THE HERALD.

VOL. VI., NO. 10. FREDERICTON, N. B., SATURDAY, FEBRUARY 9, 1895. $1.00 PER YEAR

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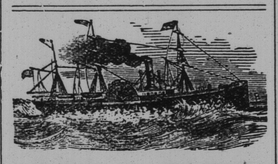

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NOTICE OF ASSIGNMENT.

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THE BUDGET SPEECH.

Hon. Mr. Mitchell's Clear, Concise and Masterly

EXPOSITION OF PROVINCIAL FINANCES,

On Moving the Legislature into Supply.

In submiting his financial statement for the year 1894 and the estimates for 1895, Hon. Mr. Mitchell said he would endeavor to discharge the duty devolving upon him as clearly and concisely as possible. fact that the past year had been a fairly He thought he could, at the outset, congratulate the house and country upon the successful one throughout the province. The great farming industry had been fairly prosperous; the harvests had been good, and the farmers were facing the winter hopefully. The lumber industry had been somewhat depressed but the outlook was now improving. In commercial circles the depression existing in other parts of the world had been felt to some extent, but in view of the financial distress reported from other countries this province had little to complain of. He referred to a conversation he had heard among a number of commercial travellers, who agreed that

BUSINESS HAD BEEN BETTER

during the past year in New Brunswick than in any part of Canada, or in any part of the United States in which they had travelled. Although very few foreigners were coming to our country to settle, yet we had a better class coming, namely, many of the people who had left this province years ago and gone to live in distant lands, who were now returning to the land of their birth, satisfied that after all there were many places in the world worse than the province of New Brunswick. (Applause) We could not hope to obtain any considerable share of the imigration from the old country here, for the saying of the poet was a true one: "westward the tide of empire takes its way." For many years this tendency had been exhibited not only in this province, but in all the maritime provinces, and in the New England States. In the states of Maine, New Hampshire and Vermont there were three deserted farms to-day for every one to be found here. Then again there was a tendency on the part of steamship and railway companies who were doing all they could to induce travel over their lines, to draw the imigrants as far as possible to the west. That had been going on for years, and as long as it was the case little was to be hoped for from immigration in this province. He did not believe in advertising in the old country the fact that we had deserted farms here, as it was calculated to send the people elsewhere. Our object should be rather

TO BUILD UP OUR OWN COUNTRY

and keep our young men at home, and make the farming profession attractive. When we are able to produce our own pork, our own beef, and to export something to other countries, these facts will do more for us than all the clap-trap guide books that could be published. Then we will see the young men and young women who have left our province come back to it—one of whom is worth a dozen foreign immigrants.

Turning to the subject of the financial condition of the province, Mr. Mitchell said at the end of the fiscal year of 1893 the bonded indebtedness of the province amounted $2,628,000. During the past year there had been very little railway building, and to his mind if there had been less for many years past it would have been better for the province and for its financial position. Many useless roads had been built, and a large amount of the credit of the province had been pledged for them. The increase of bonded indebtedness during the past year had been $47,000, which was incurred for the building of the Woodstock bridge. At the present time the total bonded debt of the province was $2,675,000. During the year $30,000 of bonds bearing 6 per cent. interest had been redeemed, and replaced by four per cent bonds, which were sold a little above par. This was the best possible evidence that the financial position of the province was good. Many people are prone to say that under the present dominion government the financial standing of the dominion had been seriously impaired; the fact, however, that Mr. Foster was able to float a loan recently upon such favorable terms was the best possible answer to this criticism. The same was true as to the position of New Brunswick. No bonds of any of the provinces

ARE MORE EAGERLY SOUGHT FOR

those of this province. During the coming year about $109,000 of debentures bearing 6 per cent. interest would fall due, which would be taken up and replaced by four per cents. From year to year the average rate of interest paid by the province had been decreasing. Years ago the province was paying an average of 6 per cent. upon its loans; now the average was a little over 4½ per cent.

In 1892 the floating indebtedness of the province was $146,016.79; in 1893 it was $125,296.58; last year it was back to very nearly the figure of 1892, or $146,483.61. This increase over the figure for 1893 was more than accounted for in the over expenditure in the public works department. During last year a large number of steel bridges had been built, such as the Douglastown bridge which cost $4,546.42 the Cusiack bridge costing $7,274.51, the Elgin bridge costing $4,735.97, and the St. George bridge which had cost last year $2,611.25; this was not the whole cost of the latter structure, but a balance paid upon it. Then there were the St. Stephen bridges purchased by the government in conjunction with the city of Calais, and upon which the sum of $9,974,93 had been paid, making in all $29,143,08 expended upon permanent steel structures. These bridges had stone superstructures and were properly chargeable to capital account. In addition to these in the county of Kent there had been some bridges built which ought properly to be charged to capital account, because they would last for generations, and it was not right that the whole charge should be borne by the revenue at the present time. Had the amount thus expended upon permanent bridges been charged to capital account, instead of their being an increase in the floating indebtedness this year, there would have been a decrease of $7,926.05.

Turning to the current revenue account of the year, Mr. Mitchell said the government had estimated that the revenue would amount to $650,069.68. The actual receipts, of course, were only for ten months, and amounted to $619,297.87. It was absurd to say, as some hon. members had said, that the government had any advantage to derive by way of financial showing because of changing the term of the fiscal year. Everyone would acknowledge that when the fiscal year was made to terminate with the calender year, the sessions of the house were held too late in the season, and the lumbermen, farmers and merchants in the house found that it seriously interfered with their various operations. The government had made the change without the slightest thought as to what the effect would be on the financial statement. It would of course be difficult to contrast the expenditure for the ten months of 1894 with that of the full term of 1895.

Dr. Stockton—You must have a statement of the expenditures and receipts for the months of November and December. Let us have them.

Hon. Mr. Mitchell—They will be duly brought down; I have not got them at the present time. There had certainly been a serious falling off in the revenue, which as everyone was aware was due to the decrease in the territorial revenue. The estimated expenditures for the year were $669,372.48; the actual outlay was $661,521.28. The largest item of over-expenditure had been upon great roads and bridges, namely $30,593.10, of which amount, however, as he had already pointed out, $29,143.08 had been expended on permanent bridges, which should properly be charged to capital account, In 1893 his memory was that the board of works over expenditure had been $33,000. It would seem almost impossible to keep this expenditure within bounds. Continual claims for new bringes were being made upon the chief commissioner, and of course these works were of public necessity. No hon. member would venture to say that any of these were unnecessary bridges. It was also to be noted that the cost of labor and of material was increasing from year to year. Twenty-five years ago the very best and most durable of lumber for the construction of bridges could be had at a reasonable figure right in our own province. That day had gone by; the quality of pine now cut was inferior and little better than spruce, and bridges built from such material

MUST BE VERY SHORT LIVED.

If Southern pine is used is it expensive, and very often it happens to be bled, and then is very little better than our own common pine or spruce. Then again there was the tendency to unload upon the government as much as possible the responsibility for the care of roads and bridges. In many counties the statute labor is done in a very perfunctory manner. A good deal had been said in the press as to money being wasted in the department of public works. He had represented the county of Charlotte for a good many years—and he did not suppose that the moral tone of that county was much higher than that of other counties—and he had yet to learn of an instance of the fraudulent expenditure of money in that county through the board of works. It was easy matter to make these charges in the press, but they had absolutely no foundation. He did not believe that any of his colleages from Charlotte had made any money out of the construction of bridges there. A very fine bridge had been built at St. Stephen—next to the Woodstock bridge the finest structure in the province.

Mr. Powell—What was the cost of it?

Hon. Mr. Mitchell—I think somewhere in the neighborhood of $30,000. Only a portion of that was included in this year's account. The city of Calais had paid half and paid it cheerfully too; the citizens of that town were taxed directly for it. And though that large expenditure had been going on right under his very nose—and he did not pretend to be a better man than some of the hon. gentlemen opposite—he had been unable to steal a dollar out of it yet. (Laughter)

An hon. member—The Yankees watched you too closely.

Hon. Mr. Mitchell said it had been charged in the press that a big steal had been made in connection with the repairing of the suspension bridge at St. John. The gravamen of the charge—the particular point sought to be driven into the minds of the people—was, not that the money had been stolen, but that it had been stolen and put into an election fund. (Hear, hear)

Dr. Stockton—There was an election going on at that particular time.

Hon. Mr. Mitchell—There never has been an election held in this province but that there was some public work under construction at the same time. Bridges were being built all the time. Was it to be expected that because an election was coming on, the chief commissioner should at once order all work to be stopped? Well, the evidence had all been taken in regard to the suspension bridge—and he was glad to hear the leader of the opposition and other hon. gentlemen give the chief commissioner credit for the impartial manner in which he had conducted it—and he had yet to know of it being said, or insinuated, through the press or otherwise,

THAT ONE DOLLAR OF THAT MONEY

went into any election fund. (Hear, hear) There was a time when the present leader of the opposition dispensed a good deal of public money in the city and county of St. John, yet no one thought of accusing him of appropriating any money for election purposes, though some of the work, such as the cutting down of the Jordon Hill, was going on just about election times.

Passing on, Mr. Mitchell said the amount expended last year for the ten months upon the administration of justice was $10,543,93. The outlay for the whole year would be less than the estimate, and very much less than it was in 1893. There was cause for congratulation that the province had been fairly free from serious crime during the year. There were no very lengthy trials, and the criminal business was attended to by the crown officers. The expenditure for jury fees had been lessened by the legislation of last session, by which provision was made for the trial of causes by the judge without the intervention of a jury.

There had been expended upon agriculture during the ten months $14,651.43. Of this amount, the agricultural society grants had amounted to $8,150; interest and insurance, $1,380; dairying association, $2,400; farmers' and dairymen's report, $150. A part of that report had been bound up with the agricultural report, and the government had 1000 extra copies struck off at the request of the farmers' and dairymen's association, for general distribution. The traveling dairies cost $1,690.52; secretary's salary, $833.33; hand book and register, $47.58. There were other amounts expended in the interest of agriculture, amounting to $1,666.17, namely, the herd book, $507.40; agricultural report, $1,107.77, and a few other small items. The entire amount expended on agriculture, therefore, was $16,317.60. The agricultural work of the year by the department had been conducted on the same line as in previous years.

Mr. Powell—The auditor's report says that the amount was $14,600.

Hon. Mr. Mitchell—Well, I have pointed out other amounts aggregating $1,666 that were expended in the interest of agriculture. There had been a disposition on the part of some hon. members to be little the work done for agriculture by the government. The latter were satisfied to be judged by the results. There was a disposition to claim that the work had all been done by the dominion government, and that the local government had simply performed the function of fifth wheel to the coach. The government acknowledged thankfully the great services which had been rendered by Prof. Robertson. It was his duty—and he did it with pleasure—to instruct the people of the different provinces. But he (Mitchell) would appeal to hon. members to say how many factories would have been established in the province but for the assistance given by the locol government? He would appeal to the hon. member for Westmorland, who always took a most active interest in agriculture, to say what the opinion of his constituents was.

Mr. Killam—They say they would have had no factories but for the subsidy given by the local government.

Hon. Mr. Mitchell said whatever might be the opinion of the opposition, the people of the country knew and fully recognized the credit due the government for its unceasing efforts on behalf of the farmer. Wherever you went throughout the province the beneficial results were visible of the importation of horses, sheep and cattle made in 1887 and 1888. No doubt fault was found in some sections, but this would always be the case. He was satisfied that the people of the great county of Carleton, than which no county had received more benefit from the agricultural policy of the government, would say, though they had sent the hon. member (Atkinson) to the house to oppose the government, that the government had done a good work in the interest of agriculture. A few years ago the province was importing butter and cheese, and the only cheese factories doing anything at all were in the county of Carleton. Today there are 33 factories in operation in this province, producing 894,200 pounds of cheese, eleven of which factories were built last year; and seven creameries producing 128,954 pounds of butter, two of which were built last year. The increase of butter made in 1894 was 57,413 pounds, of cheese 303,311 pounds. Last year, instead of importing cheese as formerly, the province exported from Montreal for England 150,000 pounds of cheese, valued at $14,437.50; to the West Indies 50,000 pounds; to Liverpool direct 3,000 pounds; to Newfoundland 2,000 pounds; and in addition to that the merchants of St. John shipped a considerable quantity of cheese to the southern and western counties of Nova Scotia. Of butter there was shipped (from Halifax) 40,000 pounds, valued at $7,800, making in all a dairy export of $27,712. It may be said that this is not a large sum, but it is a large sum when it is considered that three years ago nearly all the cheese used in this province

WAS IMPORTED FROM ONTARIO.

During the year the government had had in their employ John Robertson, who had devoted all his time and energy to dairy work, and who was peculiarly well adapted thereto; also Mr. Alward of Butternut Ridge, with a travelling dairy; and in addition to sending Prof. Robertson down here to lecture, the dominion government had sent a couple of gentlemen through the province with a portable dairy. Mr. Mitchell quoted from a letter written by Hodgson & Sons, a large cheese dealing firm in Great Britain, showing the very high position taken by New Brunswick cheese in that market. With regard to our creameries, the difficulty was to find a sufficient market. As yet our Canadian butter does not rank with the Danish product in England, and it was to be hoped that the dominion government, with the greater resources at their disposal, would bend their energies to securing a market for Canadian butter on the other side of the water. For the present, his opinion was that it would be much better for our farmers to invest in cheese factories than in creameries.

In the past, Mr. Mitchell said, the present government had endeavored to do what they could to improve the different breeds of cattle in the province, and to assist the farmers in grading up their present stock. It was impossible to carry on dairy farming successfully without good breeds of cattle, and there was no use in our farmers having good breeds of cattle unless they were educated to take care of them properly. It was the intention of the government in the very near future to make a further and large importation of cattle, and he hoped also of sheep and swine. The necessity for such importation was becoming more and more apparent. He was glad to know that a great increased interest was being taken by the farmers in the question of breeding and feeding good stock. The time was not far distant when the province of New Brunswick would occupy as good a position as any other in the dominion in this branch of industry. (Applause.) In Ontario the work was commenced twenty-five years ago, in Quebec a few years ago. In the latter province wonderful progress had been made, in part owing to the interest taken by the clergy, as was the case in some of the counties in this province. In Prince Edward Island very rapid progress has been made, owing to the very great interest taken by the dominion government in the matter. Possibly the reason the dominion government

[Continued on Third Page.]

MR. EMMERSON'S ADDRESS.

In the Legislature in the Debate on the Address.

In the debate on the address in the local legislature last week, Hon. Mr. Emmerson, Chief Commissioner, followed Dr. Atkinson. He said the government did not look with any disfavor upon the hon. member's presence, and he thought the Attorney General had correctly voiced his own sentiments, as well as those of his colleagues and supporters. Mr. Emmerson thought the house should look at the amendment that had been proposed more seriously than some hon. members had done. It was to be hoped that no hon. gentleman really wished the house to place itself on record in such a way that it would be the laughing stock of the country. Did anyone ever hear of any person being tried by any court upon a synopsis of evidence published in the press. If the argument of these hon. gentlemen as well founded, it would be sufficient for juries to remain in their homes and after reading the comments and synoptical reports of the newspapers convict or acquit as the case may be. Did they presume to tell the house that it was well informed as to the evidence given at the investigation? The hon. gentleman opposite had acquitted him of all attempt to shut out evidence. That evidence would shortly be placed before the house and country. As long as human nature remains as it is, governments must always be dependent upon the integrity and honesty of public servants. The country must to a certain extent take the chance of their being honest or dishonest. The amendment was a childish one, and he did not think it was the duty of the people's representatives to come here and play at legislation. The mere fact that a measure would do no harm was no argument whatever for its passage. Mr. Pitts had stated there was too much tinkering with legislation, and yet he was willing to place upon the statute books a measure concerning which he had no information whatever, and his leader had been unable to point out where there was a loop hole in the law.

Dr. Stockton—There was a pretty big loop hole down at the suspension bridge.

Hon. Mr. Emmerson said this would have to be done under any circumstances where men were entrusted with authority to make repairs upon public structures. The house should not trifle with the time of the people of this country talking over proposed amendments, with no remedy suggested and no evidence adduced. The leader of the opposition had referred to the editor of the Globe as being a very kindly friend of the present administration. No doubt upon the same principle he regards the hon. member for Carleton as a friend of the government because of his kindly and candid criticisms of their conduct. The hon. member had referred in eloquent terms to the rights and privileges of the people under our institutions. He had waxed eloquent over the delay in issuing the writ in Carleton county. What did he have to say as to the delay in issuing the writ for Quebec West on the part of the dominion government?

Dr. Stockton—I say the writ should have been issued.

Hon. Mr. Emmerson—Then why did you not condemn the Dominion government? The hon. member should make some slight show of being consistent. He (Emmerson) hoped the house had heard the last about the delay in issuing the writ for Carleton. It was well known that up to the night previous to the opening of the legislature Hon. Mr. Connell was in Fredericton and that he took part as a member of the executive at that time. Surely he could not then have resigned. Passing on Mr. Emmerson said that to the provincial government of this province was due almost wholly the erection of the cheese and butter factories throughout the different counties, because of the subsidies granted from the provincial treasury. The leader of the opposition was incorrect in saying that only $4,000 was granted last year, the fact being that $4,000 was granted under authority of the legislature and $2,000 under the law.

Dr. Stockton—Yes, but that was $2,000 less than the year before.

Hon. Mr. Emmerson—But you wanted it to go to the country that the amount that was being given was only $4,000. The hon. member for York had stated that he did not believe in a government which legislated for the classes and not for the masses, and yet he lauded to the skies the Dominion government which legislates for the classes. He had criticised the government because it was doing nothing to promote immigration. The policy and object of this government was to keep at home the young men who belonged to the country. The Dominion government had been spending many thousands of dollars in bringing over steamship loads of immigrants who, after their arrival, passed over into the United States. Some years ago this province had sent over to England Mr. Edward Jack, a very competent and able gentleman, who thoroughly knew the capabilities of the provinces. Afterwards Mr. Boyce was sent over, and what was the result of his mission? The result was that that not a single farmer was brought into the province as a result of that expenditure. The establishing of the settlement of Balmoral, in Restigouche, had cost the people of this country $200,000, and he was informed that only five of the men who were placed there were now in the country. The Dominion government had been for years expending millions of dollars for the purpose of building up the Northwest. If the hon. gentlemen opposite would use their influence to induce the Dominion government to devote their attention to these maritime provinces and the deserted farms here, it might inure to our advantage. Some four or five years ago he (Emmerson) in conjunction with other gentlemen, had prepared pamphlets and had them translated into Danish and distributed throughout Denmark for the purpose of securing settlers upon deserted farms in Westmorland and Albert, but no response had ever been received. These experiences showed that the efforts of the government should be applied to keeping the people in the country who were now here, by aiding the farming and other natural industries of the province in every possible way.

Mr. Emmerson said he would be sorry to think that the hon. member for Carleton had such an opinion of the members of the government as he had expressed in his card. He feared that he had become so used to indulging in adjectives that he was forgetful of their forces. If the hon. member was calm when he wrote that card, it must have been that kind of calmness which amounts to a mania. He (Emmerson) would be very sorry to believe that hungry and ravenous though the gentlemen opposite were to reach the government benches, that when they got there they would become the scoundrels which they described the present occupants as being.

THE MANITOBA SCHOOL MATTER.

History of the Case Which Will Play an Important Part in the Domonion Elections.

The litigation growing out of the Manitoba school legislation has been long, tedious and expensive. It has had a worse feature still, for it has done much to keep alive racial and religious animosities. The story of the contention of the provincial government of Manitoba on the one hand for a system of common public schools, and of the Roman Catholic minority on the other for separate denominational schools, would be a long one if told with all its details of legal procedure. The essential facts of the matter are as follows:

In 1870 the federal parliament passed the Manitoba Act providing for the admittance of that province into the Canadian confederation. The section of that Act conferring provincial jurisdiction in educational matters reads as follows:

"In and for the province, the legislature may exclusively make laws in relation to education, subject and according to the following provision: Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law or practice in the province at the union."

A school law was passed by the first legislature of Manitoba providing for Protestant and Catholic schools, to be supported by their own section of the community. In 1890 the Greenway government secured the passing of an Act that appropriated all school taxes, whether from Protestants or Catholics, to the support of a common school system, which was by the same Act established. Out of that Act and its enforcement has arisen all the litigation that now for the second time has been adjudicated upon by the Imperial Privy Council.

SUIT ENTERED BY THE CITY OF WINNIPEG.

When the city of Winnipeg took steps to collect school taxes from the Roman Catholics the latter resisted payment and began an action to contest the consitutionality of the Act. They contended that when Manitoba entered confederation they were in the enjoyment of separate schools sustained voluntarily and that under the section of the Manitoba Act, quoted above, this privilege was guaranteed them; that the legislature did not possess the power to pass an Act affecting any right or privilege with respect to denominational schools which any class enjoyed at the time Manitoba entered the union. In support of this they also appealed to section 93 of the British North American Act:

"In and for each province the legislature may exclusively make laws in relation to education, subject to the following provision: Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at the union;"

The provincial government replied: first, that the British North American Act did not apply to Manitoba, because that province was not a part of the Canadian confederation when the Act was passed. That was purely a question of law. For a second defence they contended that whether or not the British North American Act applied to Manitoba, the Roman Catholics could not maintain a separate school system exempt from provincial interferance, because such school system did not exist prior to 1871, when Manitoba entered the union. and it was only such pre-existing schools that had been guaranteed to any denomination. This second answer was therefore one of fact: did the Roman Catholic minority possess a separate school system prior to the entrance of Manitoba into confederation?

The courts of Manitoba sustained the provincial government, but the Supreme Court of Canada reversed the decision and declared the Act unconstitutional. In turn this judgment was reversed by the Imperial Privy Council, so that the final decision held the Act to be constitutional and did away with separate schools in Manitoba.

But the minority did not let the matter rest here. They asked the federal government to give remedial legislation, basing their demand upon the following section of the British North American Act:

"An appeal shall be to the Governor-General-in-Council from any Act or decision of the legislature of the province, or of any provincial authority, affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education. .. .. In every case the parliament of Canada may make remedial laws for the due execution of the provisions of this section."

QUESTIONS SUBMITTED TO THE SUPREME COURT.

The federal government thereupon prepared a case of six questions and asked the Supreme Court to give a judgment of interpretation to be rendered before federal remedial legislation would be attempted. The case submitted was as follows:

1. Is the appeal referred to in the said memorials and petitions of the Roman Catholic minority, and asserted thereby, such an appeal as is permissable by subsection 3 of section 93 of the British North American Act, 1867, or by sub-section 2 of section 22 of the Manitoba Act, 33 Victoria, (1870) chapter 3, Canada?

2. Are the grounds set forth in the petitions and memorials such as may be subject of appeal under the authorities of the sub-sections above referred to, or either of them?

3. Do the decisions of the judicial committee of the Privy Council, in the case of Barrett vs. the city of Winnipeg, and Logan vs. the city of Winnipeg, dispose of or conclude the application or redress based on the contention that the rights of the Roman Catholic minority, which acceded to them after the union, under the statutes of the province, have been interfered with by the two statutes of 1890, complained of in the said petitions and memorials?

4. Does sub-section 3 of section 93 of the British North American Act, 1867, apply to Manitoba?

5. Has His Excellency the Governor-General-in-Council power to make the declarations or remedial orders which are asked for in the said memorials and petitions, assuming the material facts to be as stated therein, or has His Excellency the Governor-General-in-Council any other jurisdiction in the premise?

6. Did the Acts of Manitoba relating to education, passed prior to the session of 1890, confer on, or continue to, the minority a "right or privilege in relation to education" within the meaning of sub-section 4 of section 22 of the Manitoba Act, or establish a system of separate or dissentient schools within the meaning of sub-section 3 of section 93 of the British North American Act, 1867? Is said section to be found to be applicable to Manitoba, and, if so, did the two Acts of 1890 complained of, or either of them, affect any right or privilege of the minority in such a manner that an appeal will lie thereunder to the Governor-General-in-Council?

On February 26, 1894, the Supreme Court rendered its judgment of interpretation, holding that the Roman Catholic minority had no ground upon which to ask remedial legislation; the court standing three to two. Mr. Justice Sedgwick taking no part in the case as he had assisted in its preparation while deputy minister of justice.

From this decision the Roman Catholic minority appealed to the Imperial Privy Council, and it is upon that appeal that judgment has just been rendered, reversing the judgment of the Supreme Court and declaring that the Roman Catholics of Manitoba have the right to ask remedial legislation from the Dominion Parliament.