer on the Metapedia District, where the rails were to be used.

Barque 'Colonist' with rails arrived and ready to discharge.

(Signed) LESLIE.

To which he received the following reply:—

To Captain Leslie:

D. D. McDonald will be down to receive the cargo.

(Signed) P. GRANT.

On the 1st June, 1875, the captain again telegraphed as follows:—

P. GRANT,—The barque 'Colonist' has been detained one day, and no person here to receive cargo yet; please let me know who has to do so.

(Signed) LESLIE.

The captain again telegraphs:

Barque "Colonist" one day and being second delayed, no lighters yet.

To Captain LESLIE:

I did not lose an hour on receipt of your telegram, I ought to get 24 hours to prepare; all is now ready for landing.

(Signed) P. GRANT.

McDonald again came to me to get me to transport the rails, offering to pay me. I told him that I would have nothing to do with him, but if the Government wished me I would do the work, but I would not do it for him. McDonald then went to Grant, some 40 miles, telling me that he would give up the contract as he had no means of performing it.

McDonald again telegraphs me from Grant's as follows:—

In your message to Grant put in scows to-day; will be in Dalhousie to-night if not arranged satisfactorily; will not ask you to put in scows to-morrow, satisfied when you hear my explanation about taking contract you will be satisfied; at any cost put in scows for me.

(Signed) J. J. McDONALD.

I still refused to put in scows or have anything to do with McDonald, and informed Grant to that effect, and that I had made no preparation for doing the work.

On the 3rd June I received the following telegram from Mr. Grant:—

Please send scows to "Colonist" and Mr. Stevenson will pay you. Understood from McDonald that he had arranged with you about scows.

(Signed) P. GRANT.

On receipt of the last telegram I at once put in the necessary scows to remove cargo and perform the work, as I also did on arrival of "Bessie Parker" and "Stabstadt," two other vessels loaded with railroad iron and supplies. I delivered these cargoes at Campbellton, a distance of some sixteen miles, at the same price as you paid the year previous, and up to this time I have not received payment therefor.

If it had not been for my undertaking the work you could not of had it done at all without great delay, and much greater cost and expense, as there were no other scows or tugs in the port but which I controlled, and those I required for my own business, and attended to this transportation of iron at great inconvenience to my other business.

You have hitherto declined to pay me, on the ground that you had a contract with McDonald to do this work; with this I contend I have no connection. McDonald did not do the work, and could not do it, as he had no lighters to do it with. I refused to have anything to do with McDonald, and would not move in the matter until the receipt of telegraph from Grant on 2nd June. I performed the work for the Government and not for McDonald, as the above facts clearly show. I therefore cannot see how, with so clear a case, you can, with reason or justice, still refuse to pay.

The items paid to wages to men on lighters respecting the iron are the same as charged before and paid the year previous, and was done in your interest and for the benefit of said rails. The demurrage paid was due the said ship "Colonist" as per charter party bound the Government to pay said ship at the rate of £12 per day. I got master of said ship to consent to take £42 in full, equal to 3½ days, in place of £60 on demurrage for five days. Yet I am kept out of my money most unjustly.

It seems to me you are treating me most unfairly, and were it a transaction as between private individuals I would quickly enforce it in a Court of law.

I can scarcely imagine that you can of understood the case or you would not, I think, have treated me so unfairly, and I have now again to ask you to give my claim a fair consideration.

Your obedient servant,

(Signed) R. MOFFATT.

DALHOUSIE, N.B.

ENGINEER'S OFFICE,
OTTAWA, 12th April, 1877.

DEAR SIR,—My explanation of the matter of the taking, delivery, tonnage and unloading, &c., of the steel rails at Dalhousie in the summer of 1875 from the ships "Colonist," "Bessie Parker" and "Stabstadt," is as follows. In the winter of 1874-5 Mr. Stevenson informed me that Mr. Moffatt was very anxious to arrange for this service, and I, under authority, instructed Mr. Stevenson to get an offer from him. Subsequently Mr. Stevenson informed me that Mr. Moffatt agreed to do the work if the question of price was left open; such an arrangement not being accepted, the matter dropped for a time, but during the Session of 1875 Mr. Moffatt, accompanied by Mr. Stevenson, called upon me at my office with the view of arranging matters. Mr. Moffatt urged that, having performed the service the previous year, he was in a first rate position to undertake it again, that he had his scows, tug-boats, &c., all

ready, and could do the work with dispatch. Mr. Stevenson took the same view, which no doubt was a correct one. I informed Mr. Moffatt that I was authorized to arrange for the service, and that if we could agree upon a price I would close a bargain with him. He, however, would not name a figure, but stated he would do the work for a reasonable sum, which could be settled after the work was done. To this I would not agree, and this ended the matter as far as he was concerned. Later in the season Messrs. John J. McDonald & Co. expressed a desire to do the work, and a contract was subsequently made with them for \$2 per ton, for receiving, taking delivery, handling, towing, unloading and stacking the rails. Mr. Peter Grant was informed of the arrangement. Matters stood in this position when the first vessel, the "Colonist," arrived on the 31st May or 1st June. On the 2nd June Mr. Peter Grant informed me that Mr. Moffatt refused to give scows. I reminded him (Grant) that J. J. McDonald & Co. had the contract for discharging the rails, &c., and told him to see McDonald about it. On the 5th June McDonald informed me that he was discharging, &c., the ship "Colonist," and on the 9th of July he rendered a bill for discharging, &c., the "Colonist" and "Bessie Parker," and requested me to give instructions to the paymaster to pay it. On the 18th July I certified in his favour for these two cargoes. On the 26th July I received an account from Mr. Robert Moffatt (son of Mr. Moffatt) for the same service. I at once appealed to Mr. Grant to know the meaning of it; he explained that he asked Mr. Robert Moffatt to employ a person to tally rails, but knew of no other bill. I applied to Mr. J. J. McDonald for information; he said he could not explain it, and could not understand the meaning of it. Sometime after this I saw Mr. Robert Moffatt at our office in Campbellton when he demanded payment. Mr. J. J. McDonald was present, and then and there stated that he had made an arrangement with him for towing, &c. He admitted owing him a balance upon it which he was prepared to settle, and stated that Mr. Robert Moffatt had nothing whatever to do with the Government. It was on this occasion, I think, that Mr. Grant's telegram to Mr. Robert Moffatt, dated 2nd June, 1875, saying: "Send scows to 'Colonist' and Mr. Stevenson will pay you" was first made known to me. Upon this telegram he (Mr. Moffatt) found his claim. Mr. Grant had no authority to order the scows to the ship, nor to give the assurance that Stevenson would pay; I have seen him since I arrived in Ottawa; he does not seem to be quite clear as to what he meant in sending the telegram, but says that he believes what he intended to convey was that whatever price had been agreed upon between them should be retained from McDonald for Moffatt in settlement, or, in other words, that he would see that the latter did not lose it; even this he had no authority for doing. Messrs. J. J. McDonald & Co. allege that they have paid a large sum to the Messrs. Moffatt for and on account of this service, and that they are prepared to pay the balance due them as agreed. During the sitting of Parliament in 1876 Mr. Moffatt and his son Robert had an interview upon the question with Mr. Brydges, during which I was present, and a few days after that Mr. Moffatt and Mr. McDonald met by appointment at Mr. Brydges' office and discussed the matter very fully with us. The result was (as we believe) that the business was amicably arranged between them, and that McDonald was to settle accounts with the Messrs. Moffatt upon receiving the balance due for this rail service; it was then that the final certificate in favour of Messrs. McDonald & Co. was prepared and the amount ordered to be paid.

I believe I have now given you all the particulars of this transaction as far as they are known to me.

I have the honour to be

Your obedient servant,

(Signed) COLLINGWOOD SCHRIEBER.

F. BRAUN, Esq.,

Secretary Department of Public Works, Ottawa.

BUCKINGHAM, 16th April, 1877.

DEAR SIR,—I have read your statement *in re* Moffatt's, dated the 12th April, 1877, and fully verify the same as written on the first page and to the fifth line of the second page, both of which I have initialled.

I have no knowledge of the remainder, that business having been taken off my hands.

Yours truly,

(Signed) WM. H. STEVENSON.

COLLINGWOOD SCHRIEBER, Esq.,
Ottawa.

RAILWAY DEPARTMENT,
OTTAWA, 17th April, 1877.

DEAR SIR,—I am duly in receipt of your letter of the 22nd ult., which is simply a repetition of statements previously made by your father when he has been pressing for payment for the same work.

We never contracted with you to do this work, but the contract was made with J. J. McDonald, who employed your father's scows and tugs in doing the work. This whole question was fully discussed with your father last year, when, as I understood, an agreement upon the subject was come to between him and J. J. McDonald, on the strength of which a final certificate was given to McDonald, who has always said that he has paid very nearly in full, and is quite ready to pay the balance due at any time.

Yours truly,

(Signed) C. J. BRYDGES.

R. MOFFATT, Esq.,
Restigouche.

RETURN

To an ADDRESS of the HOUSE OF COMMONS, dated 22nd April, 1872, praying for a statement of "all sums of money charged and received by the Department of Justice, or the Deputy of said Department, or by any officer or clerk thereof, by way of costs on moneys over-due upon Ordnance Land sold under authority, with dates and items, from Confederation to the present time."

By Command.

R. W. SCOTT,

Secretary of State

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 17th April, 1877.

The following sums were charged and received by the Minister of Justice and Attorney-General of Canada pursuant to the terms of a circular letter, in the form hereto appended, sent from the Department of Justice to the respective debtors, no legal proceedings being taken, in which letter the blank for costs was filled up with "\$2.50."

1868.		1869.		1870.	
Date.	Amount.	Date.	Amount.	Date.	Amount.
	\$ cts.		\$ cts.		\$ cts.
				<i>Brought forward...</i>	67 00
February 22.....	2 50	January 8.....	2 50	April 2.....	2 50
do 25.....	2 50	do 12.....	2 50	do 4.....	2 50
do 25.....	2 50	do 20.....	2 50	do 6.....	2 50
do 25.....	2 50	April 5.....	2 50	do 6.....	2 50
do 27.....	2 50	do 30.....	2 50	do 6.....	2 50
do 27.....	2 50	May 7.....	2 50	do 7.....	2 50
do 29.....	2 50	do 14.....	2 50	do 12.....	2 50
March 3.....	2 50	June 14.....	2 50	do 25.....	1 25
do 6.....	2 50			do 25.....	2 50
do 6.....	2 50		20 00	do 26.....	2 50
do 10.....	2 50			do 30.....	2 50
do 10.....	2 50			do 30.....	2 50
do 16.....	2 50			May 2.....	2 50
do 17.....	2 50			do 10.....	2 50
do 19.....	2 50	1870.		do 11.....	2 50
April 4.....	2 50	March 18.....	2 50	do 16.....	2 50
do 7.....	2 50	do 19.....	1 25	do 19.....	2 50
do 15.....	2 50	do 19.....	2 50	do 25.....	1 25
do 17.....	2 50	do 19.....	2 50	June 1.....	2 50
do 20.....	2 50	do 20.....	2 50	do 1.....	2 50
do 21.....	2 50	do 21.....	1 25	do 7.....	2 50
do 24.....	2 50	do 21.....	2 50	do 7.....	2 50
do 30.....	2 50	do 21.....	1 25	do 7.....	2 50
May 1.....	2 50	do 21.....	1 25	do 7.....	1 25
do 9.....	2 50	do 21.....	2 50	do 23.....	2 50
do 13.....	2 50	do 21.....	2 50	do 25.....	3 50
do 13.....	2 50	do 22.....	1 00	do 27.....	2 50
do 19.....	2 50	do 22.....	2 00	do 28.....	2 50
do 21.....	2 50	do 22.....	1 25	do 30.....	2 50
do 27.....	2 50	do 22.....	2 50	July 6.....	2 50
June 1.....	2 50	do 22.....	1 25	do 7.....	2 50
do 5.....	2 50	do 22.....	1 25	do 7.....	2 50
do 12.....	2 50	do 22.....	1 00	do 7.....	2 50
do 26.....	2 50	do 23.....	2 50	do 7.....	2 50
July 4.....	2 50	do 23.....	2 50	do 8.....	2 50
do 6.....	2 50	do 23.....	2 50	do 8.....	2 50
do 7.....	2 50	do 24.....	2 50	do 11.....	2 50
do 9.....	2 50	do 24.....	1 25	do 11.....	2 50
do 14.....	2 50	do 24.....	1 25	do 11.....	2 50
do 14.....	2 50	do 24.....	1 25	do 12.....	2 50
do 15.....	2 50	do 26.....	2 50	do 12.....	2 50
do 17.....	2 50	do 26.....	2 50	do 18.....	2 50
do 30.....	2 50	do 28.....	1 25	do 18.....	2 50
do 30.....	2 50	do 28.....	2 50	August 4.....	2 50
August 7.....	2 50	do 29.....	1 25	do 9.....	2 50
do 7.....	2 50	do 30.....	1 25	do 27.....	2 50
do 7.....	2 50	do 30.....	1 25	do 30.....	2 50
November 5.....	2 50	do 31.....	2 50	September 5.....	2 50
do 11.....	2 50	do 31.....	2 50	do 5.....	2 50
	122 50	<i>Carried forward....</i>	67 00	<i>Carried forward....</i>	186 75

The following sums were received by the Minister of Justice and Attorney General of Canada, &c.—*Concluded.*

Date.	Amount.	Date.	Amount.	Date.	Amount.
	\$ cts.		\$ cts.		\$ cts.
<i>Brought forward...</i>	186 75	<i>Brought forward...</i>	32 50	<i>Brought forward...</i>	35 00
September 6.....	2 50	June 27.....	2 50	February 8.....	2 50
do 7.....	2 50	July 8.....	2 50	do 8.....	2 50
do 7.....	2 50	do 14.....	2 50	do 8.....	2 50
do 9.....	2 50	do 31.....	2 50	do 8.....	2 50
do 9.....	3 50	August 14.....	2 50	do 8.....	2 50
do 23.....	2 50	do 14.....	2 50	do 8.....	2 50
do 23.....	2 50	September 25.....	2 50	do 8.....	2 50
October 11.....	2 50	October 2.....	2 50	do 9.....	2 50
do 11.....	2 50	November 15.....	2 50	do 10.....	2 50
do 21.....	2 50	December 12.....	2 50	do 12.....	2 50
November 7.....	2 50	do 12.....	2 50	do 12.....	2 50
December 9.....	2 50	do 21.....	2 50	do 15.....	2 50
do 15.....	2 50	do 21.....	2 50	do 15.....	2 50
do 15.....	2 50			do 16.....	2 50
				do 19.....	2 50
	222 75		65 00	do 19.....	2 50
				do 21.....	2 50
1871.		1872.		do 26.....	2 50
January 3.....	2 50	February 5.....	2 50	March 1.....	2 50
February 21.....	2 50	do 5.....	2 50	do 1.....	2 50
March 8.....	2 50	do 5.....	2 50	do 4.....	2 50
do 17.....	2 50	do 5.....	2 50	do 7.....	2 50
do 28.....	2 50	do 5.....	2 50	do 19.....	2 50
do 30.....	2 50	do 5.....	2 50	do 22.....	2 50
May 6.....	2 50	do 6.....	2 50	do 27.....	2 50
do 17.....	2 50	do 6.....	2 50	do 27.....	2 50
do 17.....	2 50	do 6.....	2 50	April 2.....	2 50
do 22.....	2 50	do 6.....	2 50	do 8.....	2 50
June 1.....	2 50	do 6.....	2 50	do 9.....	2 50
do 5.....	2 50	do 7.....	2 50	do 9.....	2 50
do 27.....	2 50	do 7.....	2 50	do 20.....	2 50
				do 22.....	2 50
<i>Carried forward....</i>	32 50	<i>Carried forward....</i>	35 00	do 22.....	2 50
					115 00

SUMMARY.

	\$ cts.
Total, 1868.....	122 50
do 1869.....	20 00
do 1870.....	222 75
do 1871.....	65 00
do 1872.....	115 00
	<hr/>
	545 25

No sums of money were charged or received by the Deputy of the Minister of Justice, or by any officer or clerk of the Department of Justice, by way of costs on moneys overdue upon Ordnance Lands sold under authority, except officially; and the same were, together with the debts collected, paid into the Bank of Montreal to the credit of the Attorney-General of Canada, who paid the debts collected to the Minister charged with the management of Ordnance Lands and retained the costs.

(Signed) Z. A. LASH,
Deputy Minister of Justice.

DEPARTMENT OF JUSTICE,
OTTAWA, 187

SIR,—I am desired by the Attorney-General of Canada to inform you that he has received instructions to institute proceedings forthwith against you at the instance of the Crown, in the following respect:

For the collection of \$ as Ordnance rent in arrear up to 30th April, 1872
on of Lot side street in the City of Ottawa.

The costs accrued up to this date are \$

I have to request that you will at once arrange the amount of your indebtedness at this office, and thus save the incurring of further costs by you.

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

To

or other occupant of above Lot,
Ottawa.

(No. 164.)

R E T U R N

To an ADDRESS of the SENATE, dated 17th February, 1876;—For all papers and correspondence between the Government of Canada and the Inspector of Customs for the Province of Nova Scotia, or any of the Custom House Officers in the County of Lunenburg in the said Province, or any other Government Officials in relation to the violation of the Deck-load Law, with Government instructions, if any, to its Officers relative to the enforcement of said law.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 17th April, 1877.

(No. 165.)

R E T U R N

To an ADDRESS of the SENATE, dated 4th April, 1876; Copies of all disbursements paid on account of the Prince Edward Island Railway up to January, 1876, together with a statement of the earnings of the road up to that time.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 17th April, 1877.

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

(No. 166.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 28th March, 1877 ;—For a Statement setting forth the total number of Newspapers and other periodicals in each county and city of the Dominion which have paid postage on papers sent from “the office of publication,” with the total revenue raised therefrom, during the past year; the statement to be made in the same form as the one brought down last Session.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 18th April, 1877.

(No. 167.)

RETURN

To an ADDRESS of the HOUSE OF COMMONS, dated 16th April, 1877 ;—For copy of an Order in Council of 5th March, 1877, approving a By-law of the Montreal Harbour Commissioners in reference to the tariff of pilotage between Quebec and Montreal.

By Command.

R. W. SCOTT,
Secretary of State

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 18th April, 1877.

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

(No. 168.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 19th March, 1877;—For a Return of copies of all correspondence in the possession of the Government, regarding the dismissal of the Postmaster of Upper St. Francis, in the County of Madawaska, in the Province of New Brunswick.

By Command.

R. W. SCOTT,
*Secretary of State.*DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 18th April, 1877.

(No. 169.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 28th March, 1877;—For copies of all correspondence, reports, papers and records, respecting the renewal of the contract for the transportation of the mail between Campbellton and Paspébiac, nearly six months before the expiration of the said contract, and without tenders being called for; and also for copies of the contract.

By Command.

R. W. SCOTT,
*Secretary of State.*DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 18th April, 1877.

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

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 7th March, 1877:—For a Return showing—1st. The value of live cattle imported into each Province, between the 1st day of January, 1875, and the 1st day of January, 1877. 2nd. The value of live cattle imported into each Province during the same period, and entered in bond for exportation. 3rd. The value of live cattle exported from each Province during the same period, specifying what portion thereof, related to cattle imported in bond. 4th. The value of meats, fresh or cured, the product of cattle imported and killed in bond, and exported during the same period from each Province. 5th. The total value of meats, fresh or cured, the product of horned cattle exported from each Province during the same period

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 21st April, 1877.

RETURN shewing the Value of Live Cattle and Meats Imported into and Exported from each Province of the Dominion of Canada, between the 1st day of January, 1875, and the 1st day of January, 1877, as ordered by the House of Commons, on the 7th March, 1877.

PROVINCES.	LIVE CATTLE.				MEATS.	
	Imported.		Exported.		Exported.	
	Imported from 1st Jan., 1875, to 1st Jan., 1877.	Imported from 1st Jan., 1875, to 1st Jan., 1877, and Entered in Bond for Exportation.	Produce of Canada, Exported from 1st Jan., 1875, to 1st Jan., 1877.	Foreign Produce, Imported in Bond and Exported from 1st Jan., 1875, to 1st Jan., 1877.	Fresh or Cured, the product of Cattle Imported and Killed in Bond and Exported from 1st Jan., 1875, to 1st Jan., 1877.	The Product of Horned Cattle, Canadian and Foreign, Exported from 1st Jan., 1875, to 1st Jan., 1877.
	Value.	Value.	Value.	Value.	Value.	Value.
	\$	\$	\$	\$	\$	\$
Ontario.....	528,669		866,917		313,166	529,388
Quebec.....	279,838		339,183		258,895	702,127
Nova Scotia.....	11,952		229,413			76,100
New Brunswick.....	1,046		14,306			4,457
*Manitoba.....						
*British Columbia.....						
Prince Edward Island...			9,395			10,629
Total.....	821,505		1,459,214		572,061	1,322,701

*Returns not received up to this date, 14th April.

(Signed)

J. JOHNSON,
Commissioner of Customs.

CUSTOMS DEPARTMENT,
OTTAWA, 14th April, 1877.

(No. 171.)

R E T U R N

To an ORDER of the HOUSE OF COMMONS, dated 16th April, 1877;—For a Statement shewing the amounts paid by the steamer “Chambly,” and the steamer “Cultivateur,” at the St. Our’s Lock, on the River Chambly, during the season of 1875.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 20th April, 1877.

(No. 172.)

R E T U R N

To an ORDER of the HOUSE OF COMMONS, dated 28th March, 1877;—For a Return of all moneys paid for legal services or legal expenses in Prince Edward Island, from 1st January, 1874, to the present time, showing when paid, to whom paid, and for what services.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 21st April, 1877.

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

(No. 173.)

R E T U R N

To an ADDRESS of the HOUSE OF COMMONS, dated 26th March, 1877;—For a Return of copies of all correspondence between the Government and any of their officers or other parties in Nova Scotia, relating to the supply of coal and water for the operation of the Fog Whistle at Cape D'Or, and a Statement of period or periods during which for the past two years that Fog-Whistle has not been in operation, and the reasons therefor.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 20th April, 1877.

(No. 174.)

R E T U R N

To an ORDER of the HOUSE OF COMMONS, dated 2nd April, 1877;—For a Return indicating the names and date of appointment of Harbour Masters at Sorel, St. John's, Three Rivers and Lachine, in the Province of Quebec; and also giving a detailed account of all fees collected by said Harbour Masters, since the 15th of April, 1875, up to this date, under the authority of 38 Victoria, Chapter 30, amending 37 Victoria, Chapter 34, together with the names of the ships on which such fees have been levied in each year, and the names of the masters of those ships.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 20th April, 1877.

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

(No. 175.)

R E T U R N

To an ORDER of the HOUSE OF COMMONS, dated 2nd April, 1877;—For copies of all documents and correspondence in relation to the appointment of a new Postmaster for the Parish of St. Augustin, County of Two Mountains, and to the change in the location of the Post Office of the said Parish, during the year 1875, and until the end of March, 1876.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 24th April, 1877.

(No. 176.)

R E T U R N

To an ORDER of the HOUSE OF COMMONS, dated 2nd April, 1877;—For copies of all correspondence and papers in reference to the dismissal of Mr. Wm. Cornock, from the Postmastership of Erin Village, in the County of Wellington.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 24th April, 1877.

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

(No. 177.)

R E T U R N

To an ORDER of the HOUSE OF COMMONS, dated 5th March, 1877;—For copies of all the correspondence having reference to the change of Mail Conductors on the Kennebec Railway, since the 1st of January, 1875; and also the names of those parties from whom contracts were taken away since that date, before the term for which they held such contract, had expired; and also the names of those parties who took their places.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 24th April, 1877.

(No. 178.)

R E T U R N

To an ADDRESS of the HOUSE OF COMMONS, dated 4th April, 1877;—For copies of all papers and correspondence between the Dominion Government or Department of Marine and Fisheries and the British Government or the British Admiralty, or any of its officers or any party acting for either of the above named authorities, in relation to the transfer of Portage Island, in the Bay of Miramichi, from the jurisdiction of the British Admiralty to the Dominion Government; also, all Reports to the Council from the Department of Marine and Fisheries, in relation to the same subject and Orders of Council thereon.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 19th April, 1877.

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

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 26th March, 1877 ;---For copies of all correspondence between the President or Cashier of the Ontario Bank and the Honorable the Finance Minister or the Finance Department, respecting the Government Deposits in the Ontario Bank, since 1st Nov., 1873, to the present time.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 3rd April, 1877.

OTTAWA, 3rd April, 1877.

SIR,—I enclose a statement of the deposits in the Ontario Bank from 1st November, 1873, to date, in accordance with an address of the House of Commons.

Your obedient servant,

JOHN LANGTON,

Auditor.

The Hon. R. W. SCOTT,

Secretary of State.

STATEMENT of Deposits in Ontario Bank, on 1st day of each month, from 1st November, 1873, to 26th March, 1877.

Date.	Available. — Ontario.	Available. — Prince Arthur's Landing.	Available. — Winnipeg.	At Interest.
1873.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
November	13,739 82			146,416 67
December	15,041 37			146,416 67
1874.				
January	20,182 11			146,416 67
February	40,483 30			146,416 67
March	105,351 19			146,416 67
April	130,246 85			146,416 67
May	148,283 83			146,416 67
June	225,088 70			196,416 67
July	247,597 90			196,416 67
August	271,096 77			196,416 67
September	296,178 99			196,416 67
October	321,452 89			196,416 67
November	319,873 18			196,416 67
December	316,895 58			440,861 11
1875.				
January	351,645 28			440,861 11
February	300,596 35			440,861 11
March	318,449 01			340,861 11
April	310,395 76			340,861 11
May	332,187 49			340,861 11
June	252,327 18	50,000 00	50,000 00	340,861 11
July	277,678 60	50,000 00	50,000 00	340,861 11
August	376,008 10	50,000 00	242,784 94	
September	393,129 01	50,000 00	242,910 92	
October	313,461 19	97,761 20	196,578 14	
November	332,608 20	130,839 34	205,632 44	
December	405,746 17	83,907 46	149,846 75	
1876.				
January	150,596 07	84,101 09	157,435 95	100,000 00
February	182,593 03	84,101 09	52,229 14	100,000 00
March	205,911 51	75,343 02	65,890 85	100,000 00
April	175,148 34	50,164 52	107,959 96	100,000 00
May	194,249 74	50,822 15	91,226 58	50,000 00
June	199,026 05	102,165 20	71,306 75	
July	224,014 16	59,205 77	119,481 32	
August	243,269 39	44,720 54	90,009 83	
September	239,105 82	22,877 74	39,914 77	
October	182,231 97	37,662 47	132,218 44	
November	110,756 16	6,863 17	204,778 78	
December	153,730 37	45,182 97	108,877 56	
1877.				
January	142,085 84	41,443 19	121,897 99	
February	195,136 23	4,832 41	149,398 27	
March	194,136 32	23,209 83	73,283 90	
March 26	157,320 20	15,205 19	118,485 85	

8th July, 1875.

DEAR SIR,—We have already sent cheques and credits on your Bank at Winnipeg for the full amount of the \$20,000 you placed there for us. I must request that you will place another \$50,000 to our credit there, and from the indications I see of coming expenditure, that will very soon have to be increased.

Your obedient servant,

JOHN LANGTON,
Auditor.

D. FISHER, Esq.,
Toronto.

HEAD OFFICE, ONTARIO BANK,
TORONTO, 9th July, 1875.

SIR,—I have the honor to acknowledge the receipt of your letter of the 8th instant, and as requested, have placed another \$50,000 to the credit of the Government at our Winnipeg Branch, charging the same against the open account of our Ottawa office.

I have the honor to be, Sir,

Your obedient servant,
(Signed)

D. FISHER,
General Manager.

JOHN LANGTON, Esq.,
Dominion Auditor, Ottawa.

10th July, 1875.

MY DEAR SIR,—I have seen Mr. Simpson here, and it is arranged that the \$96,416 which I told you in my letter of 17th June, to transfer to cash, part in July and part in August, shall be at once transferred to cash.

Your obedient servant,
(Signed)

JOHN LANGTON,
Auditor.

D. FISHER, Esq.,
Toronto.

12th July, 1875.

MY DEAR SIR,—Do not be alarmed when I tell you that we have already issued cheques and credits which more than use up the second \$50,000. You will, therefore, have to give us a third \$50,000. Under these circumstances, I think you had better transfer at once \$144,444 from interest to ordinary cash, leaving only \$100,000 at interest.

Your obedient servant,
(Signed)

JOHN LANGTON,
Auditor.

D. FISHER, Esq.,
Toronto.

HEAD OFFICE, ONTARIO BANK,
TORONTO, 13th July, 1875.

SIR,—I have the honor to acknowledge receipt of your favors of the 10th and 12th inst. Contents duly noted.

In accordance with your instructions we have transferred to the credit of the Government, with our Winnepeg Agency, another or third \$50,000, and have also transferred \$144,444.44 from interest to ordinary cash at our Ottawa Branch.

Your obedient servant,

(Signed) D. FISHER,
General Manager.

JOHN LANGTON, Esq.,
Dominion Auditor, Ottawa.

23rd July, 1875.

DEAR SIR,—Your bank at Winnepeg has sent down some drafts on account of moneys received there in the same way that the branches in Canada otherwise than at Ottawa do. Please tell them not to send drafts as, in the outlying Provinces, we make the entries from the certificates of deposit which are sent to us weekly. The deposits go to our credit in the Province, but the effect of the drafts, if the entries were made from them, would be to place them to our credit here. I have this day passed a warrant to transfer \$75,000 from our Canadian account to Winnipeg, as the \$150,000 we have already placed there is exhausted.

The expenditure in Winnepeg continues so great that you had better transfer the remaining \$100,000 from investment at interest to ordinary cash.

(Signed) J. LANGTON,
Auditor.

D. FISHER, Esq.,
Toronto.

HEAD OFFICE, ONTARIO BANK,
TORONTO, 26th July, 1875.

DEAR SIR,—I have the honor to acknowledge the receipt of your letter of the 26th inst.

I regret that our manager, at Winnepeg, should have misunderstood the instructions in reference to deposits received at that point. I have written him to-day on the subject.

I note the transfer of \$75,000 from Canadian account to Winnipeg, in addition to the \$150,000 already placed; and I have ordered entries to be made accordingly.

We have also, as requested, transferred the remaining \$100,000 at interest to ordinary cash.

Yours very truly,
(Signed) D. FISHER,
General Manager.

JOHN LANGTON, Esq.,
Dominion Auditor, Ottawa.

HEAD OFFICE, ONTARIO BANK,
TORONTO, 10th August, 1875.

DEAR SIR,—I find that the second deposit of £25,000, repayable in London, was received on the 9th March, and that the six months terminated on the 9th proximo. Will you be so good as to inform me whether this amount must be repaid at that date or at the expiration of thirty days thereafter, according to our understanding of the terms upon which this deposit was taken. I may say that the latter period would suit our convenience best.

In your reply I will thank you to say whether this payment will be made to Baring Bros., or Glyn, Mills & Co. I notice that the amount was received from the latter.

Your obedient servant,
(Signed)

D. FISHER,
General Manager.

JNO. LANGTON, Esq., Auditor,
Ottawa.

11th August, 1875.

MY DEAR SIR,—I do not think that there can be any doubt of the meaning of my letter of February 18th, viz., that the money was to be re-payable in six months, and if not called for then at thirty days' notice. However, as you say that it would be more convenient to you to take the thirty days, I have no objection. Send the exchange to Glyn, Mills & Co.

Your obedient servant,
(Signed)

JOHN LANGTON,
Auditor.

D. FISHER, Esq.,
Toronto.

OTTAWA, 2nd September, 1875.

MY DEAR SIR,—I see that by the last returns from Winnipeg and the credits we have issued, your branch there has only a margin of \$11,000 beyond what we have given authority to pay, I have therefore issued a warrant to enable you to transfer \$50,000 from the head office.

Your obedient servant,
(Signed)

JOHN LANGTON,
Auditor.

D. FISHER, Esq.,
Toronto.

11th September, 1875.

MY DEAR SIR,—We are about to open a large credit with your Bank at Winnipeg, to the amount of \$60,000 for the purchase of provisions. The payments will be spread over some time, but as my arrangement with you is always to place enough there to meet everything we have authorized, I have issued a warrant to place another \$50,000 there; and in order not to reduce your Canadian balance below the stipulated \$300,000, I have issued a warrant in your favor for \$25,000, and have instructed Mr. Assistant Receiver General Ross to pay you \$25,000 in notes on your application.

Your obedient servant,
(Signed) JOHN LANGTON,
Auditor.

D. FISHER, Esq.,
Toronto.

HEAD OFFICE, ONTARIO BANK,
TORONTO, 13th Sept., 1875.

DEAR SIR,—I have the honor to acknowledge the receipt of your valued favor of the 11th inst. Contents duly noted.

We advised our Winnipeg branch of the warrant issued to place another \$50,000 to your credit at that point, and your account at Ottawa will be credited with \$25,000 notes received to-day from the Assistant Receiver General, Mr. Ross.

We thank you for your kind attention in seeing that the stipulated deposit of \$300,000 at Ottawa is kept good.

A further appropriation will be necessary at Prince Arthur's Landing; your account at that point appears overdrawn some \$12,000 or \$15,000.

Yours very truly,
(Signed) D. FISHER,
General Manager.

JNO LANGTON, Esq.,
Dominion Auditor,
Ottawa.

14th September, 1875.

MY DEAR SIR,—By the same mail which brought your letter, in which you state that our account at Prince Arthur's Landing is overdrawn, I have a return from there showing the same thing, very much to my surprise, for the only credits we have given amount to \$17,000, and the main expenditure is for a service for which no credit has been asked. All our hands there are new, and do not yet understand the way of conducting the business. I am putting things right now; but you had better tell your man that he must pay nothing for the future, except he has a credit in favour of the individual who draws the cheque. Another thing should be amended: your agent now sends drafts on Ottawa for all deposits made with him. Such receipts should go to our credit at the local bank, the certificates of deposit being sent on through the local Auditor.

I am issuing a warrant to place another \$50,000 at Prince Arthur's Landing to meet this overdraft.

Your obedient servant,
JOHN LANGTON,
Auditor.

D. FISHER, Esq.,
Toronto.

HEAD OFFICE, ONTARIO BANK,
TORONTO, 15th Sept., 1875.

DEAR SIR,—I have your favour of the 14th inst., by which I regret to learn that there has been some irregularity in connection with the payments at our Agency at Prince Arthur's Landing.

I have, to day, written our agent, telling him to pay nothing for the future except he has a credit in favor of the party who draws the cheque. I also gave him instructions in regard to deposits.

Yours very truly,
(Signed) D. FISHER,
General Manager.

JNO. LANGTON, Esq.,
Dominion Auditor,
Ottawa.

15th September, 1875.

MY DEAR SIR,—I have issued the warrant to transfer \$50,000 to Prince Arthur's Landing, and one for a cheque in your favour, on the Bank of Toronto. Do you want any more notes, or must I give you a cheque on some bank for the other \$25,000? The last \$50,000 at Winnipeg will be some time in being used up, for I have changed the way which had been proposed of paying for the purchases at St. Paul, and, after consultation with Mr. Woodburn, have done it through the Bank of Montreal.

Your obedient servant,
(Signed) JOHN LANGTON,
Auditor.

D. FISHER, Esq.,
Toronto.

HEAD OFFICE, ONTARIO BANK,
TORONTO, 16th September, 1875.

DEAR SIR,—I have the honor to acknowledge receipt of your favour of yesterday advising that you had issued a warrant to transfer \$50,000 to your credit at our agency at Prince Arthur's Landing, and one for a cheque in my favour on the Bank of Toronto, for, I suppose (amount not being stated) \$25,000.

Your order on the Assistant Receiver General here, for the other \$25,000, *in notes*, will be quite satisfactory.

Yours truly,
(Signed) D. FISHER,
General Manager.

JOHN LANGTON, Esq.,
Auditor, Ottawa.

10th September, 1875.

MY DEAR SIR,—We have often to make payments in the North-West at a long distance from Winnipeg, when it would be more convenient for our people to get their money in the United States. With this view, I asked Mr. Simpson, some time ago, if you could make arrangements for our getting funds at Helena, Montana, and he told me that he had done so. A case has now occurred of this kind. We want to remit \$1,500 to J. F. McLeod. Are you in a position to give a draft in his favour, or how shall we proceed? If you can give a draft or otherwise expedite the matter, please do so at once, as there seems to be some hurry about it. As to the difference in currency, as far as he is concerned, it is immaterial, as we only want to place a round sum in his hands, and we can give you a cheque for whatever you have to pay.

Your obedient servant,
(Signed) JOHN LANGTON,
Auditor.

D. FISHER, Esq., Toronto.

HEAD OFFICE, ONTARIO BANK,
TORONTO, 17th September, 1875.

DEAR SIR,—I have your favour of the 16th instant, and in reply beg to say that we have no business arrangement as yet with any bank at Helena, but your correspondent would have no difficulty whatever in getting the money at that point, or any other western point where there is a Bank, on our draft on New York, payable either in American currency or in gold, as you may wish. Mr. can give you the draft at once.

Drafts on New York in any of the Western States are readily taken at *par*; in fact they should be with a premium of $\frac{1}{4}$ to $\frac{1}{2}$ per cent.

Yours truly,
(Signed) D. FISHER,
General Manager.

JNO. LANGTON, Esq.,
Auditor, Ottawa.

24th September, 1875.

DEAR SIR,—I am requested by the Minister of Finance to ask whether you have as yet made the remittance of exchange to England. You will be good enough to send the first to Messrs. Glyn and the second to the Receiver General.

Your obedient servant,
(Signed) JOHN LANGTON,
Auditor.

D. FISHER, Esq.,
Toronto.

HEAD OFFICE, ONTARIO BANK,
TORONTO, 24th September, 1875.

DEAR SIR,—I have the honor to acknowledge receipt of your favour of the 24th instant, and, in reply, beg to say that by next mail we shall instruct our London Agents to pay Messrs. Glyn, Mills, Currie & Co. £25,000 sterling, for the credit of the Receiver General. This is the mode adopted in paying the last £25,000 to Messrs. Baring Bros., and by which no bills of exchange are necessary.

I have the honor to be, Sir,
Your obedient servant,
(Signed) D. FISHER,
General Manager.

JNO. LANGTON, Esq.,
Dominion Auditor,
Ottawa.

28th September, 1875.

MY DEAR SIR,—Expenditure is going on at a great rate at Winnipeg and Prince Arthur's Landing. I must ask you to transfer \$50,000 to each, a warrant for which issues to-day, and I have also issued a warrant to place \$100,000 with your Bank here to meet those transfers.

Your obedient servants,
(Signed) JOHN LANGTON,
Auditor.

D. FISHER, Esq.,
Toronto.

HEAD OFFICE, ONTARIO BANK,
TORONTO, 29th September, 1875.

DEAR SIR,—I have your favour of the 28th inst., and, in accordance with your instructions, have ordered a transfer to be made to the credit of the Government at Winnipeg and Prince Arthur's Landing for \$50,000 each.

Your obedient servant,
(Signed) D. FISHER,
General Manager.

JOHN LANGTON, Esq.,
Dominion Auditor,
Ottawa.

14th October, 1875.

DEAR SIR,—I must request you to transfer another \$50,000 to Winnipeg.

Your obedient servant,
(Signed) JOHN LANGTON,
Auditor.

D. FISHER, Esq.,
Toronto.

P.S.—Since writing the above I have a call at Prince Arthur's Landing, which requires you to transfer another \$50,000 to that Branch also.

JOHN LANGTON.

HEAD OFFICE, ONTARIO BANK,
TORONTO, 15th October, 1875.

SIR,—I have the honor to acknowledge the receipt of your favour of the 24th, desiring that further transfer of \$50,000 each be made at our Branches at Winnipeg and Prince Arthur's Landing—which has had due attention. These transfers may be covered, if more convenient, by a deposit of notes from the Assistant Receiver General here.

Your obedient servant,
(Signed) D. FISHER,
General Manager.

JOHN LANGTON, Esq.,
Dominion Auditor,
Ottawa.

17th December, 1875.

SIR,—I think it desirable to inform you that on January 1st I shall give a cheque on your bank for \$100,000 in favour of the Ontario Government. The Minister of Finance wished me to inform you that \$100,000 of your present balance should be placed at interest. Please inform me if you assent to this.

Your obedient servant,
(Signed) JOHN LANGTON,
Auditor.

D. FISHER, Esq., Toronto.

HEAD OFFICE, ONTARIO BANK,
TORONTO, 20th December, 1875.

SIR,—I have the honor to acknowledge receipt of your letter of the 17th inst., advising that on the first proximo you would order on this bank for \$100,000 in favour of the Ontario Government, and also requesting that \$100,000 of our present balance at current account should be transferred to interest. In reply to which I beg to say that your draft in favour of the Ontario Government on the 1st proximo will be duly honored, and that I have this day instructed our Manager at Ottawa to place \$100,000 of the present balance on interest at 4 per cent.

We will expect, however, that the amount at current account in Ottawa together with the balances at Winnipeg and Prince Arthur's Landing will be kept not less than \$300,000.

Your obedient servant,
(Signed) D. FISHER,
General Manager.

JOHN LANGTON, Esq., Auditor,
Ottawa.

23rd December, 1875.

SIR,—I have issued a warrant to transfer \$100,000 from your ordinary cash to our interest account. But I observe that in your letter of 20th you assume that the interest is to be 4 per cent. Now the invariable rate with all our other investments here is 5 per cent., and I feel sure that the Minister will not assent to this exceptional rate in your case. He will not be back till after Christmas and before [illegible] In any case I propose that the investment shall be at 30 days' notice.

Your obedient servant,
(Signed) JOHN LANGTON,
Auditor.

D. FISHER, Esq.

I will see that the balance with you here and in Winnipeg and Prince Arthur's Landing shall not fall below \$300,000.

(Signed) JOHN LANGTON.

HEAD OFFICE, ONTARIO BANK,
TORONTO 24th December, 1875.

DEAR SIR,—I have the honor to acknowledge receipt of your favour of the 23rd inst., and, in reply, beg to say, that as 4 per cent. was the rate charged us on the deposits during the year, I supposed that the present investment would be the same. If, however, the Finance Minister objects to this, we must, of course, allow the 5 per cent., subject to a 30 days' notice.

Our last return from Winnipeg shows your balance at that point reduced to less than \$20,000.

Your obedient servant,
(Signed) D. FISHER,
General Manager.

JOHN LANGTON, Esq.,
Dominion Auditor,
Ottawa.

January 14th, 1876.

DEAR SIR,—In consequence of the holidays, it was some time before I had an opportunity of consulting Mr. Cartwright about your letter of 24th ultimo, on the subject of your deposit at interest. Our usual terms in Canada are 5 per cent. and 30 days' notice. Mr. Cartwright, however, will assent to its being at 4 per cent., on the understanding that it is to be at call. Although nominally at call, I have no doubt I shall always be able to give you notice beforehand when we may want it.

Your obedient servant,

(Signed)

JOHN LANGTON,

Auditor.

D. FISHER, Esq.,
Toronto.

HEAD OFFICE, ONTARIO BANK,
TORONTO, 17th January, 1876.

DEAR SIR,—I have your favour of the 14th inst., and in reply would say that we accept the deposit referred to on call at 4 per cent., trusting, however, that you will be able to give us some notice beforehand of any withdrawal.

Yours very truly,

(Signed)

D. FISHER,

General Manager.

JOHN LANGTON, Esq.,
Dominion Auditor,
Ottawa.

HEAD OFFICE, ONTARIO BANK,
TORONTO, 10th February, 1876.

DEAR SIR,—By a return from our Winnipeg Office, dated 19th ult., the Government account at that point appears overdrawn, and the amount we now have without interest at all points is much under the stipulated \$390,000.

Yours very truly,

(Signed)

D. FISHER,

General Manager.

JOHN LANGTON, Esq.,
Dominion Auditor,
Ottawa.

8th March, 1876.

SIR,—We have been issuing some fresh credits in Manitoba, and it is desirable that you should transfer \$50,000 from our account here to Winnipeg. A warrant will issue to-morrow to cover the transfer.

Your obedient servant,

(Signed)

JOHN LANGTON,

Auditor.

D. FISHER, Esq.,
Toronto.

HEAD OFFICE, ONTARIO BANK,
TORONTO, 9th March, 1876.

SIR,—I have the honor to acknowledge receipt of your favour of yesterday, advising that you have been issuing fresh credits on Manitoba, and to provide for which you desire a transfer of \$50,000 from our Ottawa to the Winnipeg Branch, which will have our immediate attention.

Yours favorably,
(Signed) D. FISHER,
General Manager.

JOHN LANGTON,
Dominion Auditor Ottawa.

April 4th, 1876.

SIR,—I have given a cheque on your Bank at Winnipeg for \$26,000, odd, in favour of the Local Government. You had better make a further transfer there, and taken say \$50,000 from the interest account.

Your obedient servant,
(Signed) JOHN LANGTON,
Auditor.

D. FISHER, Esq.,
Toronto

HEAD OFFICE, ONTARIO BANK,
TORONTO, 5th April, 1876.

SIR,—I have the honor to acknowledge receipt of your letter of the 4th instant, advising that you had given a cheque on our Winnipeg Branch for \$26,000, odd, in favour of the Local Government, and requesting that a further transfer of \$50,000 be made for Winnipeg, taking it from the amount at interest at Ottawa, and, in reply, would say that I have given necessary instructions to have this done.

Your obedient servant,
(Signed) D. FISHER,
General Manager.

Mr. LANGTON,
Dominion Auditor, Ottawa.

8th May, 1876.

MY DEAR SIR,—I must ask you to transfer \$50,000 to Winnipeg, and \$50,000 to the Landing. You can transfer to ordinary cash the \$150,000 at interest, and I am issuing a warrant to put you further in funds.

Your obedient servant,
(Signed) JOHN LANGTON,
Auditor.

D. FISHER, Esq.,
Toronto.

ONTARIO BANK, TORONTO,
9th May, 1876.

DEAR SIR,—I have your favor of the 8th inst., and in compliance with your request have authorized a transfer of \$50,000 to Winnipeg, and a like sum to Prince Arthur's Landing.

Yours truly,
(Signed) D. FISHER,
General Manager.

JNO. LANGTON, Esq.,
Dominion Auditor, Ottawa.

30th May, 1876.

MY DEAR SIR,—It is desirable to let you know, somewhat in advance, what money we are likely to want in Manitoba and Prince Arthur's Landing. I do not think that I shall have to ask you to place anything more at the Landing till July, and what you have will about cover your expenditure to July, at Winnipeg, or may-be another 20 or \$30,000 may be wanted before then; but, from the 1st July, expenditure will be very heavy.

ITEMS.	
Subsidy	\$45,000
Indians.....	212,000
Lands.....	30,000
Police.....	95,000
Militia	15,000
Pacific	30,000
	\$427,000
At Prince Arthur's Landing.....	40,000

These are by figures. I have not yet had a decided answer from Mr. Cartwright whence I am to supply you with funds, but the transfer to you should be somewhat in advance of July 1st, to enable you to make your preparations for meeting our wants.

Your obedient servant,
(Signed) JOHN LANGTON,
Auditor.

D. FISHER, Esq.,
Toronto.

HEAD OFFICE, ONTARIO BANK,
TORONTO, 31st May, 1876.

DEAR SIR,—I have your favour of yesterday, giving an approximate estimate as to the funds you will require to use at Winnipeg and Prince Arthur's Landing during the season, the necessary transfers for which will receive our prompt attention on being advised thereto.

I notice that you have Pacific Railway only drawn for \$30,000. Surely this is only a fraction of the amount for this service during the season.

Yours very truly,
(Signed) D. FISHER,
General Manager.

JOHN LANGTON, Esq.,
Dominion Auditor,
Ottawa.

HEAD OFFICE, ONTARIO BANK,
TORONTO 1st August, 1876.

DEAR SIR,—Our statement from our Winnipeg Office to the 22nd ult., shows the Government account *overdrawn* for \$53,000, and at Prince Arthur's Landing to same date, a very small balance at credit. We will, therefore, thank you to order transfers to be made to both of these points. A warrant on the Assistant Receiver General here for *Dominion notes* would suit us very well just now.

Yours truly,
(Signed) D. FISHER,
General Manager.

JOHN LANGTON, Esq.,
Dominion Auditor,
Ottawa.

4th August, 1876.

DEAR SIR,—We have very large credits out in Manitoba. Please transfer \$200,000 there and \$25,000 to Prince Arthur's Landing. We do not want to increase our issue of notes, but I have passed a warrant to-day to place \$100,000 in your bank.

Your obedient servant,
(Signed) JOHN LANGTON,
Auditor.

D. FISHER, Esq.,
Toronto.

23rd August, 1876.

MY DEAR SIR,—I have spoken to Mr. Cartwright about your balances. I do not think you can expect the \$30,000 to be maintained as formerly, with all the heavy calls upon us, but I am making arrangements to give you another \$100,000 in a day or two.

Your obedient servant,
(Signed) JOHN LANGTON,
Auditor.

D. FISHER, Esq., Ontario Bank,
Toronto.

25th August, 1876.

MY DEAR SIR,—I have received a letter from the Dominion Land's office, explaining that an error had occurred in a deposit at Winnipeg, and as a check against similar errors the Inspector of Surveys states, that he had asked the Bank to supply the accountant of the office with a pass-book, but that the Bank declined to do so. If this is really so, please instruct your manager to supply a pass-book, as requested.

Your obedient servant,
(Signed) JOHN LANGTON,
Auditor.

D. FISHER, Esq.,
Toronto.

HEAD OFFICE, ONTARIO BANK,

TORONTO, 28th August, 1876.

DEAR SIR,—I beg to acknowledge your valued favours of the 23rd and 25th instant, the former on the subject of deposit balances and advising that you were arranging to give us another \$100,000 in a day or two, and which, I suppose has been done ere this. It will be quite satisfactory to us if you reduce the average deposit to \$200,000 after the 1st October next, but at the absence of any notice, we think the amount previously stipulated should be continued until that date.

In reference to the complaint of the Inspector of Surveys at Winnipeg, I think that there must be some mistake about our manager refusing him a pass-book. I however, wrote to him on the subject to-day.

Yours, very truly,

(Signed) D. FISHER,
General Manager.

JOHN LANGTON, Esq.,
Dominion Auditor, Ottawa.

3rd October, 1876.

MY DEAR SIR,—You are aware that whilst, you do not think that we keep enough cash in your hands, the public take exception to large apparent balances and talk of favouritism. I would make the following suggestion: You will see that we have a separate compartment of a *Gazette* statement for the outlying Provinces, and I do not see any reason why your Winnipeg Branch should not be given there, apart from your head office. The Department by this means would be divided, and would not attract so much notice, and if it did, it would shew the real state of affairs, namely, that we have to keep these large balances to meet the heavy expenditure in the North-West. If you think well of this, we would keep most of the total deposit at Winnipeg, and if you made this month's statement in that form, you might at once transfer \$100,000 to Winnipeg and so include it in the statement.

Your obedient servant,

(Signed) JOHN LANGTON,
Auditor.

D. FISHER, Esq.,
Toronto.

HEAD OFFICE, ONTARIO BANK,

TORONTO, 4th Oct., 1876.

DEAR SIR,—I have your valued favour of yesterday, and in reply would say that I see no reason whatever why the deposits at Winnipeg and Prince Arthur's Landing should not be returned separate from those in Ontario and Quebec, in manner as per form enclosed, and, as you suggest, will order our Ottawa Manager to transfer at once, on receipt of your warrant, \$100,000 more to Winnipeg, and which will be included in next statement.

Yours very truly,

(Signed) D. FISHER,
General Manager.

JOHN LANGTON, Esq.,
Ottawa.

DEAR SIR,—The Ontario Bank holds a power of Attorney for Wm. Kingston, of Toronto, and the Merchant's Bank holds one for Wm. Irvine, of Kingston. A warrant issued the other day for \$1,330 to pay Wm. Kingston, and it was paid to the Ontario Bank, but it ought to have been paid to the Merchants' for the other, Wm. Irvine. Under these circumstances, I have issued a new warrant for the right man, and you must call upon your Kingston to refund.

Yours truly,

(Signed) JOHN LANGTON,
Auditor.

J. S. WOODMAN, Esq.,
Ontario Bank, Ottawa.

31st October, 1876.

MY DEAR SIR,—I have issued a warrant to make transfer of \$100,000 to Winnipeg. In order to enable me to keep Winnipeg separate in the *Gazette* you should make a separate statement of it, as I am guided absolutely by the banks, and publish what they send. But do not include Prince Arthur's Landing with it, as that is part of Ontario. Provinces only can be separately given.

Your obedient servant,

(Signed) JOHN LANGTON,
Auditor

D. FISHER, Esq., Toronto.

HEAD OFFICE, ONTARIO BANK,
TORONTO, 10th November, 1876.

DEAR SIR,—You will notice by the October statement forwarded me to-day, that the balance at the credit of the Government is reduced to \$208,000 (including \$123,000 at Winnipeg) as against \$330 in September. The account at Prince Arthur's Landing showed an overdraft of \$27,000 on the 31st ult., to cover which you will oblige by ordering a transfer to that point.

Yours very truly,

(Signed) D. FISHER,
General Manager.

JNO. LANGTON, Esq.,
Dominion Auditor, Ottawa.

HEAD OFFICE, ONTARIO BANK,
TORONTO, 15th November, 1876.

SIR,—I have the honor to acknowledge receipt of your note of yesterday, enquiring whether we wanted any copper coin, and, in reply, would say that we will take them to the value of \$500, say five hundred dollars, and would request that they be addressed to us here.

Your obedient servant,

(Signed) D. FISHER,
General Manager

JNO. LANGTON, Esq.,
Dominion Auditor, Ottawa.

17th November, 1876.

DEAR SIR,—In accordance with your letter of 15th, I have requested the Bank of Montreal to supply you with \$500 in coppers, for which please send certificate of deposit to the Receiver General.

Your obedient servant,
(Signed) JOHN LANGTON,
Auditor.

D. FISHER, Esq.,
Ontario Bank, Toronto.

10th December, 1873.

SIR,—About the 1st of January we shall probably have some surplus funds to invest. I am instructed by the Minister of Finance to ask if your bank would be willing to take any such investment at five per cent. on 30 days' notice, and, if so, to what amount.

Your obedient servant,
(Signed) JOHN LANGTON,
Auditor.

D. FISHER, Esq.,
Ontario Bank, Bowmanville.

ONTARIO BANK,
BOWMANVILLE, 11th December, 1876.

SIR,—I have the honor to acknowledge receipt of your note of the 10th inst., and, in reply, beg to say that our Board will meet early next week, when your question as to whether this Bank will receive a portion of the surplus funds of the Government, on the terms named in your letter, will be duly considered. Meanwhile,

I have the honor to be, Sir,
Your obedient Servant,
(Signed) D. FISHER,
Cashier.

JOHN LANGTON, Esq.,
Provincial Auditor,
Ottawa, Ontario.

24th December, 1876.

DEAR SIR,—It would be well if you sent us a certificate of April, for the interest accrued to December 31st, on the deposit at interest with your Bank.

Your obedient servant,
(Signed) JOHN LANGTON,
Auditor.

D. FISHER, Esq.,
Ontario Bank,
Bowmanville.

ONTARIO BANK,
BOWMANVILLE 26th December, 1873.

DEAR SIR,—I have the honor to acknowledge receipt of your letter of the 24th inst., desiring that a certificate of deposit be forwarded to you, for the interest accrued to the 31st inst., on the Dominion Government deposits at interest with this Bank, in reply to which I beg to say that I have this day instructed our Manager at Montreal (where this account is kept) to furnish you with a statement of the account made up to the date indicated, and to send you deposit receipt for the accrued interest, in conformity with your instructions.

Your obedient servant,
(Signed) D. FISHER,
Cashier.

JOHN LANGTON, Esq.,
Provincial Auditor,
Ottawa.

29th August, 1874.

DEAR SIR,—I am instructed by the Minister of Finance to enquire whether it would be any accommodation to your Bank to receive on special deposit, at 4 per cent., a portion of our surplus funds in London, say £50,000 stg. The terms would be that it was to remain for six months certain, and after that to be re-payable on 30 days' notice by either party. If you wish to receive such a deposit be good enough to state the rate of exchange which you would be willing to allow.

(Signed) JOHN LANGTON,
Auditor

D. FISHER, Esq.,
Ontario Bank,
Bowmanville.

ONTARIO BANK,
BOWMANVILLE, 1st September, 1874.

DEAR SIR,—I have the honor to acknowledge the receipt of your letter of the 29th inst., and, in reply, beg to say that it will suit the convenience of this Bank to receive a special deposit at 4 per cent. of, say, £50,000 sterling, on the terms stated in your letter, namely: "To remain for six months certain, and after that, re-payable on thirty days' notice by either party."

The rate of exchange which we could afford to pay would be—for sight bills, 110; thirty days, 109½; sixty days, 109¼ per cent. These are the outside rates at present as between banks in Montreal.

In the event of the deposit being made in sight exchange, it would be more acceptable to us to have the amount transferred to our credit with your London agents in place of passing bills on this side, but this, however, is a matter for you to determine.

Your obedient servant,
(Signed) D. FISHER,
Cashier.

JOHN LANGTON, Esq.,
Provincial Auditor, Ottawa.

AUDIT OFFICE,
OTTAWA, 7th September, 1874.

MY DEAR SIR,—I have just returned to Ottawa and find your letter of 1st. The Minister accepts your proposal, and I write to-day placing £25,000 at your credit with each of the financial agents, Messrs. Baring Brothers & Co., and Messrs. Glyn, Mills, Currie & Co.

Your obedient servant,
(Signed) JOHN LANGTON,
Auditor.

D. FISHER, Esq.,
Bowmanville.

ONTARIO BANK,
BOWMANVILLE, 10th September, 1874.

DEAR SIR,—I have the honor to acknowledge receipt of your letter of the 7th inst., enclosing the Finance Minister's acceptance of our proposal for the special deposit of £50,000 sterling, and that you had written instructions that £25,000 be placed to the credit of this Bank with each of your financial agents, viz.: Messrs. Baring Brothers & Co., and Messrs. Glyn, Mills, Currie & Co., of London, England, for which I beg to thank you.

We have received a statement of the instructions of the deposit from the Deputy Receiver General, to whom we have forwarded a certificate in conformity with the terms of arrangement.

Your obedient servant,
(Signed) D. FISHER,
Cashier.

JOHN LANGTON, Esq.,
Provincial Auditor, Ottawa.

5th October, 1874.

SIR,—I am instructed by the Minister of Finance to request that you will deposit with the Assistant Receiver General, Toronto, \$30,000 in gold, and upon your application a cheque will issue.

Your obedient servant,
(Signed) JOHN LANGTON,
Auditor.

D. FISHER, Esq.,
Bowmanville.

ONTARIO BANK,
BOWMANVILLE, 7th October, 1874.

SIR,—I have the honor to acknowledge receipt of your letter of the 6th inst., and, in reply, beg to say that in accordance with your instructions I have this day directed our Manager at Toronto, to deposit with the Assistant Receiver General at this place (\$30,000) thirty thousand dollars in gold, which appear at the credit of the Receiver General at our Ottawa Branch.

I have the honor to be, Sir,
Your obedient servant,
(Signed) D. FISHER,
Cashier.

JOHN LANGTON, Esq.,
Provincial Auditor, Toronto.

ONTARIO BANK,
BOWMANVILLE, 30th October, 1870.

DEAR SIR,—I have the honor to acknowledge receipt of your favour of the 28th inst., and, in reply, beg to say that we cannot at present use money to any advantage at so high a rate of interest as 5 per cent., but would be will to accept a deposit of £25,000 to £50,000 at four per cent. on the same terms as the last, viz.: to remain six months *certain*, and after that re-paid by a notice of 30 days by either party.

Thanking you for your kind offer,

I remain, yours truly,
(Signed) D. FISHER,
Cashier.

JOHN LANGTON, Esq.,
Provincial Auditor, Ottawa.

2nd November.

DEAR SIR,—The Minister of Finance is willing to deposit with you £25,000 in England, and re-payable in England, not to be re-payable till 1st July^r or thereafter at 30 days' notice by either party. If this suit you, I will give you a credit on London, so that you can draw as suits you best.

Your obedient servant,
(Signed) JOHN LANGTON,
Auditor.

D. FISHER, Esq.,
Bowmanville.

ONTARIO BANK,
BOWMANVILLE, 3rd November, 1874.

DEAR SIR,—I have the honor to acknowledge the receipt of your letter of the 2nd inst., informing me that the Honorable the Finance Minister is willing to deposit with this Bank £25,000 sterling in England, re-payable in England, and not to be re-payable till the 1st July, 1875, then after thirty days' notice by either party.

I am instructed by our President to say in reply that we will accept this deposit on the terms named, with the rate of interest at 4 per cent. per annum, and the rate for the Exchange to be $9\frac{1}{2}$ per cent. If this is satisfactory be so good as to instruct your London Agents to transfer the amount to the credit of this Bank, and on receipt of your advice to that effect we will forward the Honorable the Receiver General the usual deposit certificate.

I have, &c.,

(Signed)

D. FISHER,

Cashier.

JNO. LANGTON, Esq.,
Provincial Auditor,
Ottawa.

5th November, 1874.

DEAR SIR,—I have instructed Messrs. Baring Bros & Co. to give you credit for £25,000. It will not be necessary for you to send certificate of deposit to the Receiver General. In these cases where we have placed the amount to the credit of a bank in London re-payable in London, it has not been customary for the Bank to enter the amount in its statement under the column "Dominion Government, deposit on notice," but in the column "Due other Banks or Agencies in the United Kingdom," and you had better follow the example.

Your obedient servant,

(Signed)

JOHN LANGTON,

Auditor.

D. FISHER, Esq.,
Bowmanville.

ONTARIO BANK,

BOWMANVILLE, 6th November, 1874.

DEAR SIR,—I have the honor to acknowledge receipt of your letter of the 3rd inst., informing me that you had instructed Messrs. Baring Bros & Co. to give this Bank a credit of £25,000 sterling, on the terms referred to in my letter of the 3rd inst., and for which I thank you.

I note the way you think this deposit should be returned in our monthly statement, and which will be duly complied with.

Your obedient servant,

(Signed)

D. FISHER,

Cashier.

JNO. LANGTON, Esq.,
Dominion Auditor,
Ottawa.

17th February, 1875.

DEAR SIR,—I have to-day made an arrangement with Mr. Simpson, that you are to give us \$100,000 in gold at Toronto, and that a similar amount of your deposit at interest is to be released. You should therefore make the transfer by sending the Receiver General a certificate of deposit of \$100,000 in ordinary cash, and he, upon learning that this gold has been handed over to the Assistant Receiver General Ross, will issue a cheque to pay for it.

Your obedient servant,

(Signed) JOHN LANGTON.

Auditor.

D. FISHER, Esq.,
Bowmanville.

ONTARIO BANK,

BOWMANVILLE, 18th Feb., 1875.

DEAR SIR,—I have the honor to acknowledge receipt of your letter of the 17th inst., and, in reply, beg to say that in accordance with the arrangement made by Mr. Simpson, our President, that we will to-morrow deposit with Mr. Ross, the Assistant Receiver General at Toronto, \$100,000 in gold coin. His certificate for which will be sent direct to our Ottawa Manager, who will be instructed to have the amount applied in reduction of our deposit for \$146,000, drawing 5 per cent interest.

I remain, Dear Sir,

Your obedient servant,

(Signed) D. FISHER

Cashier.

JOHN LANGTON, Esq.,
Dominion Auditor,
Ottawa.

OTTAWA, 18th Feb., 1875.

SIR,—I have this day written to Messrs. Glyn, Mills, & Co., giving your bank a credit for £25,000 sterling. The understanding with Mr. Simpson was that it was to bear 4 per cent. interest, and to be re-payable six months from the present date, or thereafter at thirty days' notice.

Your obedient servant,

(Signed) JOHN LANGTON,

Auditor.

D. FISHER, Bowmanville.

ONTARIO BANK,

BOWMANVILLE, 20th Feb., 1875.

SIR,—I have the honor to acknowledge the receipt of your letter of the 18th inst., advising you had written to Messrs. Glyn, Mills, & Co. to give this bank a credit of £25,000 sterling, with the understanding that it is to bear 4 per cent interest, and to be re-payable in six months from date, or thereafter, at thirty days' notice.

I shall forward the Hon. the Receiver General a deposit certificate for the same, so soon as I am advised as to the note of exchange agreed upon with Mr. Simpson.

Your obedient servant,

(Signed) D. FISHER.

Cashier.

JOHN LANGTON, Esq.,
Dominion Auditor,
Ottawa.

ONTARIO BANK,

BOWMANVILLE, 12th May, 1875

MY DEAR SIR,—Thanks to your kind note of yesterday. I go to Fort William or Prince Arthur's Landing myself—both there and in Toronto I will do all I can to smooth down the *Royal Canadian Folk*.

I wrote to the Hon. D. A. yesterday, advising him to consult with you and Mr. Mackenzie about the desirability of appointing *paymasters* for your two North West points. I think you would have your accounts or expenditures more under control than if you left the Engineers to manage the finances. What you need is system—the lack of this has caused great loss—take the Intercolonial surveys at Missisquoi as an example. Pardon these hints—and believe me

Most sincerely yours,

(Signed) J. SIMPSON.

Honorable R. A. CARTWRIGHT,
Finance Minister,
Ottawa.

Our arrangements are now complete for Fort William and Fort Garry—*don't let the B.M. go to the latter.*

18th May, 1875

MY DEAR SIR,—I hear unofficially that your Bank is to conduct our business in Manitoba and at Thunder Bay, but I have no official communication whatever upon the subject. I am applied to, however, by the Public Works Department to make arrangements for the expenditures at the latter place, and I am desirous of knowing whether it is true that our business is to be transferred to you at the former place, also. The Thunder Bay business is the most pressing, but it is desirable that I should know beforehand what is to be done in Manitoba. Will you, therefore, be good enough to let me know: 1st. Whether you are going to open an agency at Thunder Bay, and if it is, at what date you will be ready to assume the management of our business. Please also to let me know what the title of the agency is to be. 2nd. Whether you are going to establish an agency in Manitoba, and at what date you will be ready to assume the business, giving the title of the agency there also, if it is the case that you are going to open one as is rumoured.

In connection with this subject I wish to call your attention to another point. We have parties connected with the Pacific Railway and with the Mounted Police, scattered over the country between Manitoba and the Rocky Mountains, and it is very inconvenient to send a man on horseback several hundred miles over the Prairies with a supply of notes for the payment of wages, &c.

Now Fort Pelly on Swan River is going to be a central point, and it is, moreover, to be the location of the Council for the Government of the new Territories. It is certain that a good deal of expenditure will have to take place there. It appears to me that if, as I hear, you are going to have our Manitoba business, you should afford us the facility of having a Branch at Swan River, and I write to know if you are inclined to give us that accommodation. Furthermore, we have expenditures even beyond that place; only the other day a draft for \$30,000 came in from the paymaster of the Mounted Police, which had been negotiated at Helena in the United States. I hear that there is a large mining business carried on there, and that there are several Banks at Helena. Now the practice of our Agents drawing upon us, is very inconvenient, and it appears to me that if you are going to conduct our North-West business, you might enter into relations with some Bank at Helena, so that if we wanted to supply our officers with funds in that neighbourhood, we might do it through you, by your instructing your correspondents at Helena. Be good enough to let me know what you can do for us in this line.

Your obedient servant,
 (Signed) JOHN LANGTON,
Auditor.

The Hon. JOHN SIMPSON,
 Bowmanville.

19th May, 1875.

DEAR SIR,—I enclose copy of a letter which I wrote to Mr. Simpson before I heard that he was absent. Some part of my letter is answered by a letter from you this morning; but I wish you would tell me what you can do for us as to the other case.

(Signed) J. LANGTON.

D. FISHER, Esq.,
 Bowmanville.

ONTARIO BANK,
 TORONTO, 17th May, 1875.

SIR,—I have the honor to enclose herewith, copy of a resolution passed by the Board of Directors of this bank, having reference to the arrangement agreed upon between the Government and our President for acting as its fiscal agents at Fort William and Fort Garry.

I would also beg to add that our President left here on Friday last, *en route* for Fort William, accompanied by the officer to be put in charge of the branch to be established at that point, and that our Inspector, Mr. Holland, will leave for Fort Garry some time during the present week.

I have the honor to be, Sir,
 Your obedient servant,
 (Signed) D. FISHER,
General Manager.

The Hon. the Finance Minister,
 Ottawa.

Moved by C. S. Gzowski, Esq., seconded by Hon. W. P. Howland:—The President having reported that he had made an arrangement with the Government for acting as their fiscal agents at Fort William and Fort Garry, and opening agencies of the bank at these points for that purpose, the Directors approve of the arrangements, and resolve that the President and Manager take immediate steps to carry them out, and that proper records be made of all the correspondence relating to the subject.

I hereby certify that the above is a true copy of a resolution passed by the Board of Directors of the Ontario Bank, at a meeting held on Friday, the 14th May, 1875.

(Signed)

D. FISHER,

General Manager.

HEAD OFFICE, ONTARIO BANK,

TORONTO, 20th May, 1875.

SIR,—Your letter of the 18th inst., addressed to Mr. Simpson, our President, reached me here this morning, and, in reply, I beg to say that an arrangement has been agreed upon between the Government and the Bank to do its business in the North-West, and for that purpose to open branches both at Thunder Bay and Fort Garry.

Our President, with a staff of officials, safes, money, &c., left here for Fort William on Friday last, and as soon as they reach there, the office will be opened at once for business, but whether at Fort William or Prince Arthur's Landing I am unable to say, this having to be determined by circumstances after the President gets there.

Our Inspector, Mr. Holland, will leave this week with money, safes, &c., *via* Duluth for Fort Garry, and the office at that point will be opened with the least possible delay after his arrival. At present I think it safe to say, that both offices will be ready to assume the management of your business as soon as any communications, made now from your Department, could reach them in the ordinary course of mail.

The opening of other offices in the North-West, particularly one at Swan River, will be a matter for the Board to consider after the return of our President from Fort William, and a report from our Inspector in regard to your business requirements in Manitoba; rest assured, however, that nothing on the part of our Bank will be wanting to afford the Government all the facilities we can give it in that region.

The title of our Manitoba Branch will be, "Ontario Bank, Winnipeg," and at Thunder Bay, either "Ontario Bank, Fort William," or "Ontario Bank, Prince Arthur's Landing;" think the latter, but will advise when I hear from our President.

If you have any special instructions to offer as to how the account with the Government is to be conducted, I shall be glad to know what they are as soon as possible, in order that I may communicate them, with other general instructions, to our Manager both at Thunder Bay and Fort Garry.

I have the honor to be, Sir,

Your obedient servant,

(Signed)

D. FISHER,

General Manager.

JNO. LANGTON, Esq.,

Auditor, Ottawa.

ONTARIO BANK, TORONTO,
17th May, 1875.

MY DEAR SIR,—I enclose copy of a Resolution passed by the Board at their last meeting—a copy of which I have also sent, by request, to the Finance Minister—Our President left *en route* for Fort William last Friday evening, accompanied by the officers to be put in charge of the Branch at that place. They have taken with them a safe, money, furniture, &c. Mr. Holland, our Inspector, will start *via* Duluth for Fort Garry this week, accompanied by your young friend, Mr. E. Macdonald, now at this office. Mr. Holland will arrange about the opening of the office, and remain in charge until a suitable manager is appointed.

I shall be glad to receive, as soon as possible, whatever suggestions or instructions the Government have to offer, as to the way it may desire the accounts at Fort Garry and Fort William to be conducted, so that I may communicate the same with other general instructions, to our Manager at both these points.

Money matters here continue very tight, and the business men are all complaining of hard times, dull sales, &c. I trust, however, that an improvement in these matters is not far distant.

I remain, Dear Sir,

Your obedient servant,

(Signed) D. FISHER,

General Manager.

HON. D. A. MACDONALD,
Postmaster General, Ottawa.

20th May.

DEAR SIR,—Your letter to Mr. D. A. Macdonald has been handed to me, in which you ask for instructions as to the method of conducting the business in the North-West. Our system in the outlying Provinces may be briefly thus stated, and although Fort William is technically in Ontario, we shall treat it as if it were an outlying Province.

(1.) We keep the accounts in the outlying Provinces absolutely apart from the account with the Bank at headquarters, the only connection between the two being that we shall ask you, from time to time, to place a certain amount to our credit at these branches; and, as a commencement, I now enclose cheques for \$50,000 for each. Please instruct those two branches to inform me by telegraph when they are ready for the transaction of business, and also inform me whether I am correct in giving them the title Fort Garry and Fort William.

(2.) Most of our business in this way of expenditure is carried on on letters of credit, and in all cases, except when specially otherwise arranged in the letter of credit, the cheques drawn against it must be countersigned by the local auditor. Besides these letters of credit, there are occasionally definite payments to be made, for which we issue what we call a credit cheque. These do not require the countersignature of the local auditor, but are payable at once to the person to whose order they are issued.

(3.) A statement of all payments made by the Bank upon letters of credit and credit cheques is to be sent in weekly to the auditor, accompanied by the cheques themselves. The auditor sends to me his weekly statement, whereupon a warrant issues to reimburse the Bank, and the Receiver General sends to the branch in question his cheque to cover the week's transactions. I say a weekly statement, but in order to make the weeks correspond with the months, the weekly periods are to the 8th, 15th, 22nd, and last day of each month.

(4.) Besides the method of payment described in 2, we give a general authority to the Bank to pay certain monthly salaries, and the pay list-paid in ac-

cordance with this general authority are included with other payments in the Bank's weekly statements, the pay-lists being sent in.

(5.) Similarly with regard to receipts, the Bank gives the depositor the original and duplicate, and sends in the triplicate for the Receiver General to the local auditor, who transmits it to Ottawa. You should instruct your two branches to commence their proceedings by sending through the auditor their certificate deposit for the \$50,000 now transferred to them.

This, I think, embraces everything which I need explain to you. I hope we may continue to carry on the business satisfactorily to both parties, and you will see by my letter of yesterday that I hope to extend it to other branches.

Your obedient servant,

(Signed) JOHN LANGTON

Auditor.

D. FISHER, Esq.,

Bowmanville.

P.S.—I have a letter from our auditor at Winnipeg, saying that he has \$30,000 in gold for which there is hardly any demand, and asking whether he had not better send some of it to Toronto by the first safe opportunity. Now, you will probably want some specie there, and it will save double transfer if we paid it to you. If it would suit you, let me know, and I will give instructions accordingly.

(Signed)

J. L.

HEAD OFFICE, ONTARIO BANK,

TORONTO, 25th May, 1875.

SIR,—I have the honor to acknowledge your valued favour of the 20th inst., which reached me here on my return from Bowmanville this morning.

I thank you for the instructions in regard to the method of conducting the Government business in the North-West and which will receive our very best attention.

I return the two cheques on our Ottawa Branch for \$50,000 each for the endorsement of Mr. Harrington, the Deputy Receiver General, and which had better be made to me as "General Manager," and on their return will at once transmit to our Managers at Thunder Bay and Fort Garry, for the credit of the Government.

In respect to the gold funds in the hands of your auditor at Winnipeg, I shall advise what we can do about it, as soon as I hear from our Manager at that point.

Your obedient servant,

(Signed) D. FISHER,

General Manager.

JOHN LANGTON, Esq.,

Dominion Auditor,

Ottawa.

HEAD OFFICE, ONTARIO BANK,

TORONTO, 28th May, 1875.

DEAR SIR,—I beg to acknowledge receipt of your letter of the 26th inst., enclosing two cheques for \$50,000 each, one for the Audit of the Government at Fort Garry and the other at Thunder Bay.

Will you be so good as to favor me with the names of your local auditors at these places.

I hope in a day or two to advise you definitely as to the location of our branches at both points.

Yours, very truly,
(Signed) D. FISHER,
General Manager.

JOHN LANGTON, Esq.,
Dominion Auditor,
Ottawa.

29th May.

DEAR SIR,—Mr. Gilbert McMicken is Assistant Receiver General and Auditor at Winnipeg; a Mr. Amos Wright is Acting Auditor at Thunder Bay. Upon receiving word that you are ready to commence business at the latter place, I hope to be able at once to commence, as I am aware that the Public Works Department are ready. But, although Mr. Wright was appointed Acting Auditor a month ago, I have heard nothing from him, and I am not aware whether he has as yet reached Thunder Bay. As to Winnipeg, our letters of credit always lapse on June 30, and I think that then the most convenient process will be to let the officers go on drawing against their credit with the Merchants' Bank till June 30, at which date their credit will come to an end, and we shall give new ones upon you. If, in the meantime, any new credits are applied for, of course we shall give them upon you.

Your obedient servant,
(Signed), JOHN LANGTON,
Auditor.

D. FISHER, Esq.,
Bowmanville.

Circular to Banks, 2nd June, 1875.

On the 1st July the subsidies become payable to the Provinces, and about the same time we have a large amount of debentures coming due both in England and in Canada.

The expenditure upon public works will also be very heavy the whole summer. Under these circumstances it is desirable to give you timely notice, that we shall draw heavily upon our cash with all the banks, and we shall, no doubt, be obliged to transfer to ordinary cash a large portion of what is now at interest.

Of course you will have due notice of such transfers, as agreed upon, and I will endeavor to inform you before hand when we are likely to give the required notice.

I have, &c.,

Auditor General.

4th June.

MY DEAR SIR,—The Minister of Finance wishes the £25,000 which you hold re-payable in London, July 1st, to be paid to Messrs. Baring. The second £25,000 is not, I believe, re-payable so soon, but I am now to give you notice to pay the same to Messrs. Baring at the expiration of the period at which it was re-payable.

Your obedient servant,

(Signed) JOHN LANGTON,

Auditor.

D. FISHER, Esq.,
Bowmanville.

ONTARIO BANK,

BOWMANVILLE, 7th June, 1875.

MY DEAR SIR,—A letter that you addressed to me some weeks ago, reached me Thunder Bay. Mr. Fisher, I believe, replied to it fully.

I returned home from my arctic tour on Friday evening; nine days in making the trip from Collingwood; five days in ice, one in fog, two in repairing damages, and the rest pushing ahead. Had hard work to get a corner at Prince Arthur's Landing to put in safe, &c. Mr. and half-a-dozen others claim the building—Government log—but we are in a corner of it. Gave some money to some of the surveying parties.

Mr. Bethune and Mr. Wright not clear about forms, vouchers, cheques, &c. If proper blanks have not been sent up, you will order forms to be sent to Mr. Fisher, Toronto, we will get them printed. Send me, with Mr. Bethune and Mr. Wright, their instructions, well drawn up, and if carried out will cover many a leak. You, or the Government have, in my opinion, two good men in Messrs. Bethune and Wright, and I think the right man in Mr. Hazlewood. I will be very much disappointed if the waste, extravagance and humbugging that I witnessed myself in four years will not measurably, at least, be put an end to.

The blankets tents, knives and forks, cooking utensils, &c., furnished to the surveying parties during the last four years, in these upper regions, must have cost many tens of thousands of dollars. Not one of any sort can now be found. I know of my own knowledge that many tons of most costly provisions were allowed to rot on portages. *This* will be stopped now, I think.

Our Inspector has gone to Fort Garry, and is there ere this. It is a hard place, I believe. His money sent by express before him. We have sent a large and expensive safe there. But, I guess, (should what I hear be true,) that a good safe is needed.

We will try and meet your wishes in reference to further west.

I don't see how we can use your gold, but I will write you again or see you about it. I have seen your notes to the Manager about expenses, &c. We will try and meet your views as far as we can in all matters that we undertake, but don't bear too hard upon us,—money is tight.

Our annual meeting takes place next week. After it is over I propose visiting Ottawa, when I hope to have the pleasure of seeing you, and then we can talk a little about these matters.

Believe me, my Dear Sir, very truly yours.

(Signed), J. SIMPSON.

HEAD OFFICE, ONTARIO BANK,

TORONTO, 7th June, 1875.

SIR,—I have the honor to acknowledge receipt of your circular, under date 2nd inst., and your letter of the 4th, idem, the latter desiring re-payment of the £25,000 in November last, to Messrs. Baring Bros., London, which we shall be happy to comply with as per terms agreed upon, *namely*, within thirty days from the 1st of July next, and the second £25,000 within thirty days from the 18th August next.

I telegraphed you the other day that we had opened our Branch at Prince Arthur's Landing, Thunder Bay, and were ready to assume your business at that point. I hope in a short time to hear that our office at Winnipeg is also ready for business.

Please address me *here*, and not at *Bowmanville*. Our headquarters are now here.

Your obedient servant,

(Signed),

D FISHER,

General Manager.

JOHN LANGTON, Esq.,
Dominion Auditor, Ottawa.

11th June, 1875.

DEAR SIR,—I cannot exactly agree with your interpretation of the terms upon which the deposit was made with you, re-payable in London. As to the first £25,000, our payments became due July 1st, and the money was to be re-payable then, or if we did not want it "then it was to be" thereafter at 30 days' notice. Moreover, lest there should be any misconception, I gave you notice 26 days before that we should want it July 1st. As to the received £25,000, the wording of my letter of February 18th is equally clear, re-payable at six months from the present date, and thereafter at 30 days' notice. It is important for our arrangement that we should know when we may expect the money to be paid to our London Agents.

Your obedient servant,

(Signed)

JOHN LANGTON,

Auditor.

D. FISHER, Esq.,
Toronto.

17th June, 1875.

MY DEAR SIR,—I have already informed you that we shall give the Ontario Government a cheque upon you for \$100,000 on account of subsidy. I have now to state that during the months of July and August, we shall probably come upon you, for other purposes than the ordinary business of your Bank, for \$100,000, to meet which, I have to request that you will transfer to ordinary cash, \$50,000 of the amount you hold at 5 per cent. interest on July 1st, and the balance of the \$96,416 on August 1st, sending, in each case, certificates of deposit to the Receiver General.

Your obedient servant,

(Signed)

JOHN LANGTON,

Auditor.

D. FISHER, Esq.,
Toronto.

HEAD OFFICE, ONTARIO BANK,
TORONTO, 14th June, 1875.

DEAR SIR,—I have the honor to acknowledge the receipt of your letter of the 11th instant, and, in reply, would say, that we certainly inferred from the wording of your letters of the 2nd March, 1874, and 18th February, 1875, that the two sums of £25,000, each re-payable in London, were not due until 30 days, notice after the 1st July and 18th August, respectively. However, so far as the first sum is concerned, it is quite convenient for us to pay *now*, and agreeable with your instructions have this day instructed our London Agent to pay in the amount on the 1st proximo, to Messrs. Baring Brothers for the credit of the Hon. the Receiver General of Canada.

We have advice from our Agent at Winnipeg, to say that he will be ready for business this week.

Your obedient servant,
(Signed)

D. FISHER,
General Manager.

JOHN LANGTON, Esq.,
Dominion Auditor, Ottawa.

HEAD OFFICE ONTARIO BANK,
TORONTO, 21st June, 1875.

DEAR SIR,—I have the honor to acknowledge receipt of your letter of the 17th instant, advising that you had already informed me that you would give the Ontario Government a cheque on us for \$100,000 on the 1st July, per account of subsidy, and that during the months of July and August you would probably come upon us, for other purposes than the ordinary business of the Bank, for another \$100,000, to meet which you request that we will transfer to ordinary account, cash, \$50,000 of the amount we hold at 5 per cent. on July 1st, and the balance of the \$96,416 on August 1st.

In reply to which I beg to say that your instructions will receive our best attention. I would remark, however, in regard to the \$100,000 on account subsidy, that this is the first intimation we have had in respect thereto, and if previously advised, your letter must have miscarried.

I have the honour to be, Sir,
Your obedient servant
(Signed)

D. FISHER,
General Manager.

Our Branch at Winnipeg is now ready for business

(Signed) D. F.

JNO. LANGTON, Esq.,
Dominion Auditor,
Ottawa.

23rd June.

MY DEAR SIR,—On the 17th of June I wrote to all the banks in all the Provinces, telling each what the subsidy cheque would be, and I could have sworn that you had your notice also. I have just been over my letter book, checking off each bank by the letters, and I do not find an exception except yourself. The reason, I suppose, is that in the same batch of letters I had to speak in one to you about the dates [Say two lines illegible.] I suppose I must have thought I had included the other notice in the letter. Accept my apologies.

Yours truly,
(Signed)

JOHN LANGTON.

D. FISHER, Esq.,
Toronto.

(No. 180.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 12th March, 1877;—For a copy of every tender received since November last by the Postal Department for carrying the Mails in British Columbia; with the names of the tenderers and their securities; also, a copy of all telegrams and letters received or sent by the Postal Department respecting the same.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 24th April, 1877.

(No. 181.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 12th March, 1877;—For a Return shewing :—1st. The names of the Slide Masters in the employ of the Department of Public Works at each of the Slide Stations on the Ottawa River and its tributaries on the 1st day of July, 1876. 2nd. The salary or remuneration paid to each of the said Slide Masters, for the year ending 1st July, 1876. 3rd. The number of pieces of Timber and Saw Logs, respectively, passed through each of the said Slide Stations for the year ending 1st July, 1876.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 27th April, 1877.

(No. 182.)

RETURN

To an ADDRESS of the HOUSE OF COMMONS, dated 16th April, 1877;—For copies of the petition of the Harbor Commissioners of Quebec, praying for the guarantee of the Government, for an additional sum of \$250,000, in order to complete the improvements in the above mentioned harbor of Quebec.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 18th April, 1877.

(No. 183.)

RETURN

To an ADDRESS of the HOUSE OF COMMONS, dated 2nd April, 1877;—For
1st. A Statement of Debentures issued by the Government of Canada, for the purchase of a building for the Court House and Gaol of the District of Kamouraska. 2nd. A Statement of the cost of the said building and of the maintenance thereof since. 3rd. A Statement of the amounts levied by taxes, and of licenses imposed on said district for the building and prison fund, up to the 30th June last. 4th. A Statement of the amounts paid on the said debentures and interest, shewing the amount, if any, remaining due on the said debentures, and if there be nothing, then how much has been collected over and above the amount of the said debentures and interest.

By Command.

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 25th April, 1877.

(No. 184.)

R E T U R N

To an ORDER of the HOUSE OF COMMONS, dated 28th March, 1877;—For copies of papers and correspondence on the subject of the closing of the Post Office in the vicinity of the church, St. Jean L'Evangeliste de la Nouvelle.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 25th April, 1877.

(No. 185.)

R E T U R N

To an ORDER of the HOUSE OF COMMONS, dated 21st March, 1877;—For copy of the Commission or other documents appointing John Dewe Post Office Inspector; and also of all orders defining his duties and functions, and within what limits he was to exercise his said office.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 25th April, 1877.

(No. 186.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 2nd April, 1877;—For all papers, reports and correspondence in connection with the dismissal of J. Murray Nase, Postmaster, at the mouth of the Neripis, King's County, N.B.; also, for the petition from the inhabitants in the District in respect to the same.

By Command.

R. W. SCOTT.

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 25th April, 1877.

(No. 187.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 28th March, 1877;—For copies of correspondence between the Council of the Quebec Board of Trade and the Dominion Government, relating to the rule in existence in regard to unprepaid letters.

By Command.

R. W. SCOTT.

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 25th April, 1877.

(No. 188.)

R E T U R N

To an ADDRESS of the HOUSE OF COMMONS, dated 16th April, 1877 ;--For copies of all Reports to Council by the Minister of Marine and Fisheries in relation to the Bass and Gasperaux Fisheries in the Rivers Napan and Black River, Miramichi, and the shores in the vicinity of the same ; also, all Orders in Council made thereon since 1st January, 1874 ; also, all Reports made by the overseers of Fisheries and by the Inspector of Fisheries in relation thereto ; also, all letters and correspondence had with the Department in relation to the said subject.

By Command.

R. W. SCOTT

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 27th April, 1877.

(No 189.)

R E T U R N

To an ORDER of the HOUSE OF COMMONS, dated 26th March, 1877 ;--For a Statement shewing :--1st. The names and salaries or wages of each officer composing the Government Staff of the Lachine Canal, for each of the years 1875 and 1876-77 ; 2nd. The amount of contingencies in connection with the said staff for each of these years ; 3rd. The dates of appointment of each such officer.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 27th April, 1877.

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

(No. 190.)

R E T U R N

To an ORDER of the HOUSE OF COMMONS, dated 16th April, 1877 ; 1st. For copies of all correspondence respecting the appointment of Mr. Benjamin Legacé as Postmaster of Jonquières, in the County of Chicoutimi. 2nd. Copies of the latest tenders for the conveyance of the mails between Chicoutimi and Jonquières. 3rd. Return showing to whom the contract for the said conveyance of the mails was granted.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 28th April, 1877.

(No. 191.)

M E S S A G E

DUFFERIN.

The Governor-General transmits to the HOUSE OF COMMONS copy of a Despatch, dated 1st September, 1876, from Her Majesty's Secretary of State for the Colonies, relative to the North American Boundary Commission, together with a record of the proceedings at a meeting held by the Commissioners on the 29th of May last.

GOVERNMENT HOUSE,

OTTAWA, 28th April, 1877.

(No. 192.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 16th April, 1877;—For Returns of all moneys paid to Carpenter & Co., together with Orders in Council recommending such payment on account of the Dawson Route Subsidy, from 1st January, 1877, to 31st March, 1877.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 27th April, 1877.

(No. 193.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 11th April, 1877;—For a copy of the Engineer's Report of the Bonnechère and other possible route of the Canada Central Extension.

By Command.

R. W. SCOTT,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 27th April 1877.

(No. 194.)

REPORT OF PROGRESS

OF THE

GEOLOGICAL SURVEY

OF CANADA,

=====
BY ALFRED R. C. SELWYN, F.R.S., F.G.S., - - DIRECTOR
=====

FOR THE YEAR 1875-76.

(No. 195.)

RETURN

To an ORDER of the HOUSE OF COMMONS, dated 28th April, 1877 ;—For a Statement of the suits and legal matters in which the legal firm of the Hon. Sir John A. Macdonald, M.P., or any partner of his said firm was instructed by his Department to act on behalf of the Crown during his tenure of office as Minister of Justice and Attorney-General of Canada, with the dates of such instructions, and of the last action in each case, with Statements of the dates of the beginning and conclusion of such suits and legal matters.

By Command

R. W. SCOTT,

Secretary of State

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 28th April, 1877.