

The Legislative Council

SYNOPSIS OF DEBATES

He agreed that the people had not been properly educated as regards recruiting in the past. He was sure after the Bill passed, and the working of it taken up by the Government, it would be the success anticipated. With the Bill as law he anticipated that 12,500 should be brought to the colors. Hon. Mr. Anderson referred at length to the Historical Society, appointed to weld the history of the Regiment had done nothing and were doing nothing.

HON. MR. HARVEY approved of the Bill. He believed, however, that in application it would need some alterations. For instance, it would not be possible to call out men from the far north as easily as it would be in Fortune Bay and Placentia Bay, or the bays west, as when the fishing season is on conditions are different. The Supreme Court, he thought, would not be able to fill the bill as an exemption tribunal. There was no question that the judges would perform their work properly, but there was another aspect of the case. Men who claimed exemption might be writing from long distances, or would be unable to appear at the proper time. If they were objectors to conscription there would be a tendency to postpone offering because of distance and the fact that there are no other courts. He thought that the carrying out of the Act should be largely under the control of the returned soldiers. They should not act as servants, but in control, and having a good knowledge of those who should be exempted, their services would be invaluable.

The House adjourned at 6.30 to meet again to-morrow.

THURSDAY, MAY 2.

The House met at 4 o'clock. HON. MR. ELLIS moved the House into Committee on the Conscription Bill.

HON. MR. BISHOP thought that the best interests of the measure would be served by the appointment of a Joint Select Committee to consider it so that its pros and cons could be carefully thrashed out and the Bill put through as quickly as possible.

HON. MR. ROBERT questioned whether or not this would be the best course but was ultimately satisfied as to the wisdom of the proposal.

HON. MR. ANDERSON criticised the Militia Department for their failure to supply figures and said that it took a letter two days to get from one room to another in the department. It was current gossip on the streets he said that the Militia Department had bought up all the red tape in town.

The following members were appointed to form part of the Joint Select Committee: Hons. the President, Messrs. Bishop, Harvey, Goodridge, Milley, Squires, Gibbs and Anderson.

The following Bills were received from the House of Assembly with a message asking the concurrence of the Council with their provisions: The Education Amendment Act; Marine Disasters Act; Keeping of Dogs Act; Inflammable Substances Act; Reporting of Missing Schooners Act; Publication of Consolidated Statutes Act; Ministry of Shipping Act; Imports and Exports Act; Workmen's Compensation Act. All these were read a first time and were ordered to be read a second time this afternoon.

Other matters on the Order paper were deferred.

The House then adjourned to meet at 3 o'clock to-morrow when His Excellency the Governor will give his assent to the Daylight Bill.

FRIDAY, May 3rd.

The House met pursuant to adjournment.

At 3 p.m. His Excellency the Governor attended in the Council Chamber and formally attended to the Daylight Bill.

The following Bills were given a second reading and will go to Committee on Monday, viz:—

Imports and Exports Restriction Bill; Missing Schooners Reporting Bill; Departmental Shipping 1918 Bill; Workmen's Compensation Act Amendment Bill; Marine Disasters Bill.

The House then adjourned till Monday at 4 p.m.

MONDAY, May 6th.

The House met pursuant to adjournment.

The following Bills were introduced and read a first time:—

The Identification of Criminals Bill; the Non-Ferrous Metals Bill. The Committee stage of the Military Service Bill was read.

The amendments suggested in the

report, (a) create a Military Service Board to undertake the operations of the Bill, (b) fix May 24th as the final date for volunteers, after which men who join will be regarded as "drafters"; (c) increase the spread of the first class from five years to six years, making men from 19 to 25 instead of from 19 to 24, liable for the draft and thus giving assurance of about 200 extra men; and (d) enable the Supreme Court Judges as a Tribunal under the Act, to appoint in the outposts commissioners with power to grant provisional exemptions to men obviously unfit for active service, such as men lacking an eye, an arm, a leg, or with relatives at the front, so as to render it unnecessary to send these to St. John's. Another section providing that no person appointed by the Supreme Court Judges to act as such a Commissioner, could refuse to undertake this duty under penalty of imprisonment for period not exceeding two years, because it was pointed out that if parties so appointed were to have the option of refusing, the whole machinery of the Act would break down, and that in connection with a measure which was to conscript men and go overseas and fight for us, those appointed to act in such capacities ought to be liable to conscription also. The section in question was already in the Canadian Act, and was simply transferred to ours. The Committee reported the Bill with the said amendment, and it will be read a third time.

HON. MR. MILLEY spoke on the second reading of the Extension Bill which he opposed vigorously on the ground that the people, particularly of St. John's East and West, were not properly represented in the House of Assembly.

The hour being late the further discussion of the second reading was adjourned till to-morrow.

MAY 7th, 1918.

The House met pursuant to adjournment.

The Military Service Bill was read a third time, passed and sent to the Assembly for concurrence.

Second reading of Extension of Conscription Bill.

HON. MR. GOODRIDGE strongly opposed the measure on the ground that it was the output of a government that did not fully represent the people. It had passed the Lower House by a vote of 13, which was only one third of the representation of a full Parliament, and only a majority of one as the House is at present constituted. He did not agree with the introduction of the Bill and other speakers that an election in the fall would interfere with the carrying out of the conscription measure. He also referred to the Confederation talk about the city and the Colony's financial condition. He would oppose the Bill.

HON. MR. GIBBS also opposed the Bill. It was illegal and immoral. The Government did not represent the people, and it was nothing short of an outrage to introduce the measure at all. It was an invasion against the rights of the people. The life of the present Parliament had long expired, and its every act was an open violation of the constitution. They were assuming absolute power instead of discharging their duties to the country as its trustees. The high handed and arbitrary manner in which they were acting had no parallel here or elsewhere. To extend the life of the present Government was to disfranchise the whole people for the next couple of years. The arguments that an election would interfere with the carrying out of war measures were mere camouflage. When the great reform movement was ushered in England war was brewing on the Continent and England was at war with Abyssinia. Commercial and industrial chaos prevailed throughout Great Britain. Cattle were dying in thousands. The people were only recovering from the Napoleonic wars, and conditions generally were in a deplorable state. The people demanded an election, with the result that the whole economic and industrial situation was changed. The fundamentals of Colonial Government as it exists to-day were laid, and Great Britain shared in a prosperity heretofore unknown. Had the vaporings and subterfuge of those who wanted to hold on to power against the express wishes of the people been listened to the great reforms would probably have been set back for half a century. During the American civil war when millions of men were under arms and the fate of the Republic was hanging in the balance, and the Confederate forces were entrenched in view of the White House, an election was held

and conditions were at once changed. Sherman began his march to the sea. Sheridan went plowing his way through Winchester, and Grant began to batter down the defences of the Confederates. These were stirring times, but the rights of the people prevailed. Here the people were not given any consideration at all. A combination that was brought together through a corrupt bargain undertook to tear the constitution to pieces. In the Lower House only 13 members had voted for the Extension Bill, and more than half of these comprised the Executive Government, and the remainder were either under pay of the Government or F.P.U. The latter members were bound by oath to vote in the interests of their association. Their independence had been taken from them by their obligation to do as they were told. They did not represent the country, but only the individual institution of which they were members. It had been said an election was not desirable, that it would upset the Government's war policy. That was not so. Six months ago a warning note had been sounded by an eminent cleric, to be careful that men would not take advantage of existing conditions to advance their own personal interests. The Extension Bill was only a personal matter with the Government, who desire to hold on to office, despite the wishes of the people. The present Government had no right to adopt the Extension Bill. It was an iniquitous measure aiming at the very destruction of what our fathers had fought and died for. It was an illegal, and Mr. Gibbs questioned whether the Government had any power to put any act whatever on the statutes. Dealing with the constitutional aspect of the Bill, Hon. Mr. Gibbs quoted largely from Anson, Dicey, and others on constitutional practice and law. He would vote against the second reading.

HON. MR. McNAMARA would vote for the second reading of the Bill. He had listened attentively to what had been said, but there was nothing to convince him that it was not the proper course to ensure the Government time to carry out the Conscription Act; and other measures. He felt that they were earnest and honest over the Military Service Act, and it would be unwise to have an election which could not but interfere with its being carried out. In his opinion both Bills should go through together. Some of the people he thought were hiding behind smoke screens and camouflage in their opposition to the measure. It was a matter with them to get the Government out. He would not be a party to it, and if his vote would do it the measure would pass.

HON. MR. ANDERSON would support the second reading. With regard to the Military Department and the carrying out of the Military Service Act, he would like to see the Minister of Militia removed from party politics. He had no faith in the War Council the Act called for. One good energetic man in charge of the Militia Department, with an efficient staff would in his opinion see the measure properly carried out, if the power was given him, and his position removed from politics.

HON. MR. HARVEY congratulated Hon. Mr. Gibbs, on his speech, but could not understand why it was not delivered when the extension of Parliament was asked for last year. He did not claim to have a legal mind, but he could not see where the constitution would be violated if the Bill passed. The life of Parliament was only arranged by a local act, and the Government had every right to make it longer than 4 years if they thought it desirable in the public interest. The House was united on the Conscription Bill, and if the present Bill was defeated in his opinion it would seriously and unduly interfere with the carrying out of the measure. He believed the Government was sincere in its efforts to keep Newfoundland in the war, and would sooner see the carrying out of the Service Act, in the hands of Premier Lloyd than ex-premier Morris. Baron Morris, last year, he said, by his treatment of the Chamber had brought a stigma on himself that he would never be able to cast off. He was not there to defend the Government on the position of the F.P.U. members, but he felt they were the proper men to see the Conscription Act enforced, representing as they do, the largest organization in the country. If there was an election and a change of Government he did not see what more could be done in connection with Newfoundland in the war. They might do better in some respects as to other domestic affairs, and they might not. While the bill was before the House, he would have no objection to entertaining an amendment. At the present time he considered an election objectionable. Yet he believed that

the vacancies in the House should be filled, and by-elections held. He would not like to see them take place at the one time, as this also would set up opposing camps, and might interfere with the Conscription measure. He believed that the by-elections should take place from time to time, until all the vacancies were filled.

House adjourned till to-morrow.

WEDNESDAY, May 8th.

The House met pursuant to adjournment when the debate on the second reading of Legislative Extension Bill was continued.

HON. MR. BISHOP opposed the second reading and spoke at some length. When the House was asked to consider the Bill jointly with the Military Service Measure it did not encourage unity, but instead provoked opposition. The only argument in favor of its passing was that the turmoil of a general election would continue all summer and until the counting of the ballots, and the Government in consequence would neglect the carrying out of the military service act. He did not take this argument serious. The fear that the Ministers would neglect their duties if an election were on should not be considered. The very people who are now anxious that no election be held, were preparing for one up to a few weeks ago. Conditions were worse at that time than now. There were no recruits coming in then. Since, through the efforts of the volunteers matters were changed. He would like to know when the turmoil talked of ever existed during an election. Why were not the vacancies filled, so that the Legislature would be fully represented? Members had taken permanent office back to their constituents for endorsement. There was no desire on the part of the Government to open these seats. They were losing no opportunity to gain political and personal advantage at the cost of neglecting matters of vital importance to the state. The Military Service Bill, the Government said was introduced because of the demand of the Secretary of State for reinforcements for the Regiment. The number asked for was 300 by the end of April and 600 by the end of May. The former number had been secured by voluntary enlistment and it ought to be possible to secure the monthly call of only 200 without disturbing the whole work of the Government. If we were called upon to supply 1,000 or more at one time, there might be some reason in the arguments of those who supported the Bill, but to say that recruiting two men a day would demand the undivided attention of the Government, was, in his opinion, an insult to the intelligence of the House. The bill might pass, but as it stood it gave no assurance whether an election would be held in 12 months, or at the end of 1919. He did not think one would be held until the war ended, or until such time as the Government elects to go to the country. If the bill was passed the Government could extend the life of Parliament indefinitely, and in his opinion that was the intention.

HON. MR. MEWS who supported the bill said he enjoyed Hon. Mr. Gibbs' speech on constitutional law and practice the previous evening but was somewhat mystified in looking through the official debates of last year not to find him on record of opposing extension. He would like to set the Hon. member right as to some figures quoted on Tuesday. Mr. Gibbs had said that considerably more than 100,000 of the population were not represented in Parliament. Following a like basis laid down by Hon. Mr. Gibbs he could only figure 60,000. (Hon. Mr. Gibbs 90,000), and he did not wish to see the statement go unchallenged. As regards the extension of parliament he said the Government were not afraid to go to the country, either last fall or now. He did not see why they should. What extension meant was giving the Government an opportunity to work out the regimental problem and other serious matters facing the Colony. All would agree that a crisis existed, both on the battle fronts and at home, and what was needed was harmony, not discord.

HON. MR. SQUIRES in opposing the second reading of the Bill said that the only argument put in the defence of the measure was the regiment. No one he said was more anxious than he was to see the Regiment kept at the front in full strength, and with an ample supply of reserves, and if in his opinion the Extension Bill was in any way essential in carrying out the military service act, it would have his most hearty support. As a matter of fact, he did not see why it should be sent to the chamber at all. The House stood as a check against unwise legislation. All legislation should be

passed by an assembly properly elected and constituted and with full endorsement of the people. The present government was in power more through political intrigue than by the dominant will of the people of the country. The present Premier he considered was not there by the mandate of the people. When he went to the polls in 1913 he came back third on the ticket, and though he had been made Premier, his colleagues who had led the ticket was not even given an executive seat, and he and his other colleague only belonged to the rank-and-file. The people of Trinity evidently did not intend to make him premier. He held the position merely through accident. When extension was granted last year and the National Government was formed the Legislative was not depleted as it is to-day. Ex-premier Morris no matter how much he might be disliked politically was a statesman of wide experience. He was a superior man to the present incumbent. When the extension bill was passed a year ago it was with the understanding that it was only for a year. The Bill before the House had been passed in the Lower House with only one third representation voting and even two members of the Executive Government absent. It had been passed by a depleted chamber and a Premier without a mandate. The arguments that the defeat of the bill would interfere with the carrying out of the conscription measure did not appeal to him. By the fall the bill would be working automatically. The proclamation would be issued and the working out of the bill would be in the hands of an impartial military board, as named by the Premier, and the judges of the Supreme Court, and the idea that an election would interfere with it was absurd. He could not at all agree with the defenders of the bill that there would be political turmoil. He had contested these elections himself and had not as much as seen the slightest disorder, and he did not think there would be any this fall. The idea that more than Class 1 would need to be called was not within the calculations of the Government. There was no possibility of any unpleasantness or political trouble. The argument that the passing of the measure was imperative to the carrying out of the Military Act was not in keeping with facts. The Conscription Bill was joined up with the Extension Bill in the hope that by waving the flag of patriotism in the Council and throughout the country they could extend their political lives. Reference had been made that the life of Parliament had been extended in England. That was so, but Parliament was not depleted, and elections were being held almost every week, and in constituencies larger than the whole of the Dominion, and he had yet to hear of any disturbances, despite the fact that conditions over there were much worse than here. It was impertinent to send the Bill to the House at all. If ever a time was at hand to prove that the Chamber is an important factor in the protection of public rights it is now. To prove that when Parliament was extended in 1917, it was only for a year. A voters' list was taken last September and all arrangements made to hold a general election. The somersault from an election to an extension was not due to any crisis. When the big offensive was at its worst during the early spring an election was being provided for, and the crisis was not considered. When the election was held in the Dominion of Canada, there was no turmoil talked of, on the other hand Sir Robert Borden came back with an representative Government to assist in carrying out the war programme which he outlined to the country. The House should stand between the Government and the people and see that the latter's rights are not denied them.

HON. MR. ELLIS congratulated the speakers, and took exception to the remark that the Government was the result of a corrupt bargain. He did not associate himself with the Government through any corrupt bargain. He joined the Government with the understanding that an election would be held within a year. When the demand was made for more men by the Imperial authorities and it was seen those could not be supplied without enforcing a War Measure Act, the enforcing of it made the extension of Parliament a necessity. It was our first and most important duty to get men. If under ordinary condition the life of Parliament was being extended, he would have resigned his seat.

The resolution of the second reading being put, was carried by the following vote:

FOR—Ellis, Murphy, Winter, Harvey, Mews, Bell, Cook, McNamara, Ryan, Templeman, Anderson, Power.

AGAINST—Skeleton, Bishop, Gibbs, Goodridge, Squires, Milley, Knowling.

The following Bills passed the Committee stage: Patents Amendment Bill; Imports and Exports Restriction Bill; Workmen Compensation Amendment Bill; Permanent Marine Disasters Fund Bill, and the Educational and Keeping of Dogs Amendment Bill received a second reading.

The Fire Control Amendment Bill was introduced and read a first time, after which the House adjourned till to-morrow at 4.30 p.m.

TUESDAY, May 14th, 1918.

HON. MR. SQUIRES made a motion that the bill be deferred until to-day.

HON. MR. ELLIS in view of the Government wishing to close the House to-day, suggested a night session.

HON. MR. TEMPLEMAN asked the reason, and spoke to the question at length. He did not like the idea of rushing matters through the House in this way. During the session he had heard nothing but "this is taken from the Canadian laws, and this is a Canadian Act." As everything was Canadian, and he was not sure we were not into Confederation, he thought it would be just as well to get a few Canadians down here and let them run the whole show. He did not like the move things were going on at all, at all. He could not see through a stone wall, he said, but he was pretty sure he could see through a picket fence.

HON. MR. ANDERSON had another try at the way the "baker's dozen" were running the House; and supported the motion that the debate be held over till to-day.

HON. MR. GOODRIDGE also asked that the bill stand over, which was agreed to, after which the House adjourned till to-morrow at 3 p.m.

WEDNESDAY, May 15th, 1918.

The Committee stage of the Revenue Bill was resumed. HON. MR. ANDERSON drew attention to the fact that only \$50,000 out of the large surplus was set aside for increases in the Civil Service. This amount, he considered, would not be sufficient to give a decent increase to the officials of the Customs House, some of whom were working at the same salaries that were paid 40 years ago.

HON. MR. MILLEY asked the Leader of the Government if any notice had been sent out as regards the extra postage on letters, which came into effect on the 11th inst. Many letters were coming through the mail with the old rates of postage.

HON. MR. ELLIS presumed that notice had been given.

HON. MR. MILLEY complained that copies of the Bill had not been given the members. The Revenue Bill dealt with the entire Dominion, and common courtesy would suggest that the Council be furnished with copies of the Bill.

HON. MR. ANDERSON took similar position, and thought it was only waste of time to have the Clerk reading the Bill when they had nothing before them to follow him. He did not consider it fair nor honest. It was just as well to be perfectly frank in the matter.

HON. MR. ELLIS said both gentlemen were apparently wrong in their position, as he had no intention of acting discourteously.

At the suggestion of HON. MR. MILLEY, the Clerk read the items on the Bill twice over to allow the members to take notes.

Objection was raised to the export tax of 50 cents a case on salmon, as against 50 cents a case on lobsters, by HON. MR. McNAMARA. The former were less than half the value of the latter, while the export duty was the same—figuring he could not understand.

HON. MR. GOODRIDGE agreed with Hon. Mr. McNamara.

HON. MR. BISHOP drew attention to the export duty on cod oils. The duty was 2 cents all round. He was of opinion that if the export duty on ordinary cod oils was 2 cents a gallon, it should be greater on the more costly medicinal oils. There was sufficient interest taken by the members of the Upper House in money bills, to be at least supplied with copies of those that came up for discussion.

HON. MR. ANDERSON would like to know who paid the export duty, whether it was the producer or the consumer, or whether it was good policy to levy the tax at all. It would be all very well in pre-war times, when lobsters were \$28.00 a case, but he questioned the propriety of it now.

HON. MR. HARVEY also thought it was the duty of the Government to provide the House with copies of Bills.

The Bill passed without further discussion.

The War Pensions Act went through Committee without amendment.

The Crown Lands Bill created considerable discussion in Committee. Section 2 of the Bill, which would give the Governor-in-Council the right to reserve certain areas was eliminated on the grounds that the powers were too great.

HON. MR. HARVEY thought that section 2 and 3 should be left out. The life of the Legislature, he said, had been extended outside of constitutional practice that the government could carry out war legislation without obstruction, and unless it was shown that it was expedient that these two sections be retained, in his opinion the House should not pass them.

HON. THE PRESIDENT explained that section 2 only differed from the essentials of the old Act, in that the machinery was being provided whereby the Government could take action in Court to recover penalties and "foreclose forfeitures." As a number of people were holding properties and were not carrying out the law, it was impossible to deal with them unless machinery was provided to enable the Government to apply to the Supreme Court.

HON. MR. SQUIRES said there was no Act on the statutes that required consolidation and revision so much as the Crown Lands Act. Any attempt to amend it during the dying hours of Parliament was out of the question. If it were possible to assist the Leader of the Government, he would not mind the Committee rising for an hour or two, but it was not sound practice to be dealing with such an important measure at this late date.

HON. MR. MURPHY condemned the whole Act. The section which calls for a man to cut a three-foot road around his property was ridiculous. It was simply destroying timber without results. He also condemned the part of the Act which prevents the export of pulp wood and pit-props. In cutting timber, one-half of it was left in the forest to waste, because of this restriction. There was no encouragement offered at all by the Government to men who wanted to invest capital, and thousands of dollars had been lost this way. In his opinion the Bill should not be considered at all.

HON. MR. GIBBS was also opposed to section 3. If the Government reserved the areas and offered them by auction to the highest bidder, there would be some reason for the section, but where it was a matter of reserving them for speculators, he was not going to support it.

The Bill passed with section 3 struck out.

The War Tax Stamp Rates Bill passed after the House had been informed that 20 cents would be collected on every complete set of customs entries.

The Saw Mills Bill created a lot of discussion, the principal speakers being Hons. Murphy and Bishop. An amendment was made to the Penalty Clause, making the mill owner and log cutter equally responsible if sawn lumber was proved to have been cut on three mile limit. The House adjourned at 6.40 until 8 o'clock.

Resuming, the Cable Co. tax was considered. This deals with the Commercial Cable Co., the Direct Cable Co., and the Western Union Cable Co. In 1905 the Commercial Cable Co. entered into contract with the Executive Government of the day, which agreed to exempt them from taxation. The contract was repudiated by the Morris Government in 1909, and in a legal suit the local courts held that the contract was null and void, without the sanction of the Legislature. An appeal was made by the Company to the Privy Council, and the judgment of the local courts was sustained. The tax, however, was not collected, and following, the other companies did not pay. The Bill, which is retroactive, calls for the tax from July 1st, 1910.

The Bill passed after Hon. Mr. Gibbs had given a brief outline of the history of the Commercial Cable Co. in Newfoundland.

The Municipal Bill passed after some remarks by Hons. Ellis, Gibbs and Templeman.

The Income Tax Bill passed with some amendments made to the original by the Lower House. HON. MR. ANDERSON again pointed out the injustice of collecting the 1917 tax from others than those with incomes less than \$7,500.

HON. MR. BISHOP said it was gratifying that the Lower House had agreed to some amendments, but regretted that they did not see their way clear not to collect the 1917 tax from those whose income was less than \$5,000. It would be exceedingly difficult to collect the tax from those with small earnings. In 95 per cent. of these cases the incomes have been spent, and to have to pay the two years' taxes out of one year's earnings will be a great hardship. He disagreed with the principle. He disagreed with the principle.