

SENATOR FERGUSON ON RE-DISTRIBUTION.

(Continued from page two.)

giving the powers to the local legislatures. Now, in order that I may put my views here beyond any possibility of controversy, at least by my hon. friend, I will read what he said himself in 1892. The Minister of Justice said on that occasion:

"In looking at the articles of confederation which were adopted prior to the union I find that by the 23rd article it was agreed that the legislature of each province should divide such province into a certain number of constituencies, and define the boundaries of those constituencies. That seemed to be the plan. There was some distrust as to the use which Parliament might make of its power; and if the hon. gentleman will look at the discussions which took place on confederation he will find the view expressed that you might hire the French; you might divide the province of Quebec into such a way that the English speaking section would have a majority of the representatives on the floor of this House. You might, from jealousy of the rapid growth of a particular province so divide its constituencies as to prevent an adequate expression of its opinion in consequence of its increased population."

My hon. friend the Minister of Justice is speaking, and he is here paraphrasing the doubts and difficulties and objections which were felt by the province in giving the control of the distribution of seats to the federal power. He proceeds:

"To guard against such contingencies it was proposed in the first instance that the legislatures of the different provinces should divide the provinces for the Dominion Parliament. That, however, was abandoned before the delegates went to England; and when the British North America Act was formed for the purpose of carrying into effect the articles of confederation—the Quebec resolutions which were agreed upon—this 51st section was substituted for them."

Hon. Mr. Mills—Hear, hear!
Hon. Mr. Ferguson—Therefore, if my hon. friend is right, it was the intention of the framers of confederation that this 51st section, and this 51st section alone, should settle any redistribution of seats within the provinces of Canada. My hon. friend himself has put on record here that this means was found of settling the difficulty, the provinces demanding that they should have the control of the shaping of the constituencies after confederation, and in order to settle that and to meet that objection, section 51 was put in. That section reads:

"On the completion of the census in the year 1871, and of each subsequent decennial census the representation of the four provinces shall be readjusted by such authority, in such manner, and from such time as the Parliament of Canada from time to time provides."

My hon. friend went on to say: "That is clear. It does not say that there is an additional way or that the Parliament of Canada might do so and so."

I hope the hon. gentleman says "hear, hear," still.

"It does not say that there is an implied or expressed power in the Parliament of Canada to act in some other way. It provides this specific way and I contend, and I shall endeavour to establish, that this is the only way provided by the constitution for altering the representation in the House of Commons."

And that is the view of my hon. friend the Minister of Justice. Yet he introduces a bill providing in another way to redistribute the seats of the constituencies of Canada.

Hon. Mr. Mills—No, no.

Hon. Mr. Ferguson—I will glance again at these sections. Let us look carefully at the words of section 51. If section 51 makes special provision for redistribution, section 51 does not apply. I take that position. My view is that section 51 makes special provision, and ample entire

provision, and therefore section 91, which is simply a general one, does not prevail against a specific section such as section 51; and if section 51 involves redistribution within the provinces, section 40 can only create a power to be exercised under section 51. If in the Imperial Act, that there had been some intention at the time to name judges for this purpose in the Imperial Act. However, we know that no judges were named in the Imperial Act; but we find these words "by such authority," in that Act, and I would ask my hon. friend the Minister of Justice to tell me, if he can, why these words "by such authority," should be put in that clause if it was only intended to solve a little question in arithmetic, to find out by the census results how many members another province would be entitled to Quebec being the pivotal province and entitled to 65. If that is all that was involved by section 51, it would be a curious matter of history that the fathers of confederation contemplated a judicial authority for so trivial a purpose. We know that the contention has been seriously held, and that it will be held by my hon. friend that it was the intention, and I think the words of the Act show that that was the meaning, that an independent authority was to be created, and I contend that that involves the whole question of a redistribution within the province, because you would not have that authority constituted for the purpose of making out this little question in arithmetic. It would be like using the trunk of an elephant to pick up a straw. It was done for the purpose of making a readjustment and distribution within the province, and for no other purpose. The authority mentioned in this clause, and the rules that are there placed for carrying it out, means that there should be a complete and effective readjustment, and that involves a redistribution within the provinces;—and all that is provided for in section 51, and if it is provided in section 51, specifically, there can be no authority in any other section of the British North America Act which can set aside a specific authority of that kind. I have my hon. friend's declaration which I have already read. There is another expression here, that it shall be done "in such manner." This is for the guidance of the authorities whoever they may be, that would be constituted by Parliament for the purpose of making this readjustment involving this redistribution within the provinces. If we understand this as I understand it—that this authority was to make this division of the constituencies the way my hon. friend's commission of judges are to divide constituencies under this bill—and I think that that was probable what was meant—if such was the case, we can then understand what was meant by the words "in such manner," but surely Parliament would not use such words as these if it was only the matter of a little question in arithmetic to find out how many members Ontario was entitled to, because Ontario had increased in population somewhat greater than the population of Quebec. Hon. gentleman could well understand that these words, "in such manner," in the sense in which I use them, have an important meaning. In such manner, for instance, as to the difference between urban and rural populations there should be a direction and instruction to the commissioners. My hon. friend the Secretary of State told us yesterday that instructions were to be issued to these gentlemen, and if they follow the English practice, these would be some of the instructions. I have taken them from the instructions issued to the English Commissioners that divided the constituencies in 1885. With regard to rural or urban population, in such manner in regard to wealth or industrialism, the number of persons enjoying the franchise, municipal boundaries, county boundaries, about which my hon. friend is so anxious, and the historic traditions of constituencies,—all these would be instructions, and "such manner" is set forth in the Act, so that such instructions might go to the commissioners. All this is clearly meant and involved in section 51, and section 51 implies that an authority shall do this thing and describes the manner in which it shall be done. If these words had reference to more than this little problem in arithmetic, and if they meant to go further and deal with the redistribution in the provinces, the whole ground is covered, and there is no reason why this bill should be before us. If that view is right—and I have the complete support of my hon. friend himself—Parliament should not deal with redistribution in any way except under section 51, and I think hon. gentlemen will not disagree very much with me when I say that it is entirely inconsistent with section 51 that Parliament should deal with the redistribution between the provinces at any other time than after the decennial census.

Senator Ferguson went on to clinch the argument. He pointed out that Section 51 provides that redistribution shall take effect after each decennial census; and contended that it follows that the power of readjustment can only be exercised once in a decennial term, and this is immediately after the census. In support of this contention he quoted Sir Louis Davies as saying in 1892:

"You have no authority arbitrarily to cut and carve as you please. The law does not give it to you. A limitation has been placed on your power. It does not say you 'may' do so and so, but you shall do so, once for all, but from time to time, after each decennial census you shall readjust."

He also quoted the Minister of Justice to the same effect and said: "We have a most magnificent argument built up against the bill which he has submitted, declaring we have no power or authority except by section 51, and the hon. gentleman will not surely get up now and tell us that under section 51 he can, with any degree of decency, press this bill on the attention of the House, because it says unmistakably it must be after the decennial census."

Local and Other Items.

SMALL DEBTS.—The City Court was in session this morning.

THE PROCS.—Moderate winds, mostly west and south-west, fine and quite warm.

ANOTHER ADJOURNMENT.—The county court at Bonshaw is adjourned until Wednesday, the 9th of August.

MACKEREL.—Some good catches of mackerel are reported from along the north shore of the Island.

ENGINEERS.—Engineers will drill to-night in uniform. Company target practice tomorrow afternoon at two o'clock.

MONCTON'S BONDS.—Moncton has recently sold its city bonds at 102, the first time that they have sold above par.

L. O. A.—The members of Thistle Lodge, No 972, will hold a teaparty or picnic at Belle Creek, on or about the 16th August. Look out for notice next week.

THE RIFLE.—The King's County Association will shoot on Saturday next. What has happened to the Queen's County Association? Local riflemen are making inquiries.

ACKNOWLEDGEMENT.—The trustees of the P. E. Island Hospital acknowledge with many thanks Mrs. Richard Heartz's kind donation of a very handsome glass operating table and two side tables to match, which have been very serviceable.

P. E. I. COMMERCIAL COLLEGE.—The P. E. Island Commercial College re-opens on Tuesday, the 15th August inst. Mr. Oxenham, the principal will be very glad to send a prospectus, containing particulars of the course of study to all who would like to get one.

CRICKET.—The first all-day's cricket match of the season will be played at the park tomorrow between members of the Phoenix Cricket Club. Stumps will be pitched at 9.30 and lunch will be secured on the grounds. The probabilities are for a fine day and the game no doubt will be a great success.

YACHTING.—The Summer-side Journal reports that Dr. G. T. Alley, Mr. F. J. Bayfield, Charlottetown, Fredrik Morris, formerly of Charlottetown and now of Montreal, and one or two others, are on a yachting cruise around the Island, and visited Summerside Monday. Their yacht is in Richmond Bay at present. They are enjoying the trip immensely.

DODGED THE POLICEMEN.—In the west end of our town last night there was excitement. A young man ran down Richmond Street, followed by two policemen and coming to the breastwork took to the water and swam towards Connolly's wharf. In the dusk the policemen lost him as he took refuge among the cribwork along the water front. The policemen were not in the humor for a swim and gave up the chase.

PRESBYTERY.—There was a meeting of the Presbytery in Zion Church yesterday. A deputation appeared from Cavendish with regard to the augmentation, and a committee was appointed to visit the congregation. Resolutions of condolence were passed to the family of Dr. Morrison and to Rev. Mr. Layton and family in their recent bereavements. Mr. Hendry, of St. Croix, N. S., was nominated as Moderator of Synod. Rev. Malcolm Campbell was appointed Moderator of Presbytery for the ensuing six months.

CONVENIENCE GAS.—Gas for cooking and heating seems to be daily growing in favor and we learn that there are a great many houses using it at present. The weather of late has not been any too warm, and on account of the dampness many citizens find a gas heater a very convenient method of obtaining additional heat. Gas cooking is more popular than ever and is now looked upon as a necessity rather than a convenience or a makeshift. We understand that the majority using it here intend adopting it altogether. As a labor saver the use of gas in the household has no peer. It is noticed by exchanges from large cities that gas plants are being extended in nearly all quarters and the increase for the past year is much greater than at any time in the history of gas.

WASH YOURSELF WITH KAHNWEILER'S BATH SPONGE

"Cleanliness is next to Godliness."

A substitution for sponge and wash rag. Material, hand made linen, filled with shaved cork; the inner pocket can be opened and a piece of soap inserted.

Always ready for the bath. Makes a continuous lather. It always floats, is soft and pliable. Is cleaner and better than a sponge or rag.

Takes off the dirt and opens the pores. Strengthens the body and muscles. Takes the place of a masseur. Recommended by athletes and physicians as a necessity.

If you try it you won't do without it. Price 30 cents.



Meet Me at The Always Busy Store

We Request An Early Settlement Of Accounts Rendered 30th June

Receipt Granted Daily

FROM 8 A. M. TO 6 P. M.

STANLEY BROS

2 Shoe Attractions This Week 2

<p>NO 1</p> <p>All womens colored boots & shoes at 20 per cent discount</p> <p>\$1.00 shoes for 80c \$1.50 " " \$1.20 \$1.85 " " \$1.48 \$2.50 " " \$2.00</p> <p>See Window</p>	<p>NO 2:</p> <p>Womens Kid strap slippers with bow and steel buckle on a comfortable last and stylish—only \$1.25</p> <p>See Window</p>
---	---

Alley & Co Alley & Co

The Hot Weather ...IS TO COME

Leave us your order now for a nice light summer suit. Lots of Light Weight Tweeds to select from. Our tailoring department has been rushing all this season.

MEN'S FURNISHINGS

See our summer Underclothing in Balbriggan and natural wool, which will be sure to keep you cool. Big Reductions on lines of Furnishings from this date

GORDON & McLELLAN

Black Dress Goods

We opened on Saturday a line of Black Goods—Crepon effects—latest designs and very nobby—Black in

Plain & Fancy A LARGE VARIETY.

See our 38c line in South window—good value Weeks & Co's 50c Cashmere is always asked for—the best cashmere for the money in the city.

All summer Muslins, Blouses, Straw Hats and Trimmed Millinery selling at a discount to make room for fall goods now on order

WEEKS & CO Wholesale and Retail Successors to W. A. Weeks & Co.



CANADIAN PACIFIC RAILWAY TRAVEL - IN - COMFORT —BY— TOURIST SLEEPERS

Leaving Montreal every THURSDAY at 11 a. m. for the PACIFIC COAST, accommodating second class passengers for all points, in Canadian North West, British Columbia, &c

Berth Rates—
Montreal to Winnipeg.....\$4.00
Montreal to Calgary..... 6.50
Montreal to Revelstoke..... 7.00
Montreal to Vancouver..... 8.80
Montreal to Seattle..... 8.00

For passenger rates to all points in Canada, Western United States and to Japan, China, India, Hawaiian Islands, Australia and Manila, and also for descriptive advertising matter and maps, write to

A. J. HEATH, District Passenger Agent, July 5—dy St. John, N. B.

Unparalleled

VALUE in our offer of PURE LARD, in pails. Till June 10th we make the following offer:—

20 lb. pail \$2.00
5 pail lot at \$1.80 per pail

Delivered at any station on P. E. Island Railway. This lard is of the PUREST quality. In Teas we lead. All Provisions and Fine Groceries at lowest prices.

Jenkins & Son Low Price Grocers wif



MEN SAVE MONEY

by buying their boots at our "big sale" Just glance over this, and see if there is not something you may need—

5 PAIRS ONLY of our Men's Fine Chocolate Boots—vesting top regular price \$4.25 Now \$3.50

11 PAIRS.... Men's Chocolate Dongola Boots—regular price \$2.50 Now \$2.00

9 PAIRS.... Men's Chocolate Dongola Boots—regular price \$3.00 Now \$2.50

13 PAIRS.... Men's colored Boots ranging in price from \$1.90 to \$2.25 Now \$1.65

Watch this space for further announcements

R. K. JOST,