make claims concerning trade and navigation, and there should be a unification of those laws without delay. Having obtained this expression of opinion on the subject from the Government, he had no doubt that the mover of the resolutions would withdraw them.

Mr. JONES (Halifax) said under the law of England, a ship was not attached for debt when the owner resided in the country. Supplies were supposed to be furnished vessels on the credit of the owner. The law, however, was different when the ship owner was a non-resident in the country.

Mr. STREET was glad that the matter had been so well received by the House. His object was to give security to merchants furnishing supplies to vessels. He proposed to do so through the county courts, but it was a matter of little importance to him how it was done so long as security was given. Having heard the announcement of the Government, he would ask leave to withdraw his motion.

Hon. Mr. McDOUGALL (Lanark North) thought the hon. member had proposed a very simple plan to give jurisdiction to ordinary courts in such cases. If the hon. gentleman was satisfied to wait for the slow action of the Imperial Government and the slow action of the Dominion Government afterwards, he would have to wait a long time. The constitution which we had and the power and authority given to us by that constitution, was quite large enough to enable us to deal with questions of this kind, and even larger, so far as we were concerned as a people. He admitted that we should follow in the trane of the Imperial Government in regard to sea-going vessels, but, with respect to internal navigation, it was a matter for discussion and legislation in this country alone. The hon. member for St. John (Hon. Mr. Gray) had proposed to establish a new court, with a new judge, and new machinery throughout. Now, he (Hon. Mr. McDougall) thought that the people of this country would feel satisfied that the courts at present in existence were sufficient to manage such matters.

Hon. Sir FRANCIS HINCKS thought the Government ought to be credited with being sincere in the matter. The Imperial Government had been engaged for some time in the consolidation of the laws respecting merchant shipping, which were exceedingly voluminous, and had expressly requested the Canadian Government to delay passing any measure on the subject pending the action in the Imperial Parliament, and for this reason, although the Minister of Marine had already prepared a Bill, the Government did not think it advisable to introduce it.

Hon. Mr. GRAY referred to the remarks of the member for Lanark, and said that the Imperial Act provided that one of the Judges of the existing Courts would be appointed, so that the necessary machinery was already in existence.

The motion was then withdrawn.

ARBITRATION

The adjourned debate on this matter was then taken up, the motions before the House being Hon. Mr. Dorion's motion with the amendment of Hon. Sir George-É. Cartier, and Hon. Mr. Holton.

Mr. BELLEROSE addressed the House in French. He thought that the action of the members for Hochelaga and Châteauguay was most injudicious, and was sorry that while they seemed to desire to stand first in advocating the interests of Quebec, they had represented her case so badly. Their motions could neither receive the support of the majority of the House or of the majority of the members for Quebec, which they must have well known. He then stated the reasons why those motions could not be entertained, maintaining that if they were carried, Quebec would be ten times worse off than at present. He did not fear any act of injustice to Quebec, as the question would be settled by a learned and liberal tribunal, the Privy Council, and further, Quebec could not possibly suffer any lasting injustice while she had sixty-five representatives firmly united in her interests, and indeed he was sure no Ministry could act unjustly in this matter and stand. The amendment of the hon. member for Châteauguay, though plain, and proposing something very simple, he was sorry to say was not proposed with the object of benefiting Quebec. He considered it rather designed to create political effect outside the House, and that it mingled good principles with doubtful modes of procedure, and while it pretended to be in the interest of Quebec, it might be productive of serious harm. He had intended to propose an amendment, but in the fact of one having been already moved out of order, and of the doubtful regularity of the others, he was not sure that he could do so with any good result.

The SPEAKER here asked permission to amend the Journals of the House, with respect to the reason of Hon. Mr. Chauveau's amendment in the previous part of the discussion having been ruled out of order. His reason for so ruling was, not that it involved an expenditure of money, and ought, therefore, to have originated in a message from His Excellency, as advanced by the member for Bothwell, but that it involved an increase of the public debt, and should therefore have originated in a Committee of the Whole.

Hon. Mr. ROSS (Champlain) condemned the award as unjust, and set forth his reasons for arriving at that conclusion. He thought the unfair character of the decision being acknowledged, there should be no difficulty in the Provincial Governments arriving at a basis of common action for an amicable and proper settlement of the difficulty. He condemned the motion of the member for Hochelaga, as calculated to do Quebec more harm than good. He was not prepared to vote for the motion of the member for Châteauguay, which amounted to one of want of confidence. The Government by not recognizing the award, had done all they could under the circumstances, to set it aside and bring the difficulty to a happy termination. He could not support the motion, but would vote for the amendment of the Minister of Militia.

Mr. HARRISON: I regret find that the discussion as to the Arbitration between Ontario and Quebec has been again and again, during this Session, forced on the attention of the House. I cannot help feeling that until the questions of law involved are determined by some competent tribunal the discussion is premature. Entertaining these views, I have hitherto refrained from taking part in the debate. But, sir, while I have done so, members representing constituencies in the Province of Quebec have persistently asserted not only the illegality of the award but its injustice, and have endeavoured to fortify their positions by all the arguments in their power. I now find that these arguments if longer left unanswered by members of Ontario, may damage the position of our Province in the eyes of our friends from the Maritime Provinces. We do not wish it to be understood that we assent to the proposition that the award is either illegal or unjust; we cannot do so, Sir; and in order that our reasons for not doing so may be placed before the House and the country, I shall claim the indulgence of the House for a short time. The views that I intend to express are my own views as a member from Ontario, but I believe I can say that they are shared by a great many members from that Province.

I admit that the award is signed by only two of the three Arbitrators appointed, that the award was made in the absence of Judge Day, and that it deals with assets mentioned in the fourth schedule of the Union Act. But I deny that for any of these reasons it is an invalid award. I also deny that Colonel Gray, when appointed, was a resident of Ontario, or is now a resident of Ontario within the meaning of the British North America Act. It is on these grounds that the award has been attacked by the gentlemen who have spoken against it. I admit that Upper Canada entered the Union with Lower Canada having a debt of about $5,000,000, and that in the allotment of assets the larger portion of apparent face value has been assigned to Ontario, but I deny that for either of these reasons the award is unjust. My denial, however, Sir, will amount to nothing unless I am prepared to advance arguments in support of my position. I have, I think, fairly stated the position of those who differ from me, and before proceeding to the argument of the questions involved shall briefly refer to some facts.

It is true that Upper Canada, in 1840, had a population of little more than 400,000, while Lower Canada had a population exceeding 600,000, and it is true that while having this small population Upper Canada had the large debt of $5,000,000 as against a small debt of Lower Canada or as against a claimed credit of $180,000 on the part of Lower Canada. But for what was our debt contracted? It was for the construction of the St. Lawrence Canals, the Welland Canal, the Kingston Penitentiary, for Light-houses and for other works which, at the time of the Union, were as much beneficial to Lower as to Upper Canada. It was not the case of a debt without an asset. (*Hear.*) But it was a debt represented by valuable assets, all of which were brought by us into the Union. (*Hear, hear.*) While Lower Canada brought into the Union public works valued at little more than $1,000,000, we brought in public works of the value of $4,000,000. (*Hear, hear.*) These assets by the Act of Union became the property of the Union. It never, at that time, entered into the contemplation of any one to take from Upper Canada its assets and without paying for its assets to charge it with the whole debt incurred in their creation.

On the contrary, I find these words in resolutions passed in 1839, by the Special Council of Lower Canada, ‘‘that regard being had to the nature of the public debt of Upper Canada, and the objects for which it was principally constructed by the improvement of internal communications alike useful and beneficial to both Provinces, it would be just and reasonable that such part of the said debt as had been constructed for this object should be chargeable on the revenue of both Provinces.’’ (*Hear, hear.*) Why, sir, if it were intended that Upper Canada should have been charged with this debt, surely some provision would have been made for the restoration of the assets. But what do we find? The Union Act (3 & 4 Vic.) created a consolidated fund, charged it with the payment of the debt of the Provinces, made the public works of both Provinces the property of the Union, contained no provision for charging either Province with interest on its debt, contained no provision for the payment to either Province of interest for the use of its Public Works, contained no provisions whatever for keeping an account of the contributions of either Province to the Revenue, contained nothing whatever which points to a partnership of any kind. (*Hear, hear.*)

The chief source of revenue intended was the Customs duties. The lands of Upper Canada were much more likely to attract emigration than the lands of Lower Canada. The revenue to be derived from the sale of lands in Upper Canada was much more likely to exceed the corresponding revenue from Lower Canada. Man for man, the population of Upper Canada contributed more to the Customs Revenue than the population of Lower Canada. Upper Canada with an increasing population in a short time would contribute more to the revenue than Lower Canada. Looking to the future there was every reason to believe that while Upper Canada entered the Union with less population and more debt than Lower Canada, in the course of time the positions of the two Provinces would be so far reversed as to make a union on equal terms politically and financially desirable by the people of both Provinces. This, Sir, was the view at all events entertained by the Imperial Government, and this view has been fully sustained by our experience of that Union. Soon the population of Upper Canada became equal to that of Lower Canada; soon our contributions to the revenue equalled those of Lower Canada. By means of the new Public Works in respect of which our debt was incurred, our tax-paying ability was greatly increased, and the whole country shared largely in our prosperity. (*Cheers.*) I say this Sir in no boastful spirit; I mention it simply as a fact, and give it as a reason sustaining alike the Imperial policy and the position for which we now contend before this House.

In the course of time we obtained a large preponderance of wealth and population. In 1861 while the population of Lower Canada was 1,000,000, our population was 1,300,000. In my references to figures I intend to drop as much as possible decimals or fractions. It was not long till we discovered that we were in this way paying nearly 5-9ths of the revenue. In 1857, we believe,

including our sales from Crown Lands, that we were paying 2-3rds of the revenue. There can be no doubt that before Confederation, although we were not yearly drawing more than Lower Canada out of the Consolidated Revenue Fund, we were yearly putting much more into it. This was felt to be an injustice to Upper Canada, and the injustice was in a great measure admitted by Lower Canada. Representation by population was the remedy demanded by a large section of Western Canada. This was denied by a large section of Lower Canada. The result was threats of a dissolution of the Union and the impossibility of any Government holding power that would alike command the support of Upper and Lower Canada. It was felt that dissolution would be a retrograde movement, and in our extremity we seized the idea of Confederation, an idea which has been realized with most happy results. Well, sir, during the existence of the Union additional public works were constructed in both sections of the united Province. These public works were paid for out of the Consolidated Revenue Fund. When a grant was made for public works in one section of the Province a corresponding grant was made to the other section. By these means assets became legalised, and financial equality of expenditure was as nearly as possible preserved. There were those who maintained that while Upper Canada contributed the greater part of the public revenue she procured the lesser part for expenditure on public works. I shall not stop to enquire whether this assertion was well founded or not.

In this discussion we have nothing to do with extreme opinions in the past. I desire to deal with the present by the light of the past, and to take a retrospect only when really necessary, and in no greater extent than necessary, to understand the present. I wish to avoid giving offence. I disclaim all idea of desiring to wound the sensibilities of any section of the people that are now in this confederation, and least of all the sensibilities of our friends from Lower Canada, who in common with us made some local sacrifices in the hope, and I think I may say, the well founded hope that the general good will prevail, (*cheers*); instead sir, of madly dissolving our late political union, we have like men worthy of our destiny increased and I hope perpetuated the Union. (*Applause*.) Instead of moving backwards we are hopefully marching onward in the great path of progressive civilization. (*Cheers*.) But sir, we have had some difficulties to encounter. By the creation of our Union an adjustment of the debts and credits, properties and assets of the several Provinces which entered confederation, became a matter of prime necessity. This adjustment in the past had been a cause of much anxiety, and in the present is still a matter of difficulty—in fact the difficulty which now I am attempting to deal. It was necessary that the General Government should in the main assume the debt and with some local exceptions acquire the assets of the Provinces, and in order to meet the demands of the Public Creditor should have powers of taxation, powers to levy duties, and make imposts. But for the same reasons that Upper Canada had an excess of debt over Lower Canada by large expenditures on public works, it was found that United Canada had an excess of debt over the Maritime Provinces. Our debt was about $74,000,000, and of this the confederacy assumed only $62,500,000—leaving a surplus of $10,500,000 for adjustment between the old Provinces of Upper and Lower Canada.

I am sorry, sir, that the adjustment was not made by the B.N.A. Had it been, the difficulties now before us would not have presented themselves. It was by a section of that Act declared that the lands and mines in the several Provinces should be the property of the Provinces in which situated. This was a localization of certain assets but not of all assets of the general Provinces. So by Section 110 of the Act it is declared that all assets connected with such portions of the public debt of each Province as are assumed by that Province shall belong to the Province. And while all the assets mentioned in the third schedule of the Act are made the property of Canada, it is declared that the assets named in the fourth schedule shall be the property of Ontario and Quebec conjointly, and then we have in the 142nd section of the Act, the provision that the Division and adjustment of the debts, credits, liabilities, properties and assets of Upper and Lower Canada shall be referred to the arbitrament of three arbitrators, one chosen by the Government of Ontario, one by the Government of Quebec and one by the Government of Canada. In this section which is very crude, there is no express provision for a decision by a majority of the three arbitrators, nor is there in it any provision for the revocation of an arbitrator's authority, or for the appointment of a new arbitrator in the event of an arbitrator appointed refusing or becoming incapable to act. But this is the whole provision for the settlement of the debt and assets.

Hon. Mr. Gray was appointed arbitrator for the Dominion in March 1868. There was not at that time any objection made to him as being a resident of Ontario. The arbitrators for the two provinces were appointed in, I think, January 1869. These arbitrators were judges; no rule was laid down for their guidance. But whatever they were to do, they were to do as judges acting upon legal considerations, and not on political considerations or considerations of State Policy. In this particular, I unhesitatingly endorse the language, the arbitrator appointed for Quebec who said ''their office is not representative or diplomatic. They are not delegates or commissioners to settle the question of division by negotiation and compromise each acting for his own Government, and bound to obtain all the advantages he can, but as arbitrators, their character and duties are judicial.''

The first question which presented itself for the consideration of the arbitrators was the question whether the assets mentioned in the fourth schedule of the Act were subject to their decision; in other words subject to the reference. This question was decided, I think, properly in the affirmative, and an order was made in these words: ''The Arbitrators having heard counsel upon the objection raised on behalf of the Government of Quebec, to their jurisdiction over the subject matter of the assets enumerated in schedule four of British North America Act 1867, and duly considered the question are of opinion and do adjudge that the assets so enumerated make part of the property and assets the division and adjustment whereof has been referred to them under the provisions of section 142 of the said Act, and that they have by virtue of the Act authority to divide and adjust the same.'' This a few days since was referred to by my hon. friend the member

for Peel. Upon that occasion it was maintained by the Premier of Quebec, who, I regret to say, owing to family affliction is not in his place, as I understood him, that it was not held by the Arbitrators that there was power to make any other than equal division; in other words, that the words conjointly as used in the 113 section of the Act meant co-equally. In that opinion, I understood the hon. member for Westmorland a few days since to express his concurrence. I am unable to concur in that opinion.

Looking at sections 113 and 142 of the Act, and reading them together, I cannot see that the word ''conjointly'' necessarily means co-equally. If co-equally, why the power to divide and adjust? A power to adjust alone would have been all that was required. Power to divide and adjust implies power to make such a division as may be just, whether equal or unequal. This is my view. And this, sir, was the unanimous view of the three Arbitrators. Surely members from Quebec will not in this point dispute the opinion of their own Arbitrator, Judge Day. Here are his words: "As to the word 'conjointly' and the formal expression shall be the property of Ontario and Quebec conjointly used in section 113, it does not seem to me in any degree to justify the conclusion that those assets were to be so held in perpetuity, or were to be excluded from the general expression used provided for by the Act. The use of this word 'conjointly' and the whole expression are merely the declaration of a fact, not the creation of new right, and it can scarcely be necessary to say that if the mere fact of the property being held conjointly excludes it from the general division, then it excludes all the other assets, for they are all held conjointly, which does not, however, necessarily imply equality of interest, and if not so held, there could of course be no occasion for division."

So far there was no difference of opinion among the arbitrators. But the next step was attended with greater difficulties. The question arose—by what rule shall this division and adjournment be made. The statute was silent as to a rule, but some principle of action, some rule for decision was evidently demanded. Ontario proposed any one of these rules—proportion of local debts and assets—population and capitalization of assets. Quebec would have none of these and set up a so called principle of partnership—a principle which the hon. member of Hochelaga rightly treats with contempt as applied to such an enquiry. Had the Arbitrators been able to agree on any one of these rules, I judge the Arbitrator for the Dominion from his language would not have dissented, and even if he had the decision of the remaining two according to the subsequent holding would have been binding. But failing an agreement between the arbitration for the Provinces, the arbitration for the Dominion adopted the principle, as it is called, of ''Origin of debts,'' and to this the Arbitrator for Ontario ultimately assented. And while Quebec refused the proposition of Ontario for proportion of local debts and assets, I find her counsel using the following language in answer to the case of Ontario: ''If the argue of the debt is to be taken as a guide, recourse must be had, as already stated, for Quebec to the true and real origin of the whole debt, not to that which is the work of mere fancy. This seems to be unpracticable. If, however, this method of adopting the excess of debt is adopted, Quebec will be prepared to show that it will make its position still better than the adoption of that suggested in its case'' viz., partnership.

The hon. member for Hochelga says population should have been the rule. But that was steadily and firmly opposed by Quebec. Strangely infatuated with the so called principle of partnership, Quebec refused that which it said would make its position better than partnership, and refused that which the proposer of this motion says should have been accepted, viz., population. And yet it is Quebec that is now complaining at the award, and as it were, seeking to set it aside on a ground which it refused when the opportunity was given her! Why, sir, if the principles of partnership were adopted in their integrity and cross accounts taken, Quebec would be, to use a common expression, nowhere. But although Quebec in words asked to have the principle of partnership applied, she only sought to charge Ontario with a debt of $5,000,000, in other words sought to burden Ontario with $8,250,000 of the surplus debt, leaving only $2,250,000 for her own share. If Ontario were charged in account with the debt she should be credited with the assets representing that debt, and should be credited with excess of revenue paid by her every year up to 1867. Had this been done, Sir, Quebec would have had greater cause of complaint than she now has. (*Hear, hear*.)

On 28th May, 1870, the principle of origin of local debts was adopted. Judge Day dissented. There was no objection up to the time alleged against Hon. Mr. Gray, and no contention that unanimity of decision was requisite. I am not prepared to condemn the principle of ''origin of local debts.'' I think there is much to be said in favour of it. When these debts were contracted for the benefit of either section of the Province of Canada, equivalents were given to the other, so that the debt represented the asset and the asset the debt. Looking at the history of financial appropriations for local works in the late Province of Canada, I must say the principle of local debts—that is—local assets to the Province in which situated and charging that Province with their cost—seems to me to have been a very natural mode of division and adjustment. When the decision was come to as to the rule of action, it was, though not made public, communicated by the Arbitrators of Quebec and Ontario to their respective Governments.

The next step was a telegraph dated 6th June, from Judge Day, requesting the postponement of the delivery of the decision. No particular reason was assigned for the request. But on that day I see by the correspondence that the Government of Quebec by minute in Council adopted the conclusion that it was essential to the validity of any decision to be given by the Arbitrators that their judgment should be unanimous. This minute in Council was communicated to the Arbitrators on 16th June. But at the meeting of the Arbitrators held in Montreal on 6th July following, Ontario

demanded the publication of the decision. This was resisted by Quebec on the ground that unanimity was necessary, and that at all events that question should be argued and determined before the decision was pronounced as to the rule of action. To this contention the Arbitrators submitted. An argument was had on the unanimity, and unanimity was held not to be necessary. Judge Day then voluntarily retired from the court and a protest was filed against Col. Gray's qualification.

On 9th July, Judge Day tendered his resignation to the Government of Quebec, which resignation was afterwards accepted, his authority as an Arbitrator attempted to be revoked and application made to the local courts for prohibition of this process to restrain the proceedings of the remaining Arbitrators. So annoyed were the Arbitrators at these extrajudicial and illegal proceedings, that they held the remaining meetings in Toronto, beyond the reach of the nugatary but annoying proceedings of the Quebec Court, of the Courts of Quebec to restrain the Arbitrators the Courts of Quebec would have power to command them to proceed. What would be the result? The Arbitrators could not remain in either Province. The very statement of the proposition shows the absurdity of such a usurpation of jurisdiction. On 4th August the two Arbitrators met in Toronto, decided to pay no submission to the proceedings of the Quebec Courts, and adjourned till 17th August so as to notify Judge Day to be present at their deliberations if he saw fit.

Judge Day attended no meetings in Toronto. An award was made giving about five-ninths of the assets at their full value to Ontario and four-ninths to Quebec. It also made provision for the payment of the surplus debt. This award so made is now attacked for illegality and injustice. It does not appear to me that any of the objections to the validity of the award are entitled to prevail. Take first the alleged disqualification of Col. Gray. I do not think there is anything in the objection, and if there were the objection has been waived. I admit that the British North America Act declares that the Arbitrator chosen by the Government of Canada shall not be a resident either in Ontario or Quebec. Was Colonel Gray, when appointed in March 1868, a resident of Ontario? It is not pretended that he was, but it is said that by afterwards remaining here, he became a resident; subsequent residence does not forfeit the office. There was qualification at the time of the appointment. But supposing subsequent residence would forfeit the office, did Colonel Gray ever become a resident within the meaning of the enactment? Residence in the section means permanent residence—a person resident in one of the Provinces without an *animus revertendi* to his own Province. It is not pretended that Colonel Gray did at any time give up the intention of returning to New Brunswick, the Province from which he came. His residence here was temporary and only for the purpose of discharging his public duties at the seat of Government of the Dominion. But, sir, if there were anything in the objection, it should have been taken before July 1870. It was not taken in the order in Council of Quebec of 6th June 1870.

Mr. JOLY begged to be permitted to remark that the objection was taken by the order in Council of 6th June, before the retirement of Judge Day, and referred to the hon. member for Mégantic to support this statement.

Hon. Mr. IRVINE corroborated the statement.

Mr. HARRISON: I have in the book before me what purports to be a copy of that order in Council, and in it there is no reference to the residence of Colonel Gray.

Mr. JOLY said the copy was not correct. The only correct copy was the one in the blue book published at Quebec.

Mr. HARRISON: I have not seen the book to which the hon. gentleman refers. But assuming that the printed copy which I hold in my hands, is not correct in the particular mention, the position of Quebec is not at all improved. So long as there was a chance of Hon. Mr. Gray deciding favourably to Quebec, there was no objection to him. But when it was found by his decision of May, that he was likely to give an independent judgment, and that judgment adverse to the supposed interests of Quebec, objection was for the first time raised. Had he decided for Quebec I apprehend there would have been no objection on the part of Quebec.

Now, a party to litigation cannot take the chance without objection of a favorable decision from an arbitrator and afterwards repudiate his authority when the decision is found to be adverse. (*Hear, hear*.) This seems to me to have been the conduct of Quebec. And if so supposing the objection to be at all well taken, it was not taken in sufficient time to be now available, as if it were on an application to set aside the award. Nor do I think that the objection as to want of unanimity is well founded. It is true that the section of the British North America Act does not provide for a decision of the majority. And if this were the case of a private award, I should hold the objection a fatal one. But in the case of public awards the rule is different. In the case of a private award where a reference fails the parties are remitted to the ordinary Courts of the country, which have jurisdiction to settle their disputes, so that there can be no failure of justice. But in the case of a public award—and that this is a public award has never been denied—the ordinary Courts have no jurisdiction. The only Court having jurisdiction is the Court specially constituted for the settlement of the matters in dispute.

It was intended by the Act that there should be a decision. If so it was never intended that any one of the three Arbitrators by refusing to join in decision could prevent a decision. The question is one simply of intention. And in such a case in order to prevent any one Arbitrator holding the absolute power to prevent a decision, it has been again and again held that without express words of authority the majority may make an award. Books of practice are full of decisions on this ground. If I am right in this view, it disposes of the

next objection taken to the award, that is to say, that it was made in the absence of the Arbitrator of Quebec.

I admit that if any trick had been practiced upon him, that if no opportunity had been given him to be present at deliberations of the Arbitrators, that if no opportunity had been given him to concur in the decision which was pronounced, the objection would be a good one. But his absence was voluntary; he had every opportunity to be present at the deliberations of the Arbitrators and refused. His absence was not the fault of Ontario but of Quebec. He resigned because he could not agree with his co-judges on the questions submitted for decision. The law makes no provision for such a resignation or for the revocation of authority under such circumstances. And I never before heard of a Judge resigning his position on the bench because in a matter brought up for decision he was in the minority. His absence was therefore not only voluntary but wrongful and those who are responsible for the wrong are now seeking to get up their own wrong as ground for relief from the ground. Such a position is surely untenable, as well in morals as in law. (*Hear, hear*.)

Hon. Mr. DORION: Suppose Colonel Gray had also refused to act, could the Arbitrator for Ontario have given a decision?

Mr. HARRISON: No! Because then it would have been the decision of a minority. I do not argue for the validity of a minority but of a majority decision. This disposed of all the objections taken to the award, with the exception of one, and that is the division of the assets mentioned in the Fourth Schedule. I have already adverted to this point. I have shown that ‘‘conjointly’’ does not necessarily mean co-equally, and I have shown the authority of Judge Day himself in support of this argument. In what I have said about the Arbitrator for Quebec I mean no disrespect to that learned gentleman. On the contrary, I have the pleasure of his acquaintance and can sincerely join with those who deservedly hold his legal attainments in high respect; what he did, he did, I am sure, from proper motives, and as he thought for the best in the interest of his Province. I should be sorry to assail his motives or the motives of any of the gentlemen who acted as Arbitrators. But when he agrees with me on a point of law, when that was the only point on which the Arbitrators were unanimous, I have a right to assume against Quebec that the point was well decided. Well, so, assuming it, there is involved in the assumption the discretionary powers to make an unequal division—less to one, more to the other, as influenced by considerations of Justice.

This brings me to the remaining ground on which, apart from the validity of the award, its justice is attacked. I cannot help thinking that those who hold strong views against the validity of the award weaken their position by any general argument of its alleged injustice in a political point of view, or on mere political considerations. (*Hear, hear*.) But even here, Sir, we are prepared to join issue with those who attack the award.

It being 6 o’clock, the House arose.

AFTER RECESS

Mr. HARRISON resumed the debate: Before the adjournment Sir, I gave my reasons for not being able to agree to the proposition that the award is void for illegalities. Gentlemen from Quebec differ from me, but I have, I think, at all events shown to the House that the validity of the award is not so clearly to be decided against us as assumed by those gentlemen. Whether legal or not is a question of law. Who is to decide that question? Not the Government, for it is not a court of law; not this House for it is not a court of law. All that the House can say is that validity of the awards, considering the conflict of opinion among the legal gentlemen in the House and out of the House, is doubtful. But so long as it is doubtful I contend the House should not deal with it. Let the legal question be determined by a competent tribunal. Until the decision of some tribunal having authority to deal with such matters I contend we have nothing to do with it as just or unjust under political considerations. But while taking this position I am not to be understood as conceding that it is unjust. It is alleged that it is unjust because it concedes to Ontario five-ninths of the assets. But these assets are local assets. If it be true that Upper Canada contributed five-ninths of the revenue I apprehend her receiving five-ninths of the assets cannot be said to be unjust. Besides this has the merit of being as nearly as possible a decision according to population. And the fact that it is so, goes far to prove that the rule adopted by the Arbitrators is more than a mere arbitrary one, that it is a rule in its operation so just that the result is nearly the same as that of which Quebec is now so much in favour—I mean population.

It is alleged that some of the assets assigned to Lower Canada are worthless. That, I think, may be said of some of the assets assigned to Upper Canada. But if during the Union, money was squandered in one section of the Province more than in the other, that is of itself no reason for increasing the burdens on the section which spent its money judiciously and has the more valuable assets to show for the expenditure. The great outcry, however, against the award arises from the fact that the Arbitrators did not see their way to charge Upper Canada with the debt of $5,000,000.

I confess, to me, that while this is the point on which those who attack the award most dwell, it is the least defensible of all the points taken. The assets in respect of which that debt was mainly incurred are now the property of the Dominion, and Quebec and Ontario in their dealings with the remaining

Provinces to the Federal compact have conjointly received credit for them. Besides, Lower Canada during the Union had the use of them free of cost. And this is sought to be accomplished under the specious phrase partnership—a partnership all on one side—a partnership without the taking of accounts—a partnership which takes from one of the partners works of the value of nearly $5,000,000 and seeks to charge him the debt for cost of construction, while refusing to allow him anything for his property or surplus contributions to the common fund. The position is a monstrous one. I cannot think that those who advocate it have ever considered it in all its bearings. But I am unable to see what authority the Arbitrators had to go behind the Act of Union. Their power was to divided and adjust the debts and assets in which the Provinces were conjointly interested, that is as I understand it, debts and assets which arose after the Union, and during its continuance. I may be mistaken in this opinion. I am not bigoted to my opinion, but the more I reflect upon it the more strengthened I become in the conviction that it is right. I, however, for reasons already given, do not think it necessary to prosecute this enquiry any further. Underlying it are the legal questions. They must be determined by the Privy Council. If decided in favour of Quebec, there must be a new Arbitration. If decided against Quebec, and Quebec be notwithstanding able to show injustice or oppression, I can vouch for it that the public men of Ontario will not be found unreasonable or exacting. (*Applause*.) Our public men are I think disposed not only to act justly but liberally to our Lower Canada neighbours, whose welfare is our welfare and whose prosperity is our prosperity. (*Cheers*.)

We are now in Confederation for weal or for woe. The issue must under Providence to a great extent depend on our own conduct towards each other. Seasonal strife must, above all things, be avoided. (*Hear, hear*.) The thought of disruption is not for a moment to be entertained. (*Cheers*.) The man who needlessly provokes sectional strife wickedly weakens the ties of Confederation, and knowingly strengthens the hands of our enemies. I look upon the resolution moved by the member for Hochelaga as inexpedient and unnecessary. I hold it inexpedient because it is inopportune; because its pressure while the legal questions are undecided needlessly, raises dissension; because not so much framed in the interests of our common country as for the purpose of gaining some party advantage over the Government of Quebec.

I cannot forget in what manner the mover taunted the Minister of Militia with the vengeance of Quebec, for in his place as a member of this House and Leader of the Government doing what he considered to be his duty in the interest of the whole Dominion. I say, Sir, that on questions of this serious character, the claims of our country must be placed higher than the mere claims of party. (*Cheers*.)

I think the resolution unnecessary, for without the aid of the Imperial Parliament, we have according to the opinion of the Law Officers of the Crown, a right to do what we like with our own. Entertaining this opinion of the motion of the member for Hochelaga, I shall vote against it and against any similar resolution with similar party objects that may come from a member for Ontario. The occasion is too serious a one for mere party manoeuvres.

The amendment moved by the member for Châteauguay has all the vice of the motion of the member for Hochelaga, with this addition, that its carriage would be the defeat of the Government that has already done so much in building up our Confederation. (*Cheers*).

Let us now that we are about to welcome British Columbia into the Union, tighten the bonds of union. Other Provinces, such as Newfoundland and Prince Edward Island, have yet to apply for admission. We must not by needless discussion frighten them from doing so—divided we fall—united we stand—divided we shall relapse into our former state of colonial littleness; united we shall present to the world the spectacle of a great and growing confederacy, in process of time second to none on this continent. (*Loud cheers*.)

Mr. MILLS agreed with some of the remarks of his hon. friend from Toronto, and from some he differed. He did not believe that if the House had no jurisdiction in the matter, as asserted by the hon. member, then he had no right to discuss it on its merits. However, there was this justification for him, that if the Ontario members refused to discuss it on its merits, the Quebec representatives might suppose that there were no just grounds on which to rest the claims of Ontario. It seemed to him there was something more to be discussed in this case than merely its merits.

At the London Conference it was decided that the Dominion should assume sixty-two millions of the debt of Canada, and that the remaining ten and a half millions should be divided between the two Provinces. Now, he contended that unless the parties who were now liable for this debt should come to this House and ask that this debt should be assumed by the Parliament of Canada, it was therefore presumptuous on the part of this Government and this House to talk of assuming this debt when neither of the parties interested in it had asked them to. He disapproved of the motion of the hon. member for Châteauguay, for it asked Ontario to contribute the same proportion she did pay before Confederation, and which was thought to be unjust in itself, and which gave rise to the demand for constitutional changes.

If this motion, asking for the assumption of the surplus debt were carried, could they assume the debt imposed by the constitution on Ontario, and particularly without the consent of its representatives? Till the people or Government of Ontario ask that the debt should be assumed by the Dominion, this Parliament had no right or power to assume it. This House at present was not the tribunal to settle this question. He did not feel disposed to discuss this question on its merits. He quite agreed with the views taken of this question by the hon. member for Toronto. He believed that much more could be

said in defence of the validity of the award. The question for this House to decide was whether it had jurisdiction to set aside that award. All other questions should be lost sight of at least until this one was settled.

Supposing it were possible for this Parliament or Dominion to assume the surplus debt of the two Provinces, without their consent or solicitation, the Lower Provinces would have to be compensated. The debt would swell from ten and a half to twelve and a half millions, of which Ontario would have to pay seven millions. Now, it was to get rid of what was admitted to be unjust that a portion of the debt was taken from the Dominion Government and given to the Local Governments. The House had, therefore, no right to ask for changes. The Confederation Act was a compact which the House had no right to violate, a compact which had received the assent of the High Imperial Government, and which was therefore binding.

He did not agree with the member for Toronto West as to the way the motion of the member for Hochelaga should be treated. We had no right to attempt to settle the question here. How came it that the party satisfied with the decision should be forced to appeal from it? The Government, having appointed arbitrators, should act on their award, and leave it to the dissatisfied party to make the appeal. The Government had no discretion in the matter, but having decided not to act upon it, they virtually declared it invalid. The member for Toronto West was bound to contend the Government should not act on this award till set aside by a competent authority. (*Hear, hear*.)

Mr. DUFRESNE would not discuss the question as to its legality or illegality, for he maintained that the validity of an award was only to be decided by the power which appointed the arbitration. He did not think that the discussion of validity in this House was calculated to benefit either Ontario or Quebec. He thought the position taken by some hon. members that this question should be decided by a majority of the House was one fraught with danger. The framers of the Union Act had very wisely left the disposal of the assets of the late Province to a power outside of this House, and it was well that a question so calculated to create sectional jealousies should have been left for decision to an arbitration. The Government of Ottawa properly said they would not take cognisance of the award till a higher tribunal acted upon it. That was the only safe and logical position. The only motion that should receive his support would be that of the Hon. Minister of Militia. The only wise course was to accept it and remain quiet. (*Hear, hear and laughter*.)

Mr. JOLY said that the members representing Quebec were unanimous on this question. He was afraid that the arguments advanced by the Premier of Quebec might not have had due effect from the fact of his having to speak in a language not his own.

The representatives of Quebec were determined to adopt every constitutional means in their power to oppose the award. The general argument of those speaking against the amendment of the hon. member for Châteauguay seemed to be that the Dominion Parliament was not the proper body to deal with the question, but he was convinced that however the matter was decided by the Privy Council, whether Quebec was successful or not, as in the event of Quebec being successful there would have to be a new Arbitration, for the forming of which there was no provision in the present state of the law, the matter would sooner or later have to be dealt with by that House and he thought further that now, when the House seemed to desire to dispose of the question in such a way as would allay all bitterness, and when Ontario seemed disposed to deal justly and generously, now was the best time to deal with the matter; and, according to his view the only way in which the matter could be dealt with satisfactorily was for the Dominion to assume the whole of the debt—and he thought if such a proposal had emanated from some hon. member on the Government side of the House it would have met with a much better reception than now that it had originated with the hon. member for Châteauguay.

If the Privy Council should decide Quebec was wrong, and that the award was good, in what position would the Quebec members stand? Could they again come before the House and protest against an alleged injustice? They would not in such event be in as good a legal position as at present. While the present doubt existed, Quebec members should anxiously seek for a decision of the question by this House. The only argument against the motion of the member for Châteauguay, on the part of Quebec members, was that it as only one of non-confidence. If any member was of opinion that the Government had not acted properly or wisely in this matter, he should express freely his regret that such an easy mode of settling this difficulty as the member for Hochelaga proposed was not recommended by the Government. He felt the member for Toronto West was very severe in saying that if a comparison between the rival claims of Quebec and Ontario were made on the basis of their respective contributions to the revenue, since the former Union, Quebec would be nowhere. Certainly she had not paid in as much as Ontario during the latter half of the union period, but had been the greater contributor during the first portion of the time. Besides, the admissions of eminent Upper Canadians were on record to show the high appreciation of the benefits of union with Quebec, formed by the people of the West in 1840 and 1841. Certainly their admissions would not justify the conclusion that Quebec occupied a comparatively unimportant place in the union, or was a partner of little value. He thought in discussing this question that no harm would be done—no obstacle thrown in the way of an early and a proper solution of the difficulty, by rendering justice to the Eastern Province. (*Cheers*.)

Hon. Mr. IRVINE said it appeared as if the gentlemen who had spoken were generally of opinion that the House was not the proper tribunal to deal with the question, and they had all discussed it very fully, and the hon. member for Toronto West, although one of the most decided in that opinion, had been the one who had gone most deeply into the question. As he also was of opinion that the question would go before the Judicial Committee of the Privy Council, and that that therefore would be the appropriate place to advance the legal views of the case, he should not follow the example set him,

and discuss the legality of the matter, but he could not refrain from explaining his views of the difficult position in which he conceived the members for Quebec to be placed.

If the award bore any semblance of legality, or was based on any principle, so that they would have been able to say to their people that the judgment appeared to be according to law, they would have endeavoured to submit, but they were not able to say so, they could not say that judgment had been given by a proper authority, or that they had their property taken from them on any recognizable principle.

With regard to the points raised as to the residence in Ontario of the Dominion Arbitrator, and the necessity for an unanimous decision, he did not intend more than to mention those questions, but he thought that the main difficulty consisted in this, that the law required that the tribunal should be constituted of three, while at the time of the award, the award was not only given by two, but by those two at a time when the third had ceased to be one of their number, and it was perfectly manifest that whereas the Court was required to be composed of three it was in reality composed of two. The circumstance of the third having been notified of the continuance of the proceedings had no bearing on the subject, for any individual might just as well have been so notified as Judge Day for any connection he then had with the matter.

It was pretended that because he had accepted the post, and commenced the duties, he was therefore bound to carry the matter out to the end, but he thought such a proposition could not be supported, as it would be absurd to suppose that when a man once commenced an undertaking, no possible circumstance could relieve him from carrying it out. It was further contended that if it were admitted that two Arbitrators could not make an award, therefore no award would ever be arrived at, but he denied that, for though Judge Day might cease to be an Arbitrator there was nothing to prevent the Province of Quebec from naming another in his stead. But had that Province ever been asked to name another person? No. On the contrary the remaining Arbitrators continued their sittings on the very day that Judge Day resigned, and on the following day, on being served with a prohibition from the Superior Court of Montreal, they at once removed to Toronto, and immediately with the most extraordinary haste the whole matter was wound up, and the award given by the two remaining Arbitrators.

For this reason, independent of others, they could not face their people and advised them to submit to the decision. If it could have been urged that though perhaps not legal, the award was just, and that their best plan was to accept it, and so avoid all further difficulties, they might have consented to do so, but such was not the case, for on looking into the matter they found Ontario with an immense preponderance of assets, and that while Ontario commenced the Union in debt and came out rich, the reverse was the case with Quebec. He did consider that they were entitled to be judged on some principle, and not that they should be judged on one principle one day, and then when that principle acted to their advantage that the opposite one should be taken. They had been told that if the award had been on a partnership basis as they had proposed they would have been in a worse position than at present, but even then they would have had some satisfaction in knowing that they had been judged on the principle for which they contended. Under the circumstances, they could not advise their people to submit to the award, but were compelled to endeavour by all the constitutional means in their power to escape from that award.

The present question, however, was how the House should deal with the matter. The hon. member for Châteauguay had asked them to lay aside the whole proceedings of the late Province of Canada, and ask the Imperial authorities to give to the Parliament of Canada authority to deal with the matter, but looking at the question, not in Quebec, but a Dominion point of view, he thought such would be most undesirable, and he did not see why they should seek to throw such an apple of discord into their midst—and if such were done, and they were called upon to make an award, he was sure they would fail far more signally than the arbitrators had done. It had been contended that they were bound to notice the award, and act upon it, but in his opinion, they had acted far more wisely, as the judgment was of such a nature that it was impossible for them to act upon it, and all they could do was to leave the matter to be decided by the proper tribunal. This would be the result of the motion of the hon. Minister of Militia. But there was one difficulty in bringing the matter before the Judicial Committee of the Privy Council, namely, that the question would have to be argued simply in its legal aspect, without regard to the merits of the case. If that Committee should decide in favour of Quebec, the matter would remain in very much its present position, while, if the decision should be in favour of Ontario, which he did not believe possible, the difficulty would still not be removed. He thought, therefore, that if the matter could be settled without reference to the Privy Council, such should be done.

The hon. member for Lotbinière had objected to any member refusing to vote for a motion, because, while he agreed with the principle, it involved a want of confidence, but he thought it perfectly proper, while agreeing with an abstract proposition, not to vote for it, when couched in such a way as to be a direct attack on a Government he desired to support, and while he agreed with the motion of the member for Châteauguay, he would not vote for it in its present shape. If some arrangement could be made by which the Dominion should assume the debt, in a satisfactory way to both Ontario and Quebec, the whole difficulty would be overcome, and he was sure the Dominion would suffer no less. He understood that the Premier of Quebec, in the event of the amendment of the hon. member for Châteauguay being lost, had intended to prepare a further amendment, having a similar object, but not couched in such disagreeable terms, but he very much regretted to say that his hon. friend had been compelled to leave the city on account of serious illness in his family.

Mr. GEOFFRION said there were three parties interested in this matter, the two Provinces and the Dominion Government. It was the duty of the latter to be in a position to express an opinion on the award. It was, therefore, quite proper for the hon. member for

Bellechasse to introduce a motion asking the House to declare that the award was illegal. It would then be for the Government to take action as the majority of the House should decide. He did not propose to speak of the justice of the award, but he could not agree with the view taken by the hon. member for Toronto that if the debt had been divided in proportion to the amount paid by each Province, Ontario would get two-thirds of the assets. If such a basis should be adopted, Quebec, being the older Province and having been contributing to the debt for a longer period than Ontario, would receive a larger proportion of the assets. The motion of the member for Châteauguay proposed the Dominion's assumption of the surplus debt, and the compensation of the Lower Provinces; several members approved of this principle, but condemned its form because expressing regret or want of confidence in the Government. The Government, however, first opposed the motion from the Opposition side of the House. The motion of the member for Châteauguay was but the complement of that of the member for Hochelega. Ministers did not act, however, as if they really believed the former a motion of want of confidence.

The question was—was there a difficulty between Quebec and Ontario respecting the decision of the Arbitrators? He believed so, and that the member for Châteauguay proposed the proper remedy. The principle of the motion was practically approved by the Quebec Ministry, and other members on the Ottawa Government side of the House. Since the Solicitor General for Quebec said he would support it presented in another form, it was amazing to see how the motions of hon. members of the Opposition from Quebec were regarded by the hon. members from the same Province on the opposite side of the House. The motives of hon. members on his (Opposition) side of the House were impugned, and the hon. members themselves were charged with a desire to injure their Province.

It seemed to him that this cry was too old now to have any effect. It seemed to him that the only excuse for delaying the settlement of this question till after an appeal should be made to the Privy Council was to have it unsettled till after the elections. If he were as ready to impugn the motives of hon. members opposite as they (the Government) were to charge hon. members of the Opposition with bad motives, he would say that this was their object. It would, at any rate, be a more plausible accusation to make against them. He would, however, say nothing more on the subject but he would record his vote for the motion of the hon. member for Châteauguay, believing that it proposed the best mode of settling the difficulty. (*Cheers*.)

Mr. SCATCHERD said he had heard nothing to change his opinion that the award was fair and just, or that Ontario should appeal to the Privy Council. What had both parties to do but submit to the award of Arbitrators to whose appointment all parties consented. What surprised him was that not one of the Ontario Ministers or Dominion Ministers had hitherto spoken on this subject. He thought the Ottawa Government responsible for all the present difficulty. If they had stopped the arbitration proceedings on Judge Day's retirement, or acted upon the award when made, the present trouble would not have resulted. The motion of the member for Hochelaga could not have been designed for any other purpose than political effect in Quebec. If the Dominion assumed the surplus debt, as before, Ontario would be unjustly dealt with, as she would have to pay for three-fourths of this liability.

He proceeded to reply to some of the remarks and arguments of Quebec members on this subject, and expressed himself incredulous as to any attempt of Quebec to secede in consequence of the adverse award but he did not think Ontario should take any action touching this award in the shape of an appeal from it. He would vote in a manner to express his disapproval of the conduct of the Government in this important matter. (*Hear, hear.*)

Hon. Mr. HOWE said that he would regret extremely that the two Provinces of Ontario and Quebec should disunite on this subject. He had been led to believe that a case once before a legal tribunal could not be dealt with by this House. How could the Government dare to control the decision of a Judge?

The representatives of the Maritime Provinces viewed this question in a different light, perhaps, from that of the interested parties. They considered that a great tribunal had been established for the settlement of this question, and it would be a grave breach of duty for the Government to step in and interfere with the decision of the arbitrators. He, as a member of the Administration, would oppose any such action on the part of the Cabinet but he contended that legal tribunals should deal with this question and all such sources should be exhausted before the House undertook to grapple with it. It was clear, therefore, that it was premature to discuss the question now in this House. All the interests of this great Dominion depended on a fair and impartial decision of this difficulty by a competent legal tribunal, and he hoped it would be settled in that way, rather than by a majority in this House.

The member for Verchères referred to what had taken place in the case of Nova Scotia. Here was a political question, not a legal one, and the result had proved the sagacious character of its settlement. All he could say was that when the present question came before the House properly, the members from the Maritime Provinces would do their best to deal with it considerately, generously and fairly, remembering their candid and liberal treatment by the majority of this House from Quebec and Ontario. Meantime it was only a waste of time to continue the discussion of this question.

Mr. MAGILL regretted that this question was again brought before the House. He had hoped that not only the wisdom of our own country, but that of Great Britain had decided how this debt was to be divided. He was satisfied that it had been adjusted on fair and equitable principles and that if it has been as favourable to Quebec as to Ontario, the people of the Upper Province would not murmur at it, but accept the award as final. The Provinces entered the Confederation as equals, and therefore that basis should be accepted. The accounts should be settled between them as between

partners from the date of the Union. If the Province of Quebec had expended her funds extravagantly while the other Province had by prudence and economy increased in wealth, it was manifestly unfair to make an equal division of the assets when an adjustment was made. The one which had been thriftless had no right to a share of the savings of the other.

Mr. LANGLOIS argued that the motion of the hon. member for Hochelaga would be most dangerous in its results if carried. It proposed that the Imperial Parliament should give to the Canadian the power to settle this question. From the speeches and arguments he had heard during the debate, it was evident that the Quebec members would take one side, and the Ottawa members the other. How then was the difficulty to be overcome in this House? Quebec could only fall back on the members of the Maritime Provinces who, no doubt, would also be divided, and they would be as far off a settlement as ever. The member for Hochelaga had himself admitted that the question was a purely legal one, then why take it from a legal tribunal like the Privy Council to submit it to this Legislature? The award was undoubtedly invalid because it was made by two members of a court which was specifically composed of three. He contended there was no force in the argument that Upper Canada should be credited with a large amount of assets as an offset to her five millions of debt, because that the public works for which this debt was incurred, turned to the general advantage. Quebec had also spent a great deal in public works, and had as good a right to claim consideration on this head. Yet she had no doubt on entering the Union, and was ready to bear a share of that of Ontario. He replied to other arguments on the side of Ontario, and declared his determination to oppose the motion of the member for Hochelaga.

Hon. Mr. ANGLIN said Quebec had not come before the House as a Province, its representatives here differing widely on the Arbitration question. The Ministers of Quebec did not propose an appeal on any other action on their part, and the Ottawa Ministers had shown themselves equally inactive. An appeal to the Privy Council had been talked of. If it approved of the award there would be still more reason for coming here than at present, at least before all the Provinces were consulted on the subject of the financial arrangements which formed the basis of the Union. He did not think they ought to take up this question in Parliament at this time; and unless the other Provinces, all interested in the financial basis of the union, were consulted, he did not see why this matter should be taken up at all. For the present he would probably vote against all the motions on this subject.

Hon. Sir GEORGE-É. CARTIER thought it strange that no one had apologized for the absence of the hon. member for Châteauguay, who had proposed a motion of want of confidence. It was more grievous in its injustice towards Quebec than the resolution of the hon. member for Hochelaga, for it forced a judgment against Quebec when that Province was not in a position to say it was labouring under a grievance. The Dominion Government was trustee of the assets to be divided between the two Provinces, yet this motion called on them (the Government) to hand over the assets before the award was sustained.

Mr. BARTHE said it was undeniable that the people of Quebec were indignant at the manner in which their interests had been sacrificed by the Arbitrators. This was no question of money, but one of politics, and was therefore one to be discussed and settled by this House. Quebec was undoubtedly the pivot of the Confederation, and injustice done to it was injustice done to the whole Dominion. He believed, therefore, that the argument of the Hon. Minister of Militia, that the Ontario representatives were in the majority, would not hold. Let the wrongs of Quebec be fairly shown to this House, and he had no doubt that the sense of justice would overcome all sectional partiality and a majority would be found to re-adjust this unfair award. He had for fifteen years been a supporter of the Government, but he was not prepared to sustain them in the course they were pursuing in regard to this question. (*Hear, hear*.) It was but calculated to disunite the Dominion by keeping open this irritating question.

Hon. Mr. DORION replied to the arguments of previous speakers in opposition to his motion. The Solicitor General of Quebec was another who stated, he approved of the principle of the motion of the member for Châteauguay. Well, he (Hon. Mr. Dorion) was authorised to say that if that hon. gentleman would attach his name to the motion of the member for Châteauguay, the latter would leave it in his hands. But the Minister of Militia took a somewhat different course from other Quebec members. He (Hon. Mr. Dorion) repudiated the notion that this motion was designed as one of non-confidence. They had waited weeks for some action on the part of the Government, but though some of their members had stirred up popular feeling on this subject, none of them had taken any action in Parliament. He referred to the action of the member for Bellechasse, and other members of the Opposition to secure ministerial expression of opinion or action on this question, but all to no avail. One excuse or another of the most trivial character was objected to to prevent anything being done, and to defeat the well meant exertions of members on the left side of the House. (*Hear, hear*.) He then brought forward another motion. It remained for a member from Lower Canada to declare it out of order. But it had been brought in for all that, and was now before the House. The hon. members were about to declare by their vote that this was not the time to discuss the question—not till after a decision shall have been rendered by the Privy Council. The members for Ontario did not ask for it. No one declared that decision would be agreed to as final, then what good could it do to send it to that tribunal? Any member who would look at the figures would see that Ontario, though paying very little more into the treasury than Quebec, was receiving a much larger proportion of the assets. This fact alone was sufficient to show the injustice of the award. It was now for the House to say whether it was so or not. If it should be decided that the arbitration award was unjust, it was for them to readjust it. He proposed a simple remedy for the

whole difficulty. Let us, the Dominion, assume the debt. This would render justice to all. This objection of non-confidence in the Government is an old device of the Ministers. When the question of the seat of Government was discussed, Lower Canada was dragged into the sacrifice of her interests by the cry of want of confidence in the Government. A decision, not in the merits of the question, was thus arrived at adverse to the feelings of nine-tenths of the country.

His confidence in Parliament was unbounded—far greater than in any tribunal beyond the seas, that took little interest in our affairs. He condemned the carrying of this question to England, and various objections to his motion preferred by Quebec members, opposing the motion to assume this debt, and settle it amicably and promptly here, because of a mere silly cry, was preferring party to country—was to choose an outlet from a difficulty which must lead to serious trouble and injury to the country in the future. The award was unanimously regarded in Lower Canada as unjust, among other reasons for giving Upper Canada more than it at first claimed as its due. He was ready to take a vote on the motion, no matter whether the Government regarded it as one of want of confidence or not.

Hon. Mr. McDOUGALL (Lanark North) thought if the House were considering a Confederation scheme, this motion would hardly have been out of place, but at the present time he regarded it as ill-timed. It opened up a field unpleasant to contemplate. It was unfortunate that each Province as it felt itself aggrieved should come here to redress. It argued badly for the future harmony of the Confederation. He did not approve of the action of the Government in this case. If they considered the award valid they should at once have acted on it, but they seemed to have suspended the action indefinitely. The award had been made and they should have at once apportioned the debt according to that decision. Looking at the case as a lawyer, he did not think that the arbitrators had proceeded on a right principle, but that was a matter to be decided by a legal tribunal. If the principle of partnership was to be the test of the justice of the award, he contended that Quebec had nothing to complain of. He was sorry that the people of the Lower Province, many of them the very people who had helped to bring about the present condition of affairs, should now complain of the result and create discontent in Quebec instead of endeavouring to allay the prevailing dissatisfaction.

The House divided on the motion of Hon. Mr. Holton, which was lost: yeas 16, nays 96.

Mr. MILLS moved in amendment to the amendment that all the words after ‘‘that,’’ be struck out, and the following substituted. ‘‘The division of the excess of debt of the former Province of Canada over and above the $62,500,000 assigned to the Dominion by the British North American Act, having been referred to arbitrators appointed under authority of the said Act, and a majority of the Arbitrators so appointed having made an award, this House is of opinion that the Government, in the adjustment of accounts between each Province and the Dominion, should act upon the basis of the award.’’

A vote was taken without discussion, and the motion was lost: yeas, 25; nays, 84.

Hon. Mr. IRVINE said he had intended moving an amendment to that of the Minister of Militia, to order the Dominion’s assumption of the surplus debt and assets, and the consequent proportionable compensation of the Maritime Provinces; but after the two distinct expressions of the opinion in the House just taken, he did not think this the proper or opportune moment to submit his amendment. (*Hear, hear*.)

Mr. JOLY moved in amendment that the following words be added to the motion: ‘‘That this House regrets that the Government of Canada did not take any action in order to suspend the proceedings of the two remaining Arbitrators before the award was made, when requested so to do by the Government of Quebec.’’ In a speech of some length he censured the Government for not having interfered in time to prevent the occurrence of this difficulty, after having been twice appealed to in the most solemn manner by the Quebec Government, to stay the proceedings of the Arbitrators after the withdrawal of the representative of Quebec.

Hon. Mr. ANGLIN said that after the decided expression of the House in the two divisions which had just been taken, the hon. member for Lotbinière could hardly expect to carry his motion, and it would be as well not to press it.

Hon. Mr. McDOUGALL (Lanark North) said that if it was a covert attempt to commit the House to the principle that the award of an Arbitration was not valid if it was not a unanimous decision.

The House divided on the motion, which was lost: yeas, 15; nays, 95.

Hon. Mr. DORION announced that he would vote against the amendment of the Hon. Minister of Militia, because it committed the Quebec members to the position of the decision of a tribunal of which the House knew nothing and which was not even mentioned in the resolutions.

A division was taken on the amendment of Hon. Sir George-É. Cartier, which was carried: yeas, 68; nays, 41.

YEAS

Messieurs

Archambault	Baker
Beaty	Beaubien
Bellerose	Benoit

Bertrand
Blanchet
Brousseau
Cameron (Inverness)
Caron
Cartier (Sir George-É.)
Cayley
Colby
Costigan
Crawford (Brockville)
Crawford (Leeds South)
Currier
Daoust
Dobbie
Dufresne
Dunkin
Ferris
Fortin
Gaucher
Gaudet
Gendron
Grover
Harrison
Hincks (Sir Francis)
Holmes
Howe
Irvine
Jackson
Keeler
Kirkpatrick
Lacerte
Langevin
Langlois
Lawson
McDonald (Antigonish)
McDonald (Lunenburg)
Masson (Soulanges)
Masson (Terrebonne)
McDougall (Trois-Rivières)
McGreevy
Moffatt
Morris
Perry
Pinsonneault
Pope
Pouliot
Renaud
Robitaille
Ross (Champlain)
Savary
Scriver
Simard
Simpson
Snider
Street
Sylvain
Tilley
Tourangeau
Tupper
Walsh
Willson
Wright (Ottawa County)—68

NAYS

Messieurs

Anglin
Ault
Barthe
Béchard
Bourassa
Bowell
Brown
Cameron (Huron South)
Cartwright
Cheval
Cimon
Coupal
Delorme
Dorion
Drew
Fournier
Geoffrion
Godin
Joly
Kempt
Lapum
Little
MacFarlane
Magill
McDougall (Lanark North)
Metcalfe
Mills
Morison (Victoria North)
Oliver
Pâquet
Pelletier
Pozer
Ross (Wellington Centre)
Scatcherd
Thompson (Haldimand)
Thompson (Ontario North)
Tremblay
Wells
White
Whitehead
Wright (York West)—41

Mr. BURPEE paired with **Mr. ROSS (Prince Edward)**.

The main question, now amended to accept the principle that the arbitration award should be referred to a competent judicial tribunal, the House meanwhile refraining from expressing an opinion, carried on division.

The House rose at 12.50 a.m. on March 14.