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Ottawa, Mar. 10th, 1875. 3788

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For Wednesday, the 17th instant, are unavoidably

POSTPONED

Till Thursday, the 18th Inst.

R. F. WARD,
A.D.C.

New Advertisements.

Theatricals: Government House.
Bill of Fare: European Dining Rooms.
Oysters: Queen Restaurant.
Auction Sale: J. Bermingham.
Readings: Gowan's Hall.
Cooking Stoves: Moore Bros.
Silver Light: W. Hearn.
Boots, &c.: W. A. Lamb.
Notice: Moore Bros.
Rubbers, &c.: W. E. Brown.
Tenders for Printing: J. Joint.
Notice to Contractors: J. Van Bridger.
House to Let: X. Y. Z.
Patents: Gibbs & Counsolle.
Groceries, &c: Campbell & Almas.
Toys, &c: Hospital Bazaar.

Correspondence.

The Editor desires it to be distinctly understood that while inserting the communications of Correspondents, he is in no way to be held responsible for the opinions expressed therein.

McDOUGALL AND THE TELEGRAPH BILL.

TO THE EDITOR OF THE TIMES:

SIR,—You published yesterday a communication of mine copied from the London daily *Standard*, on the subject of "Canada and Cheap Telegraphy." You thought proper to introduce the letter to your readers by some comments of your own, which, so far as they are intended to reflect on me, are wholly unwarranted. You tell the public that I am "now in Ottawa using the great influence I possess with members of the Senate to induce them to reject the Marine Telegraph Bill," and you insinuate that I am doing this for some corrupt or "unpatriotic" reason.

I think you are mistaken on the first point, and I know you are wrong on the other. I am not aware that I have any "influence" with the Senate, not being a member of it, and I have not expressed any one's views but my own to Senators or others on the bill referred to; nor am I retained by, or responsible to, any human being for my opinions on that or any other public question.

While representing the late Government in England, I conferred with the authorities at the Colonial office on the Cable question, and subsequently defended the Parliament of my country through the public press against the attacks of the city editor of the *Times*, who was dismissed shortly afterwards for prostituting that paper to the desires and schemes of stock-jobbers. A few Senators have been good enough to ask my opinion of the object and probable effect of the Marine Telegraph Bill, as passed by the House of Commons. I have not hesitated to answer, and, as my habit is, I answered them frankly, honestly, plainly, and without waiting to consider whether my opinions would be agreeable to individuals, great or small, in office or out of it, promoters of bills in Parliament or their partners elsewhere.

I am not a member of either the local or general Government, nor yet of the House of Commons, and I have no doubt you will be glad to hear that I am neither "solicitor" nor "counsel," directly or through "partners," of either of the companies interested in this bill. As a lawyer, I suppose I would have as good a right to accept a retainer to defend the interests of English capitalists who have invested their money in a hazardous undertaking, of inestimable value to Canada and to the world, as Mr. Crooks has to accept the retainer of another set of capitalists who want to seize the property and business of their rivals without paying for it, through the operation of an Act of Parliament. The Treasurer of Ontario uses his "great influence" with Mr. Blake in behalf of his clients for a consideration, and Mr. Blake uses his great influence with the Commons, and I am told also with the Senate, to secure for Mr. Crooks' clients the private bill they seek, under the guise of a measure for the public good. Mr. Blake says that though he helped Mr. Crooks, he was not retained—a statement which, for his own reputation as a distinguished lawyer and legislator, I trust is strictly true. For myself, having no Parliamentary influence or constituency to sell, I claim the right, as a Canadian freeman, to point out (to those who ask me) the inutility, the injustice, the impolicy, the dangerous consequences to our character and credit abroad, of Mr. Crooks' client's bill. And I think it is due to me and to your readers that my opinions of this Telegraph Bill—not now expressed for the first time, and not suggested, or paid for, or formed to please any client on either side of the Atlantic—should be briefly stated. The use you have attempted to make of my letter to the *Standard*, written before I had seen the *ipsissima verba* of Mr. Crooks' bill, or had ascertained its real character, is another reason for explanations which might otherwise seem obtrusive.

1. While acting as the confidential representative in London of the late Government, and especially of the Marine and Fisheries Department, I raised the question at the Colonial Office of securing the exercise by Newfoundland, of the option to purchase the exclusive rights of the cable company in that island, and had conversations and correspondence with Lord Kimberley on the subject. The following letter will show that my suggestions were not without effect. I have the enclosed despatch in my possession, but as I am not sure that it has been laid before Parliament in England, I do not feel at liberty to publish it here:—

Downing Street, 29th May, 1873.

SIR,—With reference to your private note to Lord Kimberley of the 13th May, I am directed by His Lordship to transmit to you a copy of a despatch from the Governor of Newfoundland relating to the exclusive privileges granted to "The New York, Newfoundland and London Telegraph Company," under the Act of the Legislature of Newfoundland, cap. II. of 1854.

Lord Kimberly has instructed the Governor to furnish a report from his Ministers upon the whole question.

I am, Sir,
Your obedient servant,
H. J. HOLLAND.

Wm. Macdougall, Esq.

2. After the appointment of Mr. Jenkins, and the (tacit) withdrawal of my commission by the Minister of Fisheries, I continued the correspondence with Lord Carnarvon on the cable question, but entirely on my own responsibility, as I stated, and he understood.

3. The following are extracts from my last communication to Lord Carnarvon before returning to Canada:—"Canadian public opinion will not be much divided on two points. 1st—The right to make the shores of the Dominion free to all cable companies, and even discriminating, if need be, against monopolies. 2nd—That legislation on the subject is entirely within the discretion and competence of the Federal Parliament. If the Mackenzie Cabinet assume the responsibility of Mr. Blake's Bill, and insist upon its re-enactment, they will certainly carry it. As a British Canadian and a Unionist, I should exceedingly regret to see any thing like a dispute between the Dominion and Imperial authorities on a question of this kind. Already this cable monopoly has hindered, if it has not actually prevented, the accession of Newfoundland to the Confederacy. Two alternatives present themselves to my mind, either of which in the public interests would be preferable, in my judgment, to the passing of a measure of the character of Mr. Blake's Bill. 1st. The Government of Newfoundland might be aided by England and Canada jointly to extinguish the present monopoly in terms of the charter, allowing adequate compensation to the company. 2nd. The two Governments might, by a joint arrangement, acquire the existing cables as public property, making them an adjunct of the "Postal Department."

I then submitted figures to show the advantage to the Government, even in a financial view, of this latter plan, provided the price of the cables was fixed at their then market value. I concluded with this observation: "The moral effect of this partnership would be great, and the political advantage of the association, to use Lord Dufferin's phrase, in the maintainance of this material link of union between the mother country and her great colony, would count for something in the trials and hazards of the future."

Lord Carnarvon was then at Highclere, and I intimated that I did not expect a reply, as I knew he had not yet decided, or at least had not made public his decision, on Mr. Blake's bill. His Lordship, however, replied stating that although I was "good enough not to require an answer, looking to the very important subject of which your letter treats, I do not like "to leave it unanswered." The letter is private, and therefore I cannot without his consent make known the views he expressed. Events show that neither of my suggestions have yet been adopted.

I come now to Mr. Blake's bill as amended in the Commons, which you tell the public I have advised Senators to "reject." Let me premise that my object—and all my correspondence, public and private, proves it—was to secure cheap ocean telegraphy, but not by violently robbing existing companies of their rights and property and giving it without compensation to others. Another point—and this was the main purpose of the letter to the *Standard*—I contended stoutly for the right of the Canadian Parliament to pass laws, even bad laws, if limited in their operation to its own jurisdiction and not open to the objection that they affected injuriously imperial interests. I have not changed my opinions or my "sentiments" on either point. My objections to the Government bill entitled "An Act to regulate the construction and maintenance of marine telegraphs" are:—

1. It neither regulates the construction nor the maintenance of marine telegraphs. As far as it has or can have any operation it tends to prevent their construction and to obstruct the maintenance of those now in operation. The title is therefore false and misleading, and should be amended.

2. It is not demanded by any public interest, and has not been asked for by any public body or party, political or commercial, in Canada or elsewhere, except the Direct Cable Company of London, and their agents, solicitors, &c., in this country.

3. It is their bill, and their object is not to cheapen ocean telegraphy, but to force the existing cable company to buy up their stock now at a discount of 50 per cent., in the hope that it may then be sold at par.

4. It is a private bill, and will operate, and is intended to operate, on private interests only, and is aimed at a single corporation, whose rights, privileges and profits another corporation desires to share, not by purchase or contract, but by the coercive effect of any Act of Parliament. It is a violation, therefore, of every principle of legislative morality that such a bill should be fathered by the Government and called a public measure.

5. It is wholly unnecessary. None of the pretended public objects provided for in the first 16 sections require legislation. To compel English cable companies incorporated in England to reincorporate in Canada, serves no legal or useful or necessary purpose. It is simply offensive in spirit, obstructive in operation, disturbing to capitalists, and therefore damaging to the interests of Canada.

6. Its only effective operation will be, and is intended to be, extra-territorial. It says—not in plain English, but in the English of a cunning Chancery special pleader—"You Englishmen who risked your millions in the bottom of the sea to give the world telegraphic communication with America, and made contracts with foreign countries for your protection in the future, shall be excluded from Canada unless you give up these contracts and advantages in favour of our proteges, Messrs. Labouchere, Crooks & Co." Though it may be competent for any independent country to announce such a policy to the world as regards future conventions and investments, European jurisconsults will hold, I venture to think, that the attempt to make it retroactive, and a forfeiture of existing rights, would be against the comity of nations, and furnish a just ground for reclamations and reprisal to the country thus treated.

7. The bill is utterly silent on the only point that can or ought to justify it to the people of Canada. It does not stipulate that cable companies using the coasts of the Dominion shall, in return for the privilege, convey messages originating in this country or addressed to persons resident within it at a moderate or any maximum rate. It the rival companies amalgamate, as they will do under this bill, the moment the direct cable is laid, rates will go up to a dollar per word, or more. The Canadian Parliament will then find that it has been made use of by Crooks & Co. to coerce a foreign company to buy up the stock of another foreign company, the clients of these gentlemen, at a price that will put something like half a million sterling into their pockets; that this has been done under the pretence of public right and public good, and that not more than ten men in Canada, perhaps twenty, will reap the slightest advantage from it. The disgrace and the loss of credit abroad, I leave for some other Canadian to tell us after the event.

I am, Sir,
Yours, &c.,
WM. McDOUGALL.

(Continued on fourth page.)

The Times.

OTTAWA, WEDNESDAY, MAR 10, 1875.

THE NEW BRUNSWICK SCHOOL QUESTION.

On Monday afternoon, Mr. Costigan, in a singularly temperate and argumentative speech, brought up again the vexed question of the New Brunswick School Law. The subject has already been discussed until it is threadbare, and there was really nothing new about it. Besides, although it forms Mr. Costigan's special *forte*, to which he has, to all appearance, devoted all his legislative ability and very much of his time; and although he has displayed some really admirable qualities each time he has called the attention of the House to it, we may say, without any intention to disparage, that he is not the most likely member of the Commons to have anything very novel to say on any matter. The assertion, made by a contemporary, that Mr. Appleby was extreme in his views, and somewhat intemperate in his language, does the hon. gentleman an injustice. He probably did resort a little more to the arts which pleaders use than was necessary, and the honest indignation which one holding his opinions might naturally feel was perhaps imparted to his language and his demeanour in a greater degree than in the case of Mr. Costigan; but he was logical, and his reasoning, from the particular stand he takes, was very forcible. Among the other notable speeches made on the subject, was one by the veteran member for South Ontario, which we publish in another column, and which speaks for itself. This afternoon the further discussion of the motion will be resumed, and we trust the temperate tone which characterized the proceedings of Monday will be maintained throughout.

Although, as we have said, the issue presented by Mr. Costigan has been discussed till it is threadbare, it comes up on this occasion in a somewhat changed form. Up to the present time the Federal Legislature has simply been asked to give New Brunswick such protection as they thought necessary until the constitutionality of the School Law could be tested. In consenting to do that much, the majority of the Legislature pledged their moral sympathy to the cause; beyond that, of course, their pledges, if they had wished it, would have been made in vain. The condition of the minority in New Brunswick is unquestionably not to be envied, although they have themselves provoked their opponents to extreme measures by their unreasonable and unreasoning conduct. There was a good deal of force in the remark made by Mr. Palmer on Monday night—and we are thankful to have even one opportunity of getting an idea from the hon. member for St. John—that the solution of the difficulty would be easy and speedy if it were in the hands of the Federal Legislature. But unfortunately the solution does not lie there. Nor is it in the power of the Federal Legislature to lend any other than its moral sympathy to the Roman Catholics of New Brunswick. If Mr. Costigan's resolution were carried, their case would not be a whit improved, but, on the contrary, it would in all probability be made worse. Nothing is more clearly established than that no alteration of the Constitution affecting the rights, privileges, and immunities of Provinces can be made without the consent of all parties to the Confederation compact. All our legislation points to that conclusion—the Supreme Court Bill for example; all our movements in the direction of legislation admit it—the proposals of Mr. Mills for the reconstruction of the Senate for example. To pass the address moved by Mr. Costigan would be but to irritate the majority of the people of the Province of New Brunswick unnecessarily, and probably instigate them to even greater rigour than they have hitherto exercised in enforcing the provisions of the law which appear to be obnoxious to the Roman Catholics. Greater rigour, if that were possible, on the part of the majority unfortunately means more determined resistance on the part of the minority—a result too disastrous to the prosperity of the country and too threatening to the unity and amity of the various States of the Confederation to be contemplated without misgiving. What lies in the power of the Federal Legislature to do should be done towards settling the difficulty, so long as nothing is attempted which would open the way to a breach in the Constitution. Indeed, to members from the Province of Quebec no argument will be required to enforce this view. One of the great objections the Roman Catholic population of that Province had to the Union was that it would make them subject to the dictation of the Protestant majority of the other Provinces, who might use the power of their greater numbers to denude them of ecclesiastical and other rights to which Protestants generally are known to be strongly opposed, and a Federal Union was resolved upon largely to meet this difficulty. If the Constitution, therefore, can be amended to suit the views of the Roman Catholic minority of New Brunswick, there is no guarantee whatever that it may not become necessary to do the same thing to meet the views of the Protestant minority of Quebec. Whatever moral influence the Legislature may have, it will doubtless be exercised, as on former occasions, in favour of those aggrieved, but we scarcely think that it would be wise on the part of any party in Parliament, however much they may desire to see Mr. Costigan's suggestions carried into effect, to open the road to a course which may react against themselves ere long. What the Parliament of Canada can legitimately do it has already done, and to ask it to encroach upon powers which have been specially reserved for another body is neither safe nor advisable, altogether apart from the consequences to which it might lead.

Parliament of Canada.

Third Parliament—Second Session.

SENATE

(*Continuation of Wednesday's proceedings.*)

On motion for the second reading of the

MILITIA AND DEFENCE BILL,

Hon. Mr. SCOTT said the object of the bill was to provide that the command of the Militia should be given to an officer in Her Majesty's regular service. They were all aware that the Government had appointed a distinguished officer, Major-General Smith, to that command, and this change in the Militia Act was necessitated by that appointment.

The bill was read a second time.

On the second reading of the bill from the House of Commons, amending the Act to provide for the

PRESERVATION OF THE PEACE

at and near public works,

Hon. Mr. SCOTT said the object of the bill was to enable the Governor in Council to put in operation the Act known as the one for the better preservation of peace in the vicinity of public works, and it also provided that it should apply to works that were not strictly public works, such as railways, canals, bridges and works of a similar character.

After some conversation, the bill was read a second time.

COPYRIGHT.

On consideration of the Copyrights Bill, as amended by the Select Committee,

Hon. Mr. LETELLIER DE ST. JUST said this bill had been amended in Committee in a manner to conform to necessary circumstances. He was greatly indebted, in the preparation of the bill, to his hon. friend from Montreal, who had given the benefit of his large experience, and he was also indebted to the Hon. Mr. Campbell for much valuable assistance. The changes were of a character to protect, as much as possible, the introduction of cheap literature for our population. This was one of the first objects of the bill. They had also to protect authors in their rights, and no Act could be passed by this House which did not give a certain protection to English authors. They had tried to shape this bill in such a way as to make it acceptable to English authors. In the next place, they had endeavoured to protect the printers of this country, and they gave to Canadian publishers the right of reprinting foreign works upon which no copyright had been taken out by the author himself. With these explanations, he moved the second reading of the bill.

Hon. Mr. RYAN said he had no hesitation in saying that this bill had undergone at the hands of the Committee a great deal of very close scrutiny, and they had been assisted in that Committee, as had been stated by the Hon. Minister of Agriculture, with the views of those gentlemen most interested in the bill in this country. The printing and publishing industries of the country had been well represented before the Committee, and had favoured them with a vast deal of information. He was happy to say that in everything they had regarded, and were anxious to regard in the fullest way and the strongest manner, the rights of the English author and the English publishers, and he thought it would be found when the Bill came before the Committee of the Whole House and was thoroughly investigated, as he hoped it would be, that it was of such a character as would make it very acceptable to publishers as well as authors on the other side. He thought it would also be found that they had achieved in this bill the great objects which they had always in view—that of protecting Canadian industry, and at the same time that of giving a fair compensation to the English and foreign authors for any of their works which we claimed to republish here. This bill protected the English author: if he wished to come and take out a copyright in this country and to register his copyright within one month from publication on the other side he was quite at liberty to do so, to make his own arrangements, and to choose his own publisher here; but as a condition of obtaining copyright in Canada, his work must be printed and published here. It had justly been considered a hardship to an author to republish his work here without any compensation, and he thought it was Lord Lytton who very strongly put it in a letter which he wrote to the English Copyright Association, stating that it was not fair to an author to allow any one to publish his works, because in doing so, unless he could select the publisher himself, a very inferior edition of his works might be published, and a great many errors creep in over which he would have no supervision. The bill provides that the author, if he wishes to publish in this country, and does so within the time prescribed in the law, shall have an opportunity of doing so through any publisher that he thinks fit to choose in the Dominion. On the other hand the bill provides that if, through neglect of the author to take out his copyright here, or if he is unwilling to do so, then individuals in this country may take out a copyright for such works. Failing, however, the taking out of copyright in any work in Canada, the bill does not prohibit the importation of the cheap editions which we now receive from the United States. This is done in justice to the general reader, who might not otherwise have an opportunity of receiving the cheap literature which we have been so long accustomed to in this country. There was no hardship, he said, in that with the right to publish copyright works under certain restrictions, we in this country would ere long be able to furnish as cheap and as proper literature than we received from the United States. That result they—the printers and publishers of Canada—were sure of accomplishing. To-day there had been put into their hands a return to a memorial he moved for a few days ago, and he found thereon an answer to an application sent from both Houses of Parliament at the last session urging that the bill of 1872 should be assented to by Her Majesty. This return gave the opinion of the law officers of the Crown and of other gentlemen learned in the law, showing that the Canadian Act of 1872 would have been an infringement of the Imperial Act of 1842. He thought himself it would have been so, and consequently the Imperial Ministry very properly declined to obtain Her Majesty's sanction to that bill, but in the present bill he thought they had accomplished what would be considered satisfactory on the other side, and in no way conflicting with Imperial legislation. Not to detain the House too long, he would read the 9th paragraph of Lord Carnarvon's despatch to His Excellency the Governor General, which was in the hands of the gentlemen of the House, and they could also read the previous paragraphs. His Lordship said: "I am aware that the subject of Colonial copyright has long been under consideration, and that attempts were made by Her Majesty's late Government, in connection with your own and your Ministers, to arrive at a settlement of this difficult and most important question. I am glad now to express my readiness to co-operate, and my confident hope that we may without difficulty be able to agree on the propositions of this measure, which, while preserving the rights of the owners of copyright works in this country under the Imperial Act, will give effect to the views of the Canadian Government and Parliament." Now, he believed that the bill which was now before them, as amended by the Special Committee would accomplish that very desirable object. He would not now detain the House by going over the history of copyright before this Legislature, but

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Feb 13 1t 5 3769

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COUNTY OF CARLETON: By virtue of a writ of Fieri Facias issued out of Her Majesty's Court of Common Pleas, at Toronto, and to me directed and delivered, against the lands and tenements of William Wilkins, at the suit of Henry Cook, I have taken and taken in execution all the estate, right, title, interest and equity of redemption of the said defendant in and to the north-west half of lot number thirty-three in the second concession, in the Township of North Gower, in the County of Carleton, and Province of Ontario, which I will offer for sale at my office in the Court House, in the City of Ottawa, on Saturday, the eighth day of April, in the year of our Lord, 1875, at the hour of twelve o'clock noon.

WM. P. BIDWELL, Sheriff.
By JOHN NICHOLSON, Dy. Sheriff.

Sheriff's Office,
Ottawa, 8th January, 1875. 3735-1d + 12w

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Extract from a Letter

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Beecham's Vegetable Pills, London.

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The above only true theory points out the correct treatment of this and other distressing maladies. Dissolve these corrupt particles that have lodged in the affected parts, so that in the circulation they may be carried off externally or internally, and having thus removed the cause the effect ceases.

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Yours respectfully,
J. E. CARDINAL,
Sanitary Police Officer,
51 Lebelle street.

In sim