

HOUSE OF COMMONS.

Tuesday, 26th March, 1878.

The Speaker took the Chair at Three o'clock.

PRAYERS.

THE QUEBEC PROVINCIAL CRISIS.

MESSAGE FROM HIS EXCELLENCY.

MR. MACKENZIE delivered a Message from His Excellency the Governor-General.

MR. SPEAKER read the Message, and it is as follows:

“DUFFERIN.

“The Governor-General transmits to the House of Commons a Memorandum from His Honour the Lieutenant-Governor of the Province of Quebec, with accompanying documents, containing explanations in reference to the recent Ministerial changes in that Province.

“GOVERNMENT HOUSE,
“OTTAWA, 26th March, 1878.”

MR. MASSON said he would like to know whether the correspondence relative to the De Boucherville Ministry, as it was printed, could not be placed at once in the hands of members.

MR. MACKENZIE said he had but one copy printed.

MR. MASSON: Then it was printed in Quebec.

MR. MACKENZIE: Yes.

MR. MASSON: That is extraordinary. There must be copies somewhere.

MR. MACKENZIE: That is likely.

MR. MASSON: Does the hon. gentleman think it is too long to be printed in the Votes and Proceedings?

MR. MACKENZIE: I do not think that it should be so printed; but, by understanding, it might be printed and distributed to-morrow.

MR. LANGEVIN: I would suggest that the Address from the Legislative Assembly of Quebec, which was brought down, should be printed as well.

MR. MACKENZIE: I think that would do very well. The two can be printed together.

MR. MASSON: Is the correspondence which took place just before the dismissal of the Ministry included?

MR. MACKENZIE: I suppose so. The Government have nothing else in their possession, but I think it is there.

BILL INTRODUCED.

The following Bill was introduced and read the first time:—

Bill (No. 60) To amend the Consolidated Insurance Act, 1877.—(Mr. Killam).

PILOTAGE ACTS AMENDMENT.

NOTICE OF MOTION.

MR. SMITH (Westmoreland) moved that the House, on Thursday next, go into Committee of the Whole to consider the following resolution:

“That it is expedient to provide that the Montreal Harbour Commissioners may, with the approval of the Governor in Council, make provision for licensing a second class of pilots for all steamers and for other vessels, not exceeding 250 tons register, and for other vessels exceeding 80 and not exceeding 250 tons register, navigating the River St. Lawrence between the harbour of Quebec and the upper limits of the harbour of Montreal, and may establish rates of pilotage to be paid by such steamers and vessels compulsorily, except ferry boats and steamers having on board a second class pilot as master or mate thereof, or vessels not exceeding 250 tons register when in tow of a steamer in charge of a licensed pilot; and to amend the Pilotage Acts of Canada accordingly.”

He said that this resolution contemplated the introduction of a Bill making a change in the Pilotage Law as concerned the River St. Lawrence between Montreal and Quebec, inclusive. At present all vessels under 250 tons register, registered in Canada, were exempt from paying pilotage dues; and all vessels below 250 tons, wherever they may have been registered, were also exempt. Experience had shown that, in connection with vessels below this size navigating the River St. Lawrence between these two points, a great many collisions had arisen; and on this subject a petition had been received from the Harbour Commissioners of Montreal, which, bye-and-bye, he would read; and also a communication from Sir Hugh Allan, who was a large steamboat owner, and largely interested in shipping and the

navigation of the river, recommending that second class pilots should be established, and that all sailing vessels between 80 and 250 tons should be made subject to pilotage dues, as well as all steamers of whatever size they might be. Practically, this resolution would require that all steamers, of whatever description, below 250 tons, and other vessels engaged in that service, should take the services of second class pilots; and all vessels below 80 tons would not require a pilot on board at all.

MR. MITCHELL: Will any discrimination be made in the rate of pilotage fees between first and second class pilots?

MR. SMITH: It is left entirely to the Harbour Commissioners to make rules, which, however, are subject to the approval of the Governor in Council. That power is now possessed.

MR. LANGEVIN: Is the pilotage rate now fixed by law or left entirely to the Harbour Commissioners?

MR. SMITH: They have the power; yes.

MR. LANGEVIN: In this case is a rate to be established by the Bill?

MR. SMITH: No; it will be established by the Harbour Commissioners, subject, however, to the approval of the Governor in Council. This is intended to secure the services of skilful men on board of all steamers and of the smaller class of vessels. They will require to have a second-class license, and it will be sufficient if one of the hands or the captain or mate has the certificate of a second-class pilot.

MR. MITCHELL: Am I to understand that the Bill which the hon. gentleman intends to introduce will provide that the owners of decked vessels and the smaller class of steamers, or any steamers under a certain class, shall be entitled, if they choose to hire a holder of a second-class certificate as an officer, a captain or a mate or a hand?

MR. SMITH: Yes.

MR. BLANCHET: Will this proposed amendment to the Pilotage Act affect the pilots below Quebec.

MR. SMITH: No.

Motion agreed to.

MR. SMITH.

MALT DUTY BILL.—[BILL No. 61.]

(*Mr. Laurier.*)

FIRST READING.

Resolution reported from Committee of the Whole (March 22nd) *read the first and second time and agreed to.*

MR. LAURIER introduced a Bill (No. 61) Respecting the duty on malt.

Bill read the first time.

KEEWATIN MUNICIPALITIES BILL.—
[BILL No. 23]

(*Mr. Mills.*)

CONSIDERED IN COMMITTEE

House again *resolved* itself into Committee of the Whole on the said Bill.

(In the Committee)

On Section 21,

MR. LANGEVIN suggested that the ballot system, as adopted in the Province of Quebec, should be introduced into the Bill.

MR. MILLS said the Bill provided against frauds. The ballots were initialed and endorsed with the name of the returning officer, and it was impossible to carry them out of the poll house without being detected. The provision in the Bill was sufficient to prevent them being taken away, which was all that could be accomplished by the scheme proposed by the hon. member for Charlevoix.

MR. LANGEVIN said that a voter after coming out of the compartment in which he went to mark his ticket, might rush out, unperceived by the officer, with his ticket in his pocket. The result of which act might be fraud. That ticket would be marked by an outside party and given to another elector to deposit, who would return with a similar blank ticket to be marked and handed to another voter in the same manner, and so continue until the end of the election. True, the offender could be punished, but the fraud continued. Under the system adopted in Quebec this was avoided.

Mr. MILLS said the provision was in the Municipal Law of Ontario. It had been suggested that there might be an understanding between a voter and a candidate, or the agent of a candidate, that he, the voter, should profess his inability to read with a view to allowing the party to see how he marked his ballot. The agent might exercise undue influence over voters in that way, and might practically do away with the secrecy of the ballot in some instances. To prevent that undue influence or fraudulent votes being given the provision was inserted.

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

After Recess.

On Section 96.

Mr. PLUMB said it would be wise to consider whether the children should be brought up to speak English. If we were to give them our institutions, it was necessary the children should have a thorough knowledge of the English language, unless the Government intended to have all their laws translated.

Mr. MASSON said he did not see any inconvenience in allowing these people to maintain their own language. They would be clever enough to see that it was to their advantage to learn the English tongue.

Mr. MILLS said that it would be time thrown away to educate them in any other language except the one spoken by their own people. They would learn other languages afterwards.

Mr. WHITE (North Renfrew) said the English language should be specified as one of the requisite branches to be taught in those schools. It was strange that a complex machinery should be framed for the benefit of these people, and no provision made to teach them the language in which those laws were framed.

Mr. MACKENZIE said those people would quickly learn the English language. They had to live, as a whole, among a large English community

growing around them, and, no doubt, would be quite as anxious to learn English as Englishmen would be to learn their language under similar circumstances.

Section agreed to.

On section 105,

Mr. BOWELL said that without desiring to discuss the question of separate schools, either Protestant or Catholic, he would simply state that he objected to the legislation embraced in the present Bill, as well as that in the North-West Territories Act. He had no objection to the people of Keewatin or the North-West establishing separate schools, and to having all the rights and privileges of the law in managing them, and in exempting certain classes holding different views in regard to education, but he questioned the propriety of Parliament imposing upon any section of the country a school system which that section might not desire or require.

Mr. PLUMB said he thought the Dominion Parliament had a perfect right to impose that kind of legislation upon territories under its own control, and the point raised by the hon. member for North Hastings (Mr. Bowell) was not well taken. It was quite proper that Parliament should adopt the measures contained in the Bill, because the people of Keewatin would not have the power to do it for a long period, and they should be protected in the meantime.

Section agreed to.

On Schedule C,

Mr. PLUMB said the arrangements provided in the Bill for making the ballot secret were quite unnecessary. In the United States, where the system originated, there was no secrecy. The ballots were printed and distributed by thousands to show the candidates of the parties, and the names of the candidates for whom an elector voted were fully known, unless he had pasted other names on the ballot. There was no secrecy about the voting, and never had been. He wished that to be distinctly understood, because there was an impression abroad that the system of voting in the United States was a

secret one. On the other hand, the whole of the legislation by the Dominion Parliament had been to endeavour to make the ballot secret. The system of the ballot was a harmless one, but it was unnecessary, especially in the present Bill, and it would never be carried into effect.

MR. TUPPER: Before we pass from Schedule C, I may say, I suppose, that the real object of this mode of action, which is somewhat new and which is not in our Election Law, is to provide against a ballot being taken out, and yet it is not carried so far as to provide means of identification as to the party by whom the vote was given. Under the Ontario law, as I understand it, every ballot is so marked that it can ultimately be discovered by scrutiny by whom the vote was cast in each case; but that is not our law.

MR. MILLS: The main object is to prevent an improper ballot paper being deposited in the ballot box. The initials of the returning officer are placed on the ballot paper, and, therefore, he knows that it is the genuine paper which he has given to the voter so that the ballot box cannot be stuffed.

MR. TUPPER: In fact, the voter cannot put in any paper other than the ballot handed him by the officer.

MR. MILLS: Yes.

MR. TUPPER: I would like to ask the hon. the First Minister whether it is proposed to amend the Ballot Act for the House of Commons in some such mode as this, by which the same fraud on the ballot, which obviously can take place without some such protection, would be entirely prevented.

MR. MACKENZIE: Well, we have been considering some such amendment.

MR. PLUMB: Will this Bill be translated into language that these people understand.

MR. MILLS: Undoubtedly that can be done.

MR. MACKENZIE: The Council can do that or not, as they please. They can take care of themselves.

Section agreed to.

MR. PLUMB.

On the motion to report the Bill,

MR. MITCHELL said the Bill was one of such an extraordinary character that it should not be allowed to pass without a protest being made. While its details were being described, he had not raised a single objection which would impair its efficiency or prevent its becoming as efficient a law as possible. No one on either side of the House could say that he had in any way attempted to limit the judgment of hon. gentlemen in their action in relation to the Bill, and he therefore felt that the insinuation thrown out by the hon. the First Minister was quite unwarranted and uncalled for. He wished publicly to disclaim any desire to protract the business of the House, but he did feel it his duty as a representative of the people, when a measure of such an extraordinary character was applied to a section of the country, to show that it was not wanted. The district for which this legislation was intended comprised, he was informed, about 1,500 souls altogether, of whom something like 80 were voters. Now, if such a piece of machinery was proposed to be introduced into the city of London, would not the utmost consideration and the gravest deliberation be given to it by the most careful lawyers? If it was offered to Montreal, Halifax, Toronto, St. John, Quebec or Hamilton, would it, he asked the House and the country, be adopted? He must say that the attempt of the Government to place a measure of that kind at work for 1,500 ignorant Icelanders, who had never had the opportunity of understanding the administration of municipal affairs or exercising the powers to be vested in them, was the most preposterous piece of legislation which had ever been submitted during his experience as a public man. Let anyone consider what this legislation would cost and look at what the working of the Bill would involve. He was told there was only one English-speaking man in the district. How, then, were these people to learn the language? Was the Bill to be translated into Icelandic? Were the people to have tutors to teach them, or were men to be sent from Ontario and Quebec for that purpose? He pre-

sumed none would be taken from the Maritime Provinces as tutors, because the measure was founded on the municipal institutions of Ontario. How were the people to work out the innumerable provisions of a municipal law which was based upon the experience of an independent community like that of Ontario or Quebec, or the older Provinces of this Dominion? How was it possible that these people destitute of all knowledge as to the working of such institution could judiciously work out such a piece of machinery as was contained in the Bill? But he would assume that they had intelligence, that they would be educated, that men would be sent there to inform them. Under those circumstances he asked what the country would think of the Government now in power that had created the enormous expense which would necessarily be involved and which would likely be perpetuated for the sake of governing 1,500,000 people when they should have been attached to Manitoba district? He asked how they could justify the establishment of such an elaborate piece of machinery in a wilderness like that? The Government had a majority which could carry out their design, and thus saddle the country with an immense expenditure in addition to the sums expended in relation to other matters. All, therefore, the Opposition could do was to endeavour to improve such Bills as much as possible. For his own part he had not endeavoured to embarrass the passage or perfection of the measure. His friends and himself had endeavoured to meet the wishes of those on the other side, and he must say that their representations had been frankly viewed by the hon. Minister who had charge of the Bill. He objected to it however, as entirely unnecessary. There might be some other and more simple means whereby the temporal government of that section of the country might be established until it was prepared by its increased population, by the extent of its settlement, by its civilization and by the education of its people, to obtain and carry out a great measure such as this. The House, and particularly the Opposition, should not be asked to take upon themselves the responsibility of such a

measure of legislation. They should not assume the responsibility of throwing on the country an amount of expenditure which was unwarranted, unjustified by necessity, and uncalled for by the people of Keewatin. He had felt it his duty to speak out plainly on this matter. He opposed the extravagance of such legislation and the expenditure it would necessitate, and predicted that total failure would be the result of giving to a people who did not understand our institutions, the responsibility of working out such a measure.

Bill ordered to be reported.

House resumed.

Bill reported.

THE QUEBEC PROVINCIAL CRISIS.

REMARKS.

MR. TUPPER said that, before they proceeded with the next business, he would draw the attention of the hon. the First Minister to an act which he thought the right hon. gentleman who led the Opposition (Sir John A. Macdonald) had some reason to complain of. An important document, namely, the explanation of the Lieutenant-Governor of Quebec, that day presented, was brought down by the hon. Minister and submitted to the House, and it was assumed that, being brought here by the Government, that the members of the Government had already had an opportunity of knowing the contents of that document. It was asked for by the right hon. gentleman (Sir John A. Macdonald) who wished to make himself acquainted with the contents of this extremely important document, and he had just received it when the Clerk of the House asked for it for the purpose of docketing it in the usual manner, giving the right hon. gentleman to understand that it would be returned in two minutes. Immediately afterwards, the document had been taken possession of by a Minister, he believed, for the purpose of communicating it to a portion of the Press and excluding it from another portion of the Press. He thought this was a matter which claimed the attention of the Government.

MR. MACKENZIE: I really do not think there is much ground of complaint. I asked the Chairman of the Printing Committee with regard to it, and he told me it was in the printers' hands at four o'clock, or the translator's hand, I forget which.

MR. MASSON said it was not in the printers' hands, because it had not left the translator's hands yet.

MR. BOWELL: The document has not yet been placed before the Printing Committee.

MR. SPEAKER said his attention had been called to the matter a short time ago. He believed that when the document was brought in it was laid on the table, and was taken possession of by the hon. member for Terrebonne (Mr. Masson), who handed it to the right hon. member for Kingston (Sir John A. Macdonald.) The Clerk informed the latter that it was to be printed immediately, and requested it to be handed to him for the purpose of recording it. At six o'clock the document was in the hands of the Clerk, who did not understand that the hon. member for Kingston wished to have it returned to him. On the way to his room the Clerk was met by the Minister of Inland Revenue, who asked for the document for a moment. He could scarcely refuse, and he gave the hon. gentleman the document for a few moments. Then, not finding the document returned to him at the time he expected, he sent to enquire for it, and the Minister of Inland Revenue informed the messenger that some other member had taken it. Afterwards the Clerk, in looking up the document, found it in one of the rooms, where a gentleman was making a precis of it, an hon. member of the House being present at the time. The document went immediately to the hands of the translators, who were now working hard at it with a view of getting it at once into the hands of the printers, ready for to-morrow. He did not suppose it was the intention of anyone to do wrong, and the Clerk had no intention of treating the hon. member for Kingston with any discourtesy, and had no idea at all that he wished the document handed back to him.

MR. TUPPER.

MR. TUPPER said he did not wish to be understood as complaining of any discourtesy on the part of the Clerk; he had no intention of doing so; but he did complain that a document of a public character, brought down here by the Government, should be taken out of the hands of the right hon. gentleman who led the Opposition in this House, and communicated to that part of the Press which was in accord with the opinions of the hon. Minister, before a record was made of the document. They complained that no opportunity was permitted the Opposition to become acquainted with the document before it was communicated to members of the Press.

MR. MACKENZIE said the hon. member for Cumberland (Mr. Tupper) seemed to think no one had any right to the document except the hon. member for Kingston (Sir John A. Macdonald). The hon. member for East Quebec (Mr. Laurier) had just the same rights in this House as the member for Kingston. The hon. member for East Quebec had no opportunity of seeing the document before it was brought down, and he had precisely the same right to look at the paper as the hon. member for Kingston had. The document was not taken out of the right hon. gentleman's hands by the member for Quebec East, but by the Clerk, who was not aware that it was to be returned. He (Mr. Mackenzie) was surprised that such a charge should have been brought.

MR. MASSON said he admitted that the hon. the Minister of the Interior had a perfect right to obtain the paper, but he had not the right to take it out of the hands of the Clerk, who would, otherwise, have returned it to the right hon. member for Kingston, from whom he had borrowed it for a few moments. The hon. Minister, it appeared, handed the paper over to the Press; the consequence was, if it were necessary to have it translated to-morrow the translators would be delayed a whole evening waiting for it. The reproach he had to make to the hon. the Minister of Inland Revenue was that he had taken this document and had given it to his party Press to the exclusion of that part of the Press representing the Opposition.

MR. MACKENZIE said he offered every facility to the Press to get every document, as soon as possible, which came before the House.

MR. LAURIER said he had not known the document had been in the possession of any hon. member. He had asked it from the Clerk as a matter of courtesy, and he had communicated it to the gentlemen of the Press as a matter of courtesy. He had handed it for a few moments only to the gentlemen of the Press, and thought to have had it back after a few minutes. As the time elapsed he was reminded of it by the Clerk, and immediately set to work to get it back. He could not have done more.

MANITOBA CLAIMS BILL—[BILL No. 46]

(*Mr. Mills.*)

SECOND READING.

Order for second reading read.

MR. MILLS said this Bill was very short and the object very simple. In Statute 38 Vic., chap. 53, 7th section, there was the following provision in relation to the functions of the Commissioner for the purpose of settling disputed land claims in Manitoba:—

“The Commissioners shall not receive or proceed upon any claim until each of the adverse or conflicting claimants has made before the Commissioners, an affidavit or affirmation in writing, signed by him, that such claim is just and well founded, to the best of his knowledge and belief, &c., and that he has, at least one month before the making of the affidavit or affirmation, caused to be served on the party having, or supposed to have, such adverse claim, notice in writing of his claim, and of his intention to bring the same before the said Commissioners, and of the time when it is intended to be so brought, and a copy of such notice shall be annexed to the affidavit or affirmation.”

The House would see, by this particular section, that if any party desired to prevent the Commissioners from proceeding to decide conflicting claims of the respective parties to any lands in the Province of Manitoba, all that was necessary to do was to refuse to give the requisite notice. The result was that no action could be taken, except in the case of those who volunteered to comply with the provisions of the law, and appear before the Commissioners, for the purpose of having

their respective claims determined. This Bill provided for the removal of this defect in clause 17, which stated:

“The Commissioners shall not receive or proceed upon any claim until the party by whom or on whose behalf the same is made, or if such party consists of more than one person then until some one of such persons has made and produced before the Commissioners an affidavit or affirmation in writing, signed by him, that to the best of his knowledge and belief his claims are well founded, that he is not aware of any adverse claims (if there be none), or if he is aware of any adverse claim, that he has, at least one month before the making of such affidavit, caused to be served on the party making, having or supposed to have such adverse claim, a notice in writing of his claim and of his intention to bring the same before the Commissioners at the time appointed by them for hearing the claims of the respective parties, and a copy of such notice shall be affixed to the affidavit or affirmation.”

This would put the parties in the same position as they would be in an ordinary suit. The Bill also provided that the Commissioners shall have power to enforce the attendance of witnesses, and to compel them to give evidence and so forth. There might be parties who could give evidence which would enable the Commissioners to determine in whom the title was properly vested, and it was necessary that power should be given to the Commissioners to compel such parties to give testimony. This Bill enabled the Commissioners to proceed without delay in the settlement of disputed claims.

MR. RYAN said he quite agreed with the hon. the Minister of the Interior, as to the necessity of this amendment. Last year, it had been found that several cases were not tried merely because one of the parties in each case, and the one who, probably, had no just claim to the land, was unwilling to give notice, and the trials could not be proceeded with on that account, and had to be postponed. Would the hon. the Minister inform him whether there were any Commissioners appointed to decide those claims, or whether Hon. Mr. Morris was still a Commissioner?

MR. MILLS said there were commissioners appointed, and Mr. Morris had resigned.

Bill read the second time.