

troduced into this House by Sir Richard Cartwright. It was amended, I think in 1931, by a Bill initiated in this House, but that amendment provided only for reducing the maximum amount of an annuity that could be purchased from \$5,000 to \$1,200.

Hon. Mr. DANDURAND: I would draw my honourable friend's attention to the fact that he is now speaking to a notice of motion.

Hon. Mr. BLACK: Perhaps I had better postpone my remarks, but I thought the reasons why I am giving this notice might be pertinent now. I am prepared to speak now or on Thursday, as the House desires.

Hon. Mr. DANDURAND: The difficulty is that no one can understand the honourable gentleman's explanation as clearly as he could if we had the motion before us.

Hon. Mr. BLACK: Very well. I will postpone my remarks until Thursday.

PRIVATE BILLS

FIRST READINGS

Bill E, an Act to incorporate the United Credit Association.—Hon. Mr. Little.

Bill F, an Act respecting the St. Lawrence and Adirondack Railway Company.—Hon. Mr. Coté.

Bill G, an Act respecting the Ottawa and New York Railway Company.—Hon. Mr. Coté.

Bill H, an Act respecting the Trust and Loan Company of Canada.—Hon. Mr. Coté.

TORONTO HARBOUR COMMISSIONERS' BILL

SECOND READING

Hon. RAOUL DANDURAND moved the second reading of Bill 12, an Act respecting the Toronto Harbour Commissioners.

He said: Honourable senators, this is a very simple Bill. Its purpose is to amend section 20 of the Toronto Harbour Commissioners' Act, 1911. Doubt has been expressed whether this section gives the Harbour Commissioners authority to issue new debentures to meet maturing obligations. The Government of Canada not having guaranteed the outstanding debentures, the proposed amendment interests directly only the Toronto Harbour Commissioners and the City of Toronto. Those two authorities have been advised that it would be better to pass a declaratory Act affirming the Harbour Commissioners' right to issue debentures to pay off and redeem outstanding debentures before or at maturity. The amending section reads:

2. It is hereby declared that the powers granted to The Toronto Harbour Commissioners by section twenty of The Toronto Harbour Commissioners' Act, 1911, chapter twenty-six of the statutes of 1911, have always included and do include the power to borrow money from time to time for the purpose of paying off and redeeming in accordance with the terms thereof debentures from time to time issued by The Toronto Harbour Commissioners pursuant to the provisions of the said Act either at the maturity thereof or at such earlier date as such debentures or any of them may become or be made payable, in accordance with the provisions thereof; and have always included and do include power to issue debentures for money so borrowed.

This clause was drafted by the attorneys for the Harbour Commissioners and the City of Toronto. It has been suggested that it might well be clarified, and when the Bill is in committee a substitute clause will be offered, more in conformity with the proper legal phraseology.

Right Hon. ARTHUR MEIGHEN: The honourable leader of the Government has stated that it is intended to reword the operative clause of this Bill. Plainly it is subject to the very same defect as was in the original clause, which failed to provide that on maturity of the whole or part of a loan a new loan might be effected for refunding purposes. This Bill does not provide that on maturity of this new loan it may be repaid by means of another issue. As we all know, borrowing in these days is done with the intention, not of repayment, but of renewal, and provision should be made accordingly.

While I am on my feet let me make this suggestion to the House in general and to the honourable leader of the Government in particular. I have read over the operative clause of the Act, and really in point of draughtsmanship it is a masterpiece of ineptitude. One can hardly conceive of a clause being drafted in this form:

(2) The principal and interest of the sums of money which may be borrowed under this section shall be a charge on the revenue arising from the rental,

and so on. Then the subsection continues:—and other lawful charges upon the said income shall be as follows:

(a) The payment of all expenses incurred in the collection of the same....

(b) The defraying the expenses of keeping the harbour clean....

(c) The payment of interest due on all sums of money borrowed....

(d) Providing a sinking fund for paying off the principal of all sums borrowed....

It will be observed that paragraphs (c) and (d) cover exactly charges already included in the first part of sub-clause 2, yet describe them as "other lawful charges." This might be