

DEBATES
OF
THE SENATE
OF THE
DOMINION OF CANADA
1900

REPORTED AND EDITED BY
HOLLAND BROS.

Official Reporters of the Senate of Canada

FIFTH SESSION—EIGHTH PARLIAMENT



OTTAWA
PRINTED BY S. E. DAWSON, PRINTER TO THE QUEEN'S MOST
EXCELLENT MAJESTY
1900

SENATORS OF CANADA

5th SESSION, 8th PARLIAMENT, 63-64 VICTORIA

1900

THE HONOURABLE SIR ALPHONSE PELLETIER, K.C.M.G., SPEAKER.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
DAVID REESOR	King's	Yorkville, Ont.
GEORGE WILLIAM ALLAN	York	Toronto.
JOSEPH F. ARMAND	Repentigny	Montreal.
ROBERT B. DICKEY	Amherst	Amherst, N.S.
WILLIAM MILLER	Richmond	Arichat, N.S.
DAVID WARK	Fredericton	Fredericton, N.B.
JAMES DEVER	Sr. M. St. John	St. John, N.B.
SIR FRANK SMITH, Knight	Toronto	Toronto.
WILLIAM JOHN MACDONALD	Victoria, B.C.	Victoria, B.C.
MATTHEW HENRY COCHRANE	Wellington	Hillhurst, P.Q.
ALEXANDER VIDAL	Sarnia	Sarnia, Ont.
RICHARD WILLIAM SCOTT	Ottawa	Ottawa.
JAMES D. LEWIN	St. John	St. John, N.B.
LAURENCE GEOFFREY POWER	Sr. M. Halifax	Halifax, N.S.
SIR ALPHONSE PELLETIER, K.C.M.G. (<i>Speaker</i>)	Grandville	Quebec.
JOSEPH ROSAIRE THIBAudeau	Rigaud	Montreal.
C. E. BOUCHER DE BOUCHERVILLE, C.M.G.	Montarville	Boucherville, P.Q.
WILLIAM J. ALMON	Jr. M. Halifax	Halifax, N.S.
THOMAS McKAY	Truro	Truro, N.S.
ALEXANDER W. OGILVIE	Alma	Montreal.
DONALD MACINNES	Burlington	Hamilton, Ont.
JOHN O'DONOHUE	Erie	Toronto.
DONALD McMILLAN	Alexandria	Alexandria, Ont.
GEORGE C. MCKINDSEY	Milton	Milton, Ont.
WILLIAM McDONALD	Cape Breton	Little Glace Bay, N.S.
JOSEPH BOLDOC	Lauzon	St. Victor de Tring, P.Q.
JAMES ROBERT GOWAN, C.M.G.	Barrie	Barrie, Ont.
MICHAEL SULLIVAN	Kingston	Kingston, Ont.
FRANCIS CLEMOW	Rideau	Ottawa.
PASCAL POIRIER	Acadie	Shediac, N.B.
SAMUEL MERNER	Hamburg	Berlin, Ont.
CHARLES EUSÈBE CASGRAIN	Windsor	Windsor, Ont.
LACHLAN McCALLUM	Monck	Stromness, Ont.
J. J. ROSS	De la Durantaye	St. Anne de la Pérade, P.Q.
WILLIAM DELL PERLEY	Wolseley	Wolseley, N.W.T.
JAMES REID	Caribou	Quesnelle, B.C.
GEORGE A. DRUMMOND	Kennebec	Montreal.
SAMUEL PROWSE	King's	Murray Harbour, P.E.I
JAMES ALEXANDER LOUGHEED	Calgary	Calgary, N.W.T.
LOUIS FRANÇOIS RODRIGUE MASSON	Mille Isles	Terrebonne, P.Q.
PETER McLAREN	Perth	Perth, Ont.
HIPPOLYTE MONTPLAISIR	Shawinegan	Three Rivers, P.Q.
JABEZ B. SNOWBALL	Chatham	Chatham, N.B.

SENATORS OF CANADA.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
ANDREW A. MACDONALD.....	Charlottetown	Charlottetown, P.E.I.
JOHN DOBSON.....	Lindsay.....	Lindsay, Ont.
A. C. P. LANDRY.....	Stadacona.....	Mastai, Que.
THOMAS ALFRED BERNIER.....	St. Boniface.....	St. Boniface, Manitoba.
CLARENCE PRIMROSE.....	Pictou.....	Pictou, N.S.
SIR MACKENZIE BOWELL, K.C.M.G.....	Hastings.....	Belleville, Ont.
JOHN NESBITT KIRCHHOFFER.....	Selkirk.....	Brandon, Manitoba.
DONALD FERGUSON.....	Queen's.....	Charlottetown, P.E.I.
GEORGE T. BAIRD.....	Victoria.....	Perth Centre, N.B.
SIR WILLIAM H. HINGSTON, Kt.....	Rougemont.....	Montreal.
JOSIAH WOOD.....	Westmorland.....	Sackville, N.B.
JAMES O'BRIEN.....	Victoria.....	Montreal.
JOSEPH O. VILLENKUE.....	De Salaberry.....	Montreal.
WILLIAM OWENS.....	Inkerman.....	Montreal.
JAMES COX AIKINS.....	Home.....	Toronto.
GEORGE B. BAKER.....	Bedford.....	Sweetsburg, Que.
DAVID MACKEEN.....	Cape Breton.....	Halifax, N.E.
SIR JOHN CARLING, K.C.M.G.....	London.....	London, Ont.
LOUIS J. FORGET.....	Sorel.....	Montreal.
ALFRED A. THIBAUDEAU.....	De la Vallière.....	Montreal.
DAVID MILLS.....	Bothwell.....	Ottawa, Ont.
GEORGE A. COX.....	Toronto, Ont.
GEORGE GERALD KING.....	Queen's.....	Chipman, N.B.
JOHN LOVITT.....	Yarmouth.....	Yarmouth, N.S.
RAOUL DANDURAND.....	De Lorimier.....	Montreal.
JEAN BAPTISTE ROMUALD Fiset.....	Gulf.....	Rimouski, Que.
WILLIAM TEMPLEMAN.....	New Westminster.....	Victoria, B.C.
JAMES W. CARMICHAEL.....	New Glasgow, N.S.
JOHN YEO.....	East Prince.....	Port Hill, P.E.I.
JOSEPH ARTHUR PAQUET.....	La Salle.....	Quebec.
WILLIAM KERR.....	Cobourg.....	Cobourg, Ont.
PETER McSWEENEY.....	Northumberland.....	Moncton, N.B.
GEORGE TAYLOR FULFORD.....	Brockville, Ont.
CHARLES BURPEE.....	Sunbury.....	Sheffield, N.B.
JOSEPH P. B. CASGRAIN.....	DeLanaudière.....	Montreal.
ROBERT WATSON.....	Portage la Prairie.....	Portage la Prairie, Manitoba.
FINDLAY M. YOUNG.....	Killarney.....	Killarney, Manitoba.
JOSEPH SHEHYN.....	Laurentides.....	Quebec.
ARTHUR H. GILLMOR.....	St. George, N.B.

inction between constitutional power and constitutional right was simply a play upon words. I do not take that position. I think I know something of constitutional law, and the distinction between power and right, and while a man may have a constitutional power to do a thing he does not necessarily have a constitutional right to do it, and I am prepared to submit that proposition to the Supreme Court of this country, and I dare to do it even in opposition to my hon. friend. Of course, we have the constitutional power to commit political suicide if we wish, but I do not think we have the constitutional right to do it, although we came very near it last year, and if this amendment is carried, I think it will about complete our political suicide. I wish to come now to the real root of the matter. What is this Bill for? I will tell you what it is for. It is to right a great wrong. Hon. gentlemen smile, but I will relieve the agony of their souls in a few minutes.

I hope that if I prove that a great wrong was committed in 1882 that the liberties of the electors of this country were improperly interfered with, that hon. gentlemen will then think differently of the matter. My hon. friend from Richmond, in his speech last night, threw down the gauntlet, and I take it up on one point. He said: "Why does not some senator from Ontario deal with this question?" Well, I am an humble senator from Ontario, and I dare to deal with it, and prove to your satisfaction that that Bill of 1882, alias the gerrymander Act, was conceived in political sin and brought forth in political iniquity, and it is on the statute-book to-day. I propose now to read the evidence of a respectable man on that question, the evidence of Mr. John Hague, and I read it for the junior members, so to speak, of the Senate, because I do not expect that anything I may say or do will convert hon. gentlemen. I wish that I could even almost persuade you that it is right to let this Bill go through.

Hon. Sir MACKENZIE BOWELL—Who is the writer, please?

Hon. Mr. KERR—I read from the *Toronto Globe*, of July 10, 1899. I could not find it in my heart to read it last year, but I should not feel that I was doing my duty

now unless I poured all the light I could on this question.

Hon. Mr. MACDONALD (B.C.) Is the *Globe* a party paper?

Hon. Mr. KERR—I do not care whether it is or not. The question is whether Mr. Hague's statement is true or false.

Hon. Mr. McCALLUM—The *Toronto Globe*—oh!

Hon. Mr. KERR—The *Toronto Globe*, the palladium of the people's liberties from the beginning.

Hon. Sir MACKENZIE BOWELL—Is it an editorial, or a communication?

Hon. Mr. KERR—It is copied from the *Montreal Herald*, and is as follows:

SOME SECRET HISTORY.

How the Gerrymander of 1882 was Planned by the Government—Mr. Hague's Story—A Huge Chart which was Jealously Guarded from View—Work was Not Paid For—Comments of Sir John Macdonald and Other Prominent Conservatives—The Map of 1891.

(Special despatch to the 'Globe,' Montreal, July 9.)

The secret history of the gerrymander of 1882 is told by Mr. John Hague, editor of the 'Journal of Commerce,' in a signed article in the *Montreal Herald*, as follows:

On September 15, 1881, I received a notice from a member of the Senate, who represented the government of Sir John Macdonald in Toronto, asking me to call upon him at a certain hour, I was informed that in compliance with the constitution the government proposed to re-arrange the constituencies of Ontario. I was told that the work of preparing a chart showing the boundaries proposed to be established had been entrusted to the officers of the Department of the Interior, of which Sir John held the portfolio, but they had failed to draft a workable plan. I was asked if I would undertake to construct a chart according to the ideas and suggestions of the speaker. On hearing my assurance that I felt quite equal to such a task, the senator proceeded to say that he wished a chart made showing the existing boundaries of the electoral districts, the voting strength of each of them, and the majority at the last election. He wished me to make this chart quite large, and to exhibit the statistics desired on small tickets which were to be pasted over each district, the one fixed on a place which returned a Liberal member to be pink, and the one over a district which had chosen a Conservative to be blue. These tickets were prepared by Williams, Sleith & McMillan, printers, Toronto. They were the same size as a street car ticket. I strongly opposed this plan as likely to prove cumbersome and very difficult to operate from in altering the boundaries, but was induced to put the plan to the test.

The next question was, where was the work to be done? It was represented as one demanding the greatest secrecy; there must be no risk of the chart being seen by any outsider. After various suggestions had been made and suggested,

I offered to do the work at my own house, where I would give up my study to the service of the government and use the help of some members of my family in filling in the tickets and other mechanical work. This was agreed to. I secured an electoral map about 18 inches by 12, and raised all the lines up, so as to be a reproduction on a large scale, the chart I made being 5½ feet by 4 feet. After most tedious work, extending over several weeks, for I only devoted my evenings to it, the chart with its mass of pink and blue tickets was finished, and a pretty foolish affair it was, as I had predicted. Ontario, so treated, looked like some fabulous animal, covered with loose scales, blue and pink, which fluttered like so many tiny wings. The thing was condemned, and the author of it was puzzled. He saw it was impossible to re-arrange the electoral districts from such a chart, and invited me to advise as to the best way of proceeding.

What the Government Desired.

I was informed that what the government wished to effect was a re-arrangement of the electoral districts so far as possible recognizing a common unit of representation. This, however, was to be made sufficiently elastic to allow the grouping of different sections of the district, so as to detach Conservative voters from places where they were in excess for the needs for a majority, and the attachment of such voters to districts where the new accession would turn the scale at an election in favour of a Conservative candidate where a Liberal one had hitherto been returned. Electoral districts which were hopelessly Liberal were, if possible, to be abolished, or the constituencies so arranged as to put the Liberal voters altogether in one district, especially where they could be drawn away from a district where they menaced the Conservative candidate. The process was afterwards called living, which is quite appropriate, though while the work was being done for the Act of 1882 this word was never used. After making a colossal chart, I took each electoral district and its surroundings in hand, and wrote upon each the number polled for each party at the two previous elections, the total number of electors, with the majority in each case. I coloured each district to show at a glance its political complexion. I then made a thorough study of the official returns of the two last elections, and took out hundreds of statistics for comparison and readjustment. Some of the districts were most difficult to alter so as to secure the results desired. It was said the configuration of some of these represented nothing on earth, in the heavens or the waters under the heavens. Quite true; they simply represented an effort to fix the boundaries of electoral districts according to two rules: first, on the principle of equal representation to equal numbers of voters; second, on the principle that electoral districts should be arranged to serve the interests of the party in power when they are rearranged. These rules do not work well together, hence the highly eccentric shapes of some of the districts on the chart I have constructed. When nearly complete it was taken down to Ottawa.

Done with Secrecy.

I was assigned to a room close to that of the Minister of the Interior. Into that room I was instructed to prohibit the entrance of any one, even a cabinet minister, unless brought in by the senator. I remember the petty rage of one minister to whom I refused admission. One day the Hon. Mr. Aikens, the Minister of Inland

Hon. Mr. KERR.

Revenue, came in and saw the chart, upon which he made no comment. His silence elicited the remark, 'Why, Aikens, I am surprised at a straight-laced fellow like you being in such company,' to which Mr. Aikens gave his usual placid smile. One by one several members were consulted as to the changes made in their districts, amongst others being the late J. C. Rykert, Col. O'Brien and Mr. Mackenzie Bowell. The latter made a little fuss over some feature, but it passed off. When the final touch was put to my chart, it was shown to Sir John Macdonald. After closely examining the work done on the boundaries, the statistics written on the face of the map and the schedule I wrote on its side, showing the result of the changes, Sir John exclaimed, 'That takes a great load off my shoulders.' The gerrymander Act, as it was called, was simply the chart I had constructed, expressed in legal language. The changes were estimated to have given an absolute gain to the Conservative party of four seats, and a better fighting chance in a number of others. I remember remarking at the time that all such arrangements proceeded on the very doubtful assumption that future elections would proceed on the same lines as past ones, and that each party in the future would command the same support, no more and no less, than it had previously done. On my saying this to Sir John, he said, 'Quite true, but constituencies are governed a good deal by tradition, and Grits are very conservative in sticking to their party.'

Was Not Paid.

My experience in this matter should be a warning to do work for a government apart from a stated salary. My advice is: Insist upon a written agreement for a fixed sum, to be paid on completion of the work. The work done by me in preparing the chart for the redistribution of seats cost me over \$500. When payment was asked, Sir John put me off with vague promises of a handsome reward, yet I never received one cent remuneration for labour which took all my leisure for months, and drained me of a very large sum which I paid for assistance, besides giving up one room in my house for the government service. Some member should move for the production of that chart. If it is not now in the possession of the government, it has been stolen from the buildings, where I handed it over to the Premier, the late Sir John Macdonald, by whose instructions it was constructed.

Another Map Found.

The 'Herald' adds: Inquiry at the Department of the Interior to-day showed that there was an impression that the map from which the gerrymander of Ontario in 1882 was drawn as described by Mr. John Hague, was at one time kept in the department, but that it is no longer there. The description of the map, as given to the 'Herald' correspondent, corresponded to that given by the man who claims to have been its author. The 'Herald' correspondent made another discovery, however, that the Hague map is not the only representation of the voting geography of Ontario that was made under the direction of the Conservative gerrymander. In the department is a large map, measuring about 6 x 10 feet, and representing the province of Ontario and the Quebec counties of Ottawa and Pontiac. The map itself is a well-finished one, prepared by the draughtsman of the Post Office Department in 1891, and representing the counties as they exist municipally. Over this are carefully drawn the lines of the constituencies as gerrymandered by the Act of 1882. The work

is finished with a nicety of detail. Each township, town and village is there, with the voting strength of the two parties marked in blue characters. The available vote and the actual vote polled are each marked. Then follows the Conservative vote marked "C," and the Reform vote marked "R." Altogether the chart is a most ingeniously contrived and neatly executed piece of political machinery, evidently designed for use in the gerrymander of 1892, when an attempt was made to make the work of the sweeping gerrymander of 1882 more complete by calling into requisition the surgical knife to supplement the Acts used in hacking to pieces the county organizations in order to stifle the electorate and hive the Grits.

Mr. Hague is a Canadian; he is a highly respectable man, and as honest a man as there is in this Dominion.

Hon. Mr. MILLS—This is not very respectable business.

Hon. Mr. MACDONALD (B.C.)—Was he not rather a traitor?

Hon. Mr. KERR—The question is not whether John Hague was a traitor or not. The question is has he made a true statement?

Hon. Mr. MACDONALD (B.C.)—I do not suppose you believe him for a moment.

Hon. Mr. KERR—I have no reason to disbelieve him.

Hon. Mr. MACDONALD (B.C.)—A man who would write like that is not worthy of belief. I would not believe him on his oath.

Hon. Mr. KERR—Is another word necessary to convince this House that a great wrong was attempted, that a great wrong was effected, and that the people have been suffering from it to the present hour?

Hon. Sir MACKENZIE BOWELL—There is one thing certain, he took good care not to write that letter until the gentleman who would have contradicted it had been dead two or three years.

Hon. Mr. KERR—I do not know that the man is dead. This information does not need any comment. There it is. There are some hon. gentlemen on the opposition side, who will speak before this debate is done, and I want them to be good enough to tell the Senate what they think of that transaction. It cannot be answered by a laugh or by a suggestion that the writer is a traitor. I have watched the columns of the leading Conservative journals to see if they denied it, and to this hour I have never seen one letter of denial of the

whole thing. Now, hon. gentlemen, what are you going to do in view of that? I should think every hon. gentleman would say I shall not soil my hands with it. You may not have known of it at the start; you know it now; what do you think of it? I put it to you as honest men, what do you think of it?

Hon. Mr. MACDONALD (B.C.)—We do not take that evidence.

Hon. Mr. KERR—You cannot get away from it that way, because I am instructed that it is susceptible of being corroborated to the uttermost. Now, in the face of that, are men, honourable men, going to rise in this Chamber and vote for that amendment? If they do, they will be, to all intents and purposes, accessories after the fact. What I have read to this House cannot be met by comments upon my speech, or by disturbing me in my speaking. All I could say for the next twenty-four hours would not place this matter before you as that statement places it. I should like to show you for a few minutes how this iniquitous thing worked. Two or three times some hon. gentlemen objected to the use of the word 'fraud,' or something of that kind, in characterizing the gerrymander Act. If that statement which I have read is true, it was one of the grossest frauds ever perpetrated upon a free people? I take the responsibility of saying that. My point is here, and I will come to it at once, after having shown what that gerrymander Bill of 1882 is, and what was its object. In 1878, when the Conservative wave rolled over this country, whether properly or improperly it is not for me to say, but I can say this, that the result was to give the Conservative party in the province of Ontario, for which province alone I am speaking, an abnormal majority such as they never had before, and never could expect to have again, and never could expect to hold. By what means did they propose to retain power? By no other means than by depriving the people of their political rights, and that infamous machinery was devised to bring about that result, and it did its work only too well. It was a masterpiece of strategy and villainy. Since this country has been a nation, in its history there never has been anything of the