DEBATES

OF

THE SENATE

OF THE

DOMINION OF CANADA

1902

REPORTED AND EDITED BY

HOLLAND BROS.

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SECOND SESSION—NINTH PARLIAMENT

OTTAWA
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1902

SENATORS OF CANADA

ALPHABETICAL LIST

2ND SESSION, 9TH PARLIAMENT, 2 EDWARD VII

1902

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
AIKINS, JAMES COX	Home	Toronto.
ARMAND, JOSEPH F	Repentigny	Montreal.
BAIRD, GEORGE T	Victoria	Perth Centre, N.B.
BAKER, GEORGE B	Bedford	Sweetsburg, Que.
BÉIQUE, F. L	DeSalaberry	Montreal.
BERNIER, THOMAS ALFRED	St. Boniface	St. Boniface, Manitoba.
BOLDUC, JOSEPH	Lauzon	St. Victor de Tring, Que.
BOUCHERVILLE, BOUCHER DE C. E., C.M.G.	Montarville	Boucherville, Que.
BOWELL, SIR MACKENZIE K.C.M.G	Hastings	Belleville, Ont.
CARLING, SIR JOHN, K.C.M.G	London	London, Ont.
CARMICHAEL, JAMES W		New Glasgow, N.S.
CASGRAIN, JOSEPH P. B	DeLanaudière	Montreal.
CASGRAIN, CHARLES EUSÈBE	Windsor	Windsor, Ont.
CHURCH, C. E		Halifax, N.S.
CLEMOW, FRANCIS	Rideau	Ottawa.
COCHRANE, MATTHEW HENRY	Wellington	Hillhurst, Que.
COX, GEORGE A		Toronto, Ont.
DANDURAND, RAOUL	De Lorimier	Montreal.
DECHENE, A. M	De la Durantaye	St. Roch des Aulnaies, Que.
DEVER, JAMES	Sr. Mr. St. John	St. John, N.B.
DICKEY, ROBERT B	Amherst	Amherst, N.S.
DOBSON, JOHN	Lindsay	Lindsay, Ont.
DRUMMOND, GEORGE A	Kennebec	Montreal.
ELLIS, J. V	St. Jean	St. John, N.B.
FERGUSON, DONALD	Queen's	Charlottetown, P.E.I.
FISET, JEAN BAPTISTE ROMUALD	Gulf	Rimouski, Que.
FORGET, LOUIS J	Sorel	Montreal.
FULFORD, GEORGE TAYLOR		Brockville, Ont.
GIBSON, W	Lincoln	Beamsville, Ont.
GILLMOR, ARTHUR H		St. George, N.B.
GODBOUT, J	La Salle	St. François, Beauce, Que.
GOWAN, JAMES ROBERT, C.M.G	Barrie	Barrie, Ont.
HINGSTON, SIR WILLIAM H., Kt	Rougemont	Montreal.
JONES, L. M	Toronto	Toronto, Ont.
KERR, WILLIAM	Northumberland, O.	Cobourg, Ont.
KING, GEORGE GERALD	Queen's	Chipman, N.B.
KIRCHHOFFER, JOHN NESBITT	Selkirk	Brandon, Manitoba.
LANDERKIN, G	Grey, S.R	Hanover, Ont.
LANDRY, A. C. P	Stadacona	Notre Dame de Quebec, Que.
LOUGHEED, JAMES ALEXANDER	Calgary	Calgary, N.W.T.
LOVITT, JOHN	Yarmouth	Yarmouth, N.S.
MACDONALD, ANDREW A	Charlottetown	Charlottetown, P.E.I.
MACDONALD, WILLIAM JOHN	Victoria, B.C.	Victoria, B.C.
MACKEEN, DAVID	Cape Breton	Halifax, N.S.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
MASSON, LOUIS FRANÇOIS RODRIGUE	Mille Isles	Terrebonne, Que.
MCCALLUM, LACHLAN	Monck	Stromness, Ont.
MCDONALD, WILLIAM	Cape Breton	Little Glace Bay, N.S.
MCHUGH, G	Victoria, O	Lindsay, Ont.
MCKAY, THOMAS	Truro	Truro, N.S.
MACKAY, R	Alma	Montreal.
MCLAREN, PETER	Perth	Perth, Ont.
MCMILLAN, DONALD	Alexandria	Alexandria, Ont.
MCMULLEN, J	N. Wellington	Mount Forest, Ont.
MCSWEENEY, PETER	Northumberland	Moncton, N.B.
MERNER, SAMUEL	New Hamburg	Berlin, Ont.
MILLER, WILLIAM	Richmond	Arichat, N.S.
MONTPLAISIR, HIPPOLYTE	Shawinegan	Three Rivers, Que.
O'BRIEN, JAMES	Victoria	Montreal.
O'DONOHOE, JOHN	Erie	Toronto.
OWENS WILLIAM	Inkerman	Montreal.
PELLETIER, SIR ALPHONSE, K.C.M.G	Grandville	Quebec.
PERLEY, WILLIAM DELL	Wolseley	Wolseley, N.W.T.
POIRIER, PASCAL	Acadie	Shediac, N.B.
POWER, LAURENCE GEOFFREY *(Speaker)*	Halifax	Halifax, N.S.
PRIMROSE, CLARENCE	Pictou	Pictou, N.S.
ROBERTSON, J. E		Montague, P.E.I.
REID, JAMES	Caribou	Quesnelle, B.C.
SCOTT, RICHARD WILLIAM	Ottawa	Ottawa.
SHEHYN, JOSEPH	Laurentides	Quebec.
SULLIVAN, MICHAEL	Kingston	Kingston, Ont.
TEMPLEMAN, WILLIAM	New Westminster	Victoria, B.C.
THIBAUDEAU, ALFRED A	De la Vallière	Montreal.
THIBAUDEAU JOSEPH ROSAIRE	Rigaud	Montreal.
THOMPSON, F. P		Fredericton, N.B.
VIDAL, ALEXANDER	Sarnia	Sarnia, Ont.
WARK, DAVID	Fredericton	Fredericton, N.B.
WATSON, ROBERT	Portage la Prairie	Portage la Prairie, Man.
WOOD, JOSIAH	Westmoreland	Sackville, N.B.
WOOD, A. T	Hamilfon	Hamilton, Ont.
YEO, JOHN	East Prince	Port Hill, P.E.I.
YOUNG, FINDLAY M	Killarney	Killarney, Man.

THE DEBATES

OF THE

SENATE OF CANADA

IN THE

SECOND SESSION OF THE NINTH PARLIAMENT OF CANADA, APPOINTED TO MEET FOR THE DESPATCH OF BUSINESS ON THURSDAY, THE THIRTEENTH DAY OF FEBRUARY, IN THE SECOND YEAR OF THE REIGN OF

HIS MAJESTY KING EDWARD VII.

THE SENATE.

Ottawa, Thursday, Feb. 13, 1902.

The Senate met at 2.30 p.m.

USHER OF THE BLACK ROD.

The Speaker informed the Senate that he had received an extract from a report of the Committee of the Honourable the Privy Council, approved by His Excellency on the 31st January, 1902, showing that Molyneux St. John, Esquire, had been appointed Gentleman Usher of the Black Rod.

NEW SENATORS.

The following newly-appointed Senators were introduced :—

Hon. J. E. ROBERTSON, of Montague, Prince Edward Island.

Hon. C. E. CHURCH, of Chester, Nova Scotia.

Hon. F. P. THOMPSON, of Fredericton, N.B.

Hon. F. L. BEIQUE, of Montreal, Que.

Hon. W. GIBSON, of Beamsville, Ont.

Hon. J. MCMULLEN, of Mount Forest, Ont.

The House was adjourned during pleasure.

After some time the House was resumed.

THE SPEECH FROM THE THRONE.

At Three o'clock P.M., His Excellency the Governor General proceeded in state to the Senate Chamber, and took his seat upon the Throne. The Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, His Excellency was pleased to open the Second Session of the Ninth Parliament of the Dominion of Canada, with the following speech :—

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons :

In meeting you again at the commencement of another session of Parliament, it is my first duty to express the deep sense of our gratitude to Divine Providence for the many blessings which Canada has received during the past year, and particularly for the exceptionally bountiful harvest in Manitoba and the North-west Territories.

It was very gratifying to note the cordial reception tendered by all classes of the people to the Prince and Princess of Wales, on the occasion of their visit in September and October last, the only regrettable feature being the limited time at their disposal, which prevented their visiting many important centres of population. It is, however, a great satisfaction to know that their Royal Highnesses enjoyed their tour through Canada and carried away the

most pleasant recollections of their visit to this part of the empire.

The assassination of President McKinley has elicited a universal feeling of sympathy and sorrow throughout the civilized world and, though Canada has happily so far been free from crimes of this character, the close proximity to the United States may make it advisable to join our efforts to the efforts of the United States and other nations and to provide by legislation for the adequate punishment of those who, either by speech or writing, incite fanatics to the perpetration of such horrible crimes.

The returns of the late census will be laid before you and, while the absolute increase in the number of population is not so great as might have been expected, the evidences of growth in wealth and in the general tokens of prosperous development are highly satisfactory. There is good reason also to believe that the increase of population during the latter half of the decade has been very greatly in excess of the average of former years and that in the near future we may look for a much more rapid growth than occurred during the period covered by the last two censuses.

Application having been made by the Canadian Pacific Railway Company for approval of an increase of its capital, to meet the demand for additional rolling stock and other improved facilities, for handling the growing traffic, my ministers availed themselves of the opportunity to stipulate that the long pending question of the power of the Governor in Council to regulate the tolls of the company should be submitted to the courts for a judicial decision. The correspondence and other papers will be laid before you.

The inventor, Mr. Marconi, having met unexpected obstacles to the carrying on of his experiments in wireless ocean telegraphy in a sister colony, my ministers deem it expedient to invite him to continue his operations on the coast of Nova Scotia, and they availed themselves of his presence in Canada to enter into negotiations resulting in an arrangement through which, should the project prove as successful as is hoped for, the government and people of Canada will enjoy the benefits of the invention on very favourable terms, including rates for transatlantic messages very much below those now existing.

I am pleased to inform you that the display made by Canada of her products, at the several expositions at which they have been exhibited during the last year has attracted much attention, and has already resulted in many inquiries and orders for our goods.

I may also congratulate you on the satisfactory condition of the revenue and on the steady and continuous expansion of the general business of the country as evidenced by the increased volume of exports and imports.

With the view of still further facilitating and developing our trade with other countries, it will probably be found expedient to increase the number of our commercial agencies, and parliament will be asked to consider the desirability of making additional provision for that purpose.

I have also pleasure in informing you that the governments of Australia and New Zealand have accepted an invitation from my government to attend a conference in London next June for the consideration of trade, transportation, cable and other matters of intercolonial concern, and it is hoped that the meeting may lead to an extension of Canadian trade with those important portions of His Majesty's Dominions.

I have further to advise you that my government, having caused inquiry to be made, has reached the conclusion that the establishment of direct steamship service with South Africa would enable Canada to secure in that country a profitable market for her varied products, and, to that end, will endeavour to arrange for such a service.

His Majesty has been graciously pleased to invite the premier to be present at the ceremonies attending his Coronation. It is to be hoped that the presence of the leading statesmen of the several colonies upon this occasion will afford an opportunity for the discussion of subjects of mutual interest which may considerably affect the development of our trade and commerce in the near future, with the mother country and with our sister colonies.

Gentlemen of the House of Commons :

The public accounts for the last year and the estimates for the succeeding year will be laid before you without delay.

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons :

I commit the above matters and all others which may be submitted to you, to your earnest consideration, and I rely upon your wisdom and prudence to deal with them in the manner which, under Divine Providence, may prove most conducive to the best interests of Canada.

His Excellency the Governor General was pleased to retire and the House of Commons withdrew.

BILL INTRODUCED.

An Act relating to Railways. (Hon. Mr. Scott.)

The Senate then adjourned.

THE SENATE.

Ottawa, Monday, Feb. 17, 1902.

The SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

THE ADDRESS.

MOTION.

The Order of the Day being called :

Consideration of the Speech of His Excellency the Governor General on the opening of the 2nd session of the 9th parliament.

Hon. Mr. BEIQUE said (in French)—I wish, in the first place, to thank the hon. Secretary of State for the honour he has done me in asking me to move this Address., I feel certain that I am not able to fulfil the duty in a manner appropriate to the occasion, though sensible of the pleasure which it affords me to accept the honourable task.

The journey through Canada of their Royal Highnesses the Prince and Princess of Wales recalls to my mind the visit of His Majesty, the King, Edward VII. Forty years have passed away since 1860—hardly a day in the life of a people—and what changes, what progress ! At that period we had hardly commenced to open up the eastern provinces. Agriculture and forests constituted their principal wealth. Since then industries of all sorts have been established and have attained already a great state of development ; the interior and exterior commerce have surpassed our hopes. The most important event which has occurred in Canada during the last twenty years is, without question, the construction of the Canadian Pacific Railway. This great artery, the only one which binds, without interruption the Atlantic and the Pacific, was indispensable for the colonization, and for the development of the resources of the North-west Territories and of British Columbia, which are already enjoying a state of progress and expansion which will make them ere long the most important parts of the Dominion. ' It was a great advantage to us that their Royal Highnesses were able to cross the continent and ascertain for themselves the important place which Canada occupies as an integral part of the British empire.

It is only too true that it will be necessary to promulgate severe laws against anarchy. We have to recognize once more that Presidents of Republics are no more free from the assassin than Kings and Emperors. However, if there was any man who seemed to deserve to escape the murderous assaults of the anarchists, it was surely McKinley, he who had no personal enemy and who had always been equally affable to the humblest as to the most powerful, to the poor as well as to the rich. But those who commit these atrocities do not reason. They do not see that in striking down a man who is nothing more or less than the representative of the institutions of the country, they do no harm to those institutions. The only reason which they give to explain their crime, is that they are anarchists. In America, as in Europe and all civilized countries, it has become necessary to strike at the root of anarchy by punishing severely those who spread their ideas, who excite to crime their fanatical associates who are generally blind instruments in the hands of able and unscrupulous agitators. While we have never had to record in Canada, any of these horrible outrages, nor attempts to agitate to produce them, we should take measures to prevent them from occurring.

The census of 1901 for the last decade shows an increase of 536,427 inhabitants. The share of the province of Quebec in that increase is 160,363, being nearly 30 per cent of the total increase in the Dominion. In 1891 the population of French origin in Canada was 1,404,974. In 1901, the population of the same origin had reached 1,660,-918, being an increase of 255,944, or more than 47 per cent of the total increase. These figures are an additional proof of the expansive force of the French Canadian race. We shall soon have the relative statistics of the agricultural and industrial development which has occurred, and there is no doubt that the results will be still more important.

Hon. gentlemen, while speaking in French, I was alluding a moment ago to the fact that the opening up and development of the North-west Territories and the province of British Columbia were due to the construction of the Canadian Pacific Railway. From its inception this great enterprise was conducted with the utmost energy and foresight, and no one need begrudge the large sums of public money which were voted to help build the road. But while all will always unite in wishing a continued and increased prosperity to the company and the introduction of measures conducive to that end, such measures should be accompanied with provisions whereby the interests of the people may be efficiently protected.

The Marconi invention, as applied to wireless ocean telegraphy, may yet offer elements of uncertainty and it may be premature to say what it will accomplish. It has, however, been very successfully employed for shorter distances, and the action of the government in securing the use of the system is, in my opinion, worthy of commendation.

I am not surprised at the good results obtained from the display of Canadian products at the exhibitions which took place last year. When I had occasion to visit the Exposition at Paris in 1900, I felt that the care taken by the Minister of Agriculture in making this country better known abroad could not fail to give a powerful impetus to its trade and commerce.

The expansion of the general business of the country of late years may, in my opinion, be exemplified by a few figures which I take the liberty of laying before this House. First of all, if we refer to the imports, we find that in 1890 they were $121,815,241. In 1895, there was a small falling off, and the imports were $110,781,682. In 1897, the imports were $119,218,609 ; in 1899, $162,764,308, and in 1901, $190,415,525. The exports show a still greater progress. They were as follows :

1890	$ 96,749,149
1895	113,638,863
1897	137,950,253
1899	158,896,905
1901	196,487,632

If we refer to statistics applied to some of the individual industries, we find remarkable results. For instance, the mines have made great progress, as will be seen by the following figures :

1880	2,877,351
1890	4,855,757
1895	6,983,227
1889	13,368,150
1901	40,367,683

Of course the increase, especially during the last year, was due in a great measure to the development of the Yukon. If you take the items under the headings of animals and their products we find that the exports amounted to :

1880	$17,607,577
1890	25,106,995
1895	34,387,770
1899	46,743,130
1901	55,495,311

In the items of manufactured home products, I find the following. We exported in

1880	$ 3,242,617
1890	5,741,184
1895	7,768,875
1899	11,706,707
1901	16,012,208

If we refer to the imports, free of duty, which are the basis in a large measure of our home industries, we find also very important figures. We have in

1880	$15,712,000
1890	$34,516,000
1895	42,140,000
1897	40,433,000
1899	59,709,000
1901	71,308,000

There are other items of considerable interest, which show also a large degree of progress. In bituminous coal, we imported in

1890	1,530,020 tons
1895	1,596,668 tons
1901	2,683,706 tons

The importation of hides for the manufacture of leather shows also a very remarkable increase. The imports were in

1890	$1,712,012
1895	1,966,620
1901	4,120,443

I might refer to the importation of tin plate used for canned goods. It appears that from 1895 to 1901 the imports increased from $260,000 to $543,000. The wood pulp exported to Great Britain in 1894 amounted to $178,255, and to the United States, $368,875, or a total to the two countries of $547,130. In 1901, the export to Great Britain had reached $934,722, and to the United States, $937,330, or a total of $1,872,052, showing an enormous increase.

In wearing apparel, the exports in 1894 amounted only to $42,191. Of this amount, $7,206 were exported to Great Britain, $23,615 to the United States, and $1,000 to China. In 1901, the export of wearing apparel had risen to $664,111. The exports of steel amounted in 1901 to $607,526, of which by far the largest amount was exported to the United States, $304,589, and only $142,297 to Great Britain. The exports of machinery in 1894 amounted to $150,430, and last year they had risen to $659,299. We have made the same progress in a number of other items which might be given as evidence of the expansion of the general trade of the country.

The proposal to increase the number of Canadian commercial agencies in various countries will, I am sure, meet with the approval of all hon. members of this House. In this particular, the example of the United States could be followed by us with advantage. I find that they have some 1,100 consuls, or commercial agents, distributed over thirty-five countries of the world. They have in Great Britain 222 such agents and they have in Canada alone 175 commercial agents. Of the eleven hundred, three hundred only are paid officials. Six hundred are of their own nationality, United States citizens, and the remaining 500 are foreigners, chosen in their respective countries, who accept the office for the honour and the standing attached to the position. It seems to me that following that example would be the best way to advertise Canada abroad, and these commercial agents would be the best mediums through whom to distribute such literature about our commerce and products as can be printed, and it would be also a means of establishing commercial relations between this country and different parts of the world.

I am sure every member of this honourable House will rejoice to hear that a conference between the representatives of the Canadian and Australasian governments will take place in England early next summer for the consideration of trade and other questions of intercolonial interest, and that the proceedings will be conducted by our eminent Canadian Prime Minister. It gives a strong hope, if not an assurance, that Canada will reap substantial benefits from the conference. Canada will also have the advantage of being represented at the Coronation festivities by the right hon. Sir Wilfred Laurier. He will doubtless, by his personality and eloquence of speech, leave behind him in England, as he did on the occasion of the Diamond Jubilee, a most favourable and lasting impression which will redound alike to his honour and to the good of the country he so worthily represents.

Hon. gentlemen, kindly and favourably as my nomination to this honourable House has been received by English and French, Conservatives and Liberals, I feel that I cannot close these few remarks without expressing to all and especially to the press my most hearty thanks. I move

That an humble Address be presented to His Excellency the Governor General, to thank His Excellency for his Gracious Speech at the opening of the present Session ; and, further, to assure His Excellency that—

1. We unite with His Excellency, at the commencement of another Session of Parliament, in expressing the deep sense of our gratitude to Divine Providence for the many blessings which Canada has received during the past year, and particularly for the exceptionally bountiful harvest in Manitoba and the North-west Territories.

2. We receive with much pleasure His Excellency's expression of gratification at the cordial reception tendered by all classes of the people, to the Prince and Princess of Wales, on the occasion of their visit in September and October last, the only regrettable feature being the limited time at their disposal, which prevented their visiting many important centres of population ; and we are happy to know that their Royal Highnesses enjoyed their tour through Canada, and carried away the most pleasant recollections of their visits to this part of the empire.

3. We have shared the feeling of sympathy and sorrow which the assassination of President McKinley has elicited throughout the civilized world, and we are glad to be informed that, though Canada has happily so far been free from crimes of this character, the close proximity to the United States may make it advisable to join our efforts to the efforts of the United States and other nations and to provide by legislation for the adequate punishment of those who, either by speech or writing, incite fanatics to the perpetration of such horrible crimes.

4. We are pleased to learn that the returns of the late census will be laid before us and that, while the absolute increase in the number of population is not so great as might have been expected, the evidences of growth in wealth and in the general tokens of prosperous development are highly satisfactory ; and also that there is good reason to believe that the increase of population during the latter half of the decade has been very greatly in excess of the average of former years and that in the near future we may look for a much more rapid growth than occurred during the period covered by the last two censuses.

5. We learn with great satisfaction that, application having been made by the Canadian Pacific Railway Company for approval of an increase of its capital, to meet the demand for

additional rolling stock and other improved facilities, for handling the growing traffic, His Excellency's Ministers availed themselves of the opportunity to stipulate that the long pending question of the power of the Governor in Council to regulate the tolls of the company should be submitted to the courts for a judicial decision, and we thank His Excellency for informing us that the correspondence and other papers will be laid before us.

6. We are pleased to be informed by His Excellency that the inventor, Mr. Marconi, having met unexpected obstacles to the carrying on of his experiments of wireless ocean telegraphy in a sister colony, His Excellency's Ministers deemed it expedient to invite him to continue his operations on the coast of Nova Scotia, and availed themselves of his presence in Canada to enter into negotiations resulting in an arrangement through which, should the project prove as successful as is hoped for, the government and people of Canada will enjoy the benefits of the invention on very favourable terms, including rates for transatlantic messages very much below those now existing.

7. We are gratified to know that the display made by Canada of her products, at the several expositions at which they have been exhibited during the last year, has attracted much attention, and has already resulted in many inquiries and orders for our goods.

8. We receive with much pleasure His Excellency's congratulations on the satisfactory condition of the revenue and on the steady and continuous expansion of the general business of the country as evidenced by the increased volume of exports and imports.

9. We learn with much interest that, with the view of still further facilitating and developing our trade with other countries, it will probably be found expedient to increase the number of our commercial agencies, and we assure His Excellency that we will willingly consider the desirability of making additional provisions for that purpose.

10. We thank His Excellency for informing us that the governments of Australia and New Zealand have accepted an invitation from His Excellency's government to attend a conference in London next June for the consideration of trade, transportation, cable and other matters of intercolonial concern, and we unite with His Excellency in the hope that the meeting may lead to an extension of Canadian trade with those important portions of His Majesty's Dominions.

11. Our thanks are due to His Excellency for the information that his government, having caused inquiry to be made, has reached the conclusion that the establishment of direct steamship service with South Africa would enable Canada to secure in that country a profitable market for her varied products, and that, to that end, His Excellency's government will endeavour to arrange for such a service.

12. We are gratified to learn that His Majesty has been graciously pleased to invite the Premier to be present at the ceremonies attending his Coronation, and we share the hope that the presence of the leading statesmen of the several colonies upon this occasion will afford an opportunity for the discussion of subjects of mutual interest whfch may considerably affect the development of our trade and commerce in the near future, with the mother country and with our sister colonies.

13. We thank His Excellency for informing us that the public accounts for the last year and the estimates for the succeeding year will be laid before us without delay.

14. His Excellency may rest assured that the above matters and all others which may be submitted to us will receive our earnest consideration, and we thank His Excellency for the expression of his reliance upon our wisdom and prudence to deal with them in the manner which, under Divine Providence, may prove most conducive to the best interests of Canada.

Hon. Mr. BEIQUE.

Hon. Mr. THOMPSON—I hardly know just how it happens that I am to-day seconding the address in reply to the Speech from the Throne. I think I must have, without understanding the nature of the obligation, consented to the proposition of the hon. gentleman opposite, who represents the government, that I should second the motion to adopt the address in answer to the Speech. I do not intend to make any lengthy remarks on this occasion. I am simply seconding the address, as the result of having been invited to do so. The address of itself covers a great many important matters. It practically makes statements on subjects which are important and are not controversial, in my opinion, and in seconding the address to-day I feel a great deal of diffidence, although I am not entirely new to the work of legislative bodies, because I have had some experience in connection with the legislature of New Brunswick. Still, the introduction into a new House and a new condition of things cause a great deal of diffidence on my part, not being acquainted with the parliamentary usages of the House and I find it to be a matter of considerable difficulty to address this House. But hon. gentlemen I presume that in connection with the obligations, and duties devolving upon members of this House, that we are here for the purpose of dealing with questions. We are here for the purpose of dealing with measures. We are here for the purpose of discussing questions of general interest to the people of Canada at large, and the address which we have before us touches very many important matters. Dealing as it does, in the first portion, with the products of Canada, I feel that, with regard to such matters, the Canadian people are at all times ready to give thanks to Providence for the great benefits they enjoy, and it is partially due to the fact that Canadians help themselves under

a kind Providence. The energy of the people of this Canada of ours, aided by a kind Providence, gives large and beneficial results.

The second paragraph refers to the visit of the Prince and Princess of Wales to Canada. I am sure that it was an educational visit, and will have its beneficial effects when the King understands his loyal subjects in Canada, where loyalty abounds from the Pacific to the Atlantic. I am satisfied that Canada is a greater country, in the judgment of their Royal Highnesses the Prince and Princess of Wales, than it was before they arrived on our shores. I am satisfied after their visit to Canada they would realize they had met with a class of British subjects who were intelligent and loyal and anxious to uphold the institutions of the mother country in every respect. It is a grand country. The railway trip across this country, four thousand miles from ocean to ocean, through one of the richest countries of the world, must have been a revelation to their Royal Highnesses in connection with what they would see, and the condition of the people of Canada, where they found the measure of comfort, the manly intelligence and the independence, characteristics of the great English race.

Passing to the next paragraph, referring to the assassination of the President of the United States, we have a subject which, at that time, drew forth a responsive sorrow from all the nations of the world. We never expect an assassination of that character in Canada, and in saying so I pass no reflections on the great republic to the south of us. I fail to understand the object or motive which led to that deed, but in relation to that act and in relation to the great loss which the United States suffered at that time, all Canada bowed and felt grieved for the widow and for the great nation. These things are referred to in the speech as matters worthy of some legislation. So far as I personally have any judgment on the question, in regard to legislation, I would be willing to support it, looking to the punishment of crimes of that character. While I am not certain that legislation will absolutely prevent these crimes, yet I feel that for the proper conduct and conditions of our country in relation to these questions it is well that the law of the land, the watchdog, should be employed.

While the returns of the late census in respect to the population of Canada were somewhat disappointing, I have felt that there is this feature about it, that we have a country here good enough for anybody to live in, and with prospects and possibilities that are highly satisfactory to the people of Canada, and if people are not at this moment ready to come in amongst us and enjoy the benefits which surround us, and the prosperity we are enjoying in Canada, we know that there is a measure of comfort which ought to attract them if they thoroughly understood it, and the emigrants from afar would find it to their advantage to come to Canada. There is one feature about the questions of population, the progress we are making in Canada, the advancement of all lines of industry, and that is that if they do not come here to enjoy these benefits, we will have a larger amount of benefits to divide amongst our own people. I have felt that while an increase of population in this country, or in any country, is an evidence of prosperity, yet the other marked conditions in Canada are such that there can be no question in the minds of the members of this House, or of the people of Canada that we have enjoyed advancement, growth and progress.

A reference has been made to the Canadian Pacific Railway. Being a business man myself, associated and connected with a manufacturing industry, I have always had a sympathy for these larger institutions, that the country should be willing to assist them in a liberal way, but while assisting them in a liberal way they should keep a string upon them, so that the parliament of our country should feel that they had control in a degree on any question which might interest the corporation as well as affect the general interest of the people.

The paragraph in reference to giving aid to the inventor Marconi, for further investigations along the line of his scientific invention, wireless telegraphy, is a subject that is still debatable—not that there may not as a result of his further experimenting be some results which will be an advantage to the country at large, but whether it will ever be of commercial value is perhaps a debatable question. Whether it will be possible to use this wireless telegraphy so that it will be of commercial value to the people is a question yet to be determined, but it is

well for us to be in the fore ranks of all these propositions, because electricians have performed wonderful things, and the possibilities within their reach are yet beyond a matter of speculation. We cannot tell what may yet be worked out on these lines; so that I am entirely satisfied that the House will approve of a reasonable grant for the purpose of permitting Marconi to make further experiments in wireless telegraphy.

A paragraph of the address refers to the display made by Canada at the several expositions during the last year. It will be satisfactory to the people to understand that good results have followed from the exhibits. I had the pleasure of visiting the exhibition at Glasgow, and the Canadian product attracted very great attention there. The Canadian exhibit, among other exhibits from the colonies of this empire, were matters of very great interest to the people of Scotland as well as to the people of England, and I was advised, while in Scotland, that from the exhibit of Canada there, large trade relations had resulted with the people throughout England in the products which Canada furnished and that benefits have followed to the manufacturing interests of Canada. A conference of several representatives of the different colonies of the empire must result in advantages to the interests of Canada. I cannot help thinking, and I believe the House cannot help feeling, that these conferences between representatives of the several colonies of the empire will result in a closer and nearer relationship, beneficial alike to each of the colonies which form part of this great empire, and when these statesmen meet and discuss matters which are important and of interest to themselves in their own countries and understand what would be important in the interests of Canada, the result of such a conference must lead to good results and probably be of value to the commercial interests of our Dominion.

The last clause refers to the invitation extended to our premier to attend the coronation ceremonies of our King, Edward the Seventh, all of which will be fully appreciated by the people of Canada, and all will agree that in our present prime minister of Canada, Sir Wilfrid Laurier, Canada is to be congratulated on her representative for this occasion. Sir Wilfrid will do honour to Canada in the conference with the other premiers who will meet at the coronation of the King, and when these great representative men from the different colonies of the empire meet, I am satisfied that good results will follow and will be evidenced not only in Canada, but will be of advantage and to the general good of the British Empire, throughout its whole extent.

I have found it somewhat difficult to make these few remarks, but I am delighted to feel that there is on the part of hon. members of this House a disposition, on occasions of this kind, to treat new members with a great deal of kindness.

Hon. Sir MACKENZIE BOWELL—I do not think it is at all necessary for the hon. gentlemen who moved and seconded the address to make any apology, or to express any feeling of diffidence, for the manner in which they have acquitted themselves today. I can only congratulate the government on the appointments which they have made of these two hon. gentlemen. Of course it will be understood that I am speaking altogether apart from their politics. I used that expression because I was afraid I might be misunderstood. In rising to address the House at the present moment I confess that, although not a very new member, I do so with a feeling of oppression when I reflect for a moment on the number of senators who have passed away since last session, particularly the hon. gentleman (Mr. Allan) who sat on my left, very nearly ever since I have had the honour of a seat in this Chamber. I cannot help expressing deep sorrow at the loss of a comrade, so eminent as a citizen, and one who, I think I am safe in saying, was an ideal senator.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—He was cool, calm and dignified, while at the same time a man of strong views and strong opinions. But during all my long acquaintance with him, I never heard him utter a word that could give the slightest offence to his most bitter political opponent. He was a man universally liked in the part of the Dominion in which he lived, and I am sure I utter the sentiments of every hon. senator present who had the pleasure of his acquaintance, when I say that we deeply re-

gret his absence. We have also lost another gentleman whom we all respected, the Hon. Mr. Villeneuve, from Montreal. He was a man, also, of strong views and hesitated not, when in health, to express them. He was a good business man in every sense of the word. He will also be missed. And the latest among us who has passed away was the hon. gentleman from Prince Edward Island (Mr. Prowse), who died suddenly in what might also be termed the vigour of health, about middle age, and one who was least expected to be called away to his long home. Those who knew him more intimately than I did, his political opponents as well as his political friends, speak of him in the highest possible terms. He might be a little brusque, as some of the rest of us are occasionally, in giving expression to his opinions, but a more honest straightforward man I do not think ever held a seat in the Senate of Canada, or in the legislature. I could not help, before addressing myself to the questions before the House, making this slight reference to those hon. gentlemen whom we all respected, who have passed from among us. In looking at this address I was a little amused at the remark made by the seconder, that there were a great many important questions referred to in the address which we are now considering. It strikes me—as I think it will most hon. gentlemen who have had any parliamentary experience—that the address is noted more for what it does not contain, than for what it does contain.

Hon. Mr. McCALLUM—Hear, hear.

Hon. Sir MACKENZIE BOWELL—There are one or two important points in the address to which I shall call the attention of the House before closing, and there are some paragraphs in it which have my most cordial support, because they indicate on these points a policy similar to that which has characterized the present government since they have been in power, and that is, following in the footsteps of their predecessors. So long as they do that I doubt not, the country will continue to progress as it has done during the last few years. I might refer to some changes. Most of us will regret that the late Minister of Justice (Hon. Mr. Mills) has been removed from this House. He is a gentleman with whom I had the pleasure of sitting in the House of Commons since Confederation, with the exception of a few months during his absence, and also during the time he occupied a seat in this chamber. I doubt not that he will fill the new position to which he is called—at least I hope so—with credit to himself, and benefit to the country. Whether my hon. friend who is sitting in front of me just now (Hon. Mr. Templeman) and occupies the seat of the late Minister of Justice, is to become the leader of the Senate on behalf of the government, we have not yet been informed. It has been reported, at least through the newspapers, that the hon. gentleman was to accept a seat in the government—he probably has from the position that he has taken; however, that has not been explained yet—and that he was to become the leader of the Senate. Whether that is true or not, the Secretary of State will be able to inform us. If it is not true, the Secretary of State will permit me, in all humility, to congratulate him upon the long struggle through which he has passed in attaining to the position which I thought six or seven years ago, when they came into power, he was entitled to. He occupied a seat as leader of the Opposition for seventeen or eighteen years. He was a vigorous opponent of the national policy, of the John A. Macdonald government, of the Sir John Abbott government, of the Sir John Thompson government, and of the government over which I presided for a short time, and I thought from the ability and fighting qualities he possessed at that time, that he would surely aspire—not only aspire, but occupy, probably he did aspire—to the position given to Sir Oliver Mowat. Then when the hon. gentleman (Sir Oliver Mowat) passed over to the gubernatorial chair of Ontario, I thought the hon. gentleman (Hon. Mr. Scott) would become master of the situation. But, oh no, another gentleman was put over his head. Whether my hon. friend from Victoria is to follow in their footsteps I cannot say, but we will know probably before the session closes. In the meantime, the appointment of the Hon. Mr. Mills to a position on the Supreme Court bench, is only another evidence of the flagrant violation of the principles laid down by the hon. Secretary of State and his colleagues when they were in opposition.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Members of the present ministry denounced not only the appointment of any member of the cabinet, but of any member of parliament to a position of emolument while he occupied either one position or the other, because they accused any one who had been promised a position of any kind to which there was a salary attached, as being venal in character and that he could not by any possibility be an independent member. How that has been carried out it is not necessary for me to detail. I could give this honourable House the names of about twenty hon. gentlemen who have been appointed from the ranks of the hon. gentlemen opposite, who were representatives of the people, to positions of emolument. The Hon. Mr. Mills is the second judge that has been appointed, and no man condemned the principle of these appointments more vigorously than the hon. gentleman (Mr. Lister) who was himself appointed to the bench, and who, I regret exceedingly to say, has been lately called to his long home. Are we to lose another member of the cabinet shortly ? I do not know that I could, with any degree of delicacy, ask the hon. gentleman the question, neither would I expect him to answer it, but I find in the Ottawa 'Free Press,' the government organ, the following paragraph :

Of the brilliant company of men who sat with Mr. Mills in the first parliament of Canada, Sir Richard Cartwright is the only Liberal left in the House to-day.

He ought to have said : "The former blue-blooded Tory who turned Grit"—I will not say for consideration—but under certain considerations, as my hon. friend the Secretary of State did. I have a distinct recollection of a time when my hon. friend used to pose as one of the horrid Tories, but circumstances transpired which led him, like Sir Richard Cartwright, to change positions ; whether they changed their views or not, I am not prepared to say. In fact, I question very much, from the speeches he has made, and the Conservative utterances that have fallen from my hon. friend opposite me, whether he has changed his views, though he may have changed his position. I could quote from Hudibras something which would perhaps suit the case, but I forbear. The paragraph proceeds :

Hon. Sir MACKENZIE BOWELL.

And he too will, ere many months are over, be moving to an atmosphere of greater repose than it is possible to enjoy as a Cabinet Minister at Ottawa.

Could the hon. Secretary of State take the Senate into his confidence ?

Hon. Mr. SCOTT—I could if I knew.

Hon. Sir MACKENZIE BOWELL—And tell us where this balmy atmosphere is to be found ? Is it in the Governor's chair of Ontario, which very soon becomes vacant from lapse of time ? Is it to cross the ocean to take Lord Strathcona's place ? I am at a loss to know where, from the wording of this paragraph, the 'atmosphere of greater repose' is to be found than that which he now basks in, as Minister of Trade and Commerce, a position he used in strong and vigorous language to condemn as useless. In no place to which he may be relegated can he do less than he has done, or is doing in the department over which he now presides. He has been proved to be a very fine figure-head, but he has an admirable assistant who has done whatever may have been done in that department, and when he goes to that upper region, that balmy atmosphere, we will welcome him, certainly more particularly if it is the governorship of Ontario, or perhaps my hon. friend the Secretary of State might aspire to that position because his name has been mentioned in connection with it, but as long as he has the honourable position he holds now as Leader of the government in the Senate, as I presume he is to be, that is a much better position and more dignified and acceptable than the governorship.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I am glad my hon. friend agrees with me, that is in my opinion. I find no reference in this address to that very important question of the fast line. If there has been any progress made, surely it was of sufficient importance to mention it in the Speech from the Throne. I believe I am not allowed, under parliamentary rules, to speak of what took place the other day in the Commons, but if hon. gentlemen read the documents they will find that the premier called the attention of the leader of the opposition in that House to what he termed a lapse of memory —that if they had been seven years negotiat-

ing for a fast line and if they succeeded in three years to come in having it established, then they would be in precisely the same position as the Conservative government was when it left power, because they had been negotiating for ten years. He forgot for the moment there was actually a contract signed between the Allans and the government, subject of course to the ratification of parliament, for the establishment of that line. I am not at all surprised at this lapse of memory, because almost anything that has been proposed by the Conservative party in the past, that has proved a success, they claim the credit of. Then there is nothing about the Pacific cable. Surely that is of sufficient importance to have deserved a passing notice at least. It has been talked of for years, and there has been vigorous action in reference to it. and I think the hon. Secretary of State will concur with me when I say that had there been a more vigorous policy on the part of the diplomats of Canada, and of the government in particular, that line might now be in working order, and what is equally of importance, if not more important, it would have saved this country and England in the construction of it, had they accepted the tenders that were offered when I advertised, as Minister of Trade and Commerce, for tenders to construct that line. It would have saved more than half a million of money. Then we have no knowledge, so far as the Senate and the House of Commons and the world are concerned, as to what has been done, or what is being done.

Then I find no boasting in this address of the great success which has attended the extension of the Intercolonial Railway to Montreal. We were told that the purchasing of the South Shore Road was going to result in removing the deficits which have been occurring year after year. There is not a word about it. And why ? Well, the Minister of Railways and Canals—by that I mean the government—increased the capital indebtedness of the country during the last four years over four million dollars, adding to the annual expenditure some $143,000 on the interest account at three per cent, but last year there was nearly half a million—no, quite half a million—of a deficit in the operation of the road.

While it is true that the earnings of the road have been larger than at any other former period during its existence, the expenses of managing the road have exceeded the revenue by over half a million of dollars. That is what we have obtained by the purchasing of the Drummond County Railway and the extension of the road to Montreal. Then, is it correct, in this connection, that they have loaned to the Canadian Pacific Railway over twenty locomotives to assist in carrying their freight from the great West to the seaboard ? If so, how is it that there have been so many new locomotives purchased during the last few years ? That these loans have taken place is beyond a doubt, because, I asked that question of a Canadian Pacific Railway man the other day, and he told me they had been loaned to them. Is it because, as has been announced in the public press, the purchasing of new locomotives could be charged to capital account, and the repairing of fifteen or twenty old ones that required repairs would have to be charged to current account, thereby making the deficit in the operation of the road much less than it really is to-day ? However, we will have more of this before us in a very short time.

Nor has the government anything in the address in reference to that state of the Post Office Department which the premier, in a speech in Toronto not long ago, informed the public would result from the magnificent management of the Postmaster General. In a very short time, he told the people of Toronto, the deficit in the working of that department of the goverument would be wiped out altogether. The present year shows a deficit of between $400,000 and $500,000. But that is not all. If those who take an interest in these matters will examine the account they will find that there is a special account kept for the expense in connection with this service in the Yukon Territory. Why should this be ? When the North-west Territories and Manitoba were brought into confederation. the then Postmaster General in the Conservative government never thought of keeping a separate account of the expenses attending the introduction of the postal service into that vast territory and country. That was made a charge against the department, and therefore the deficit was much larger

than it would have been had the same policy been adopted then that has been adopted by the present Postmaster General. When the deficit was reduced to a comparatively smaller sum than three or four years ago, the expense of carrying the mail into the Yukon country was charged to the mounted police, who did the duty, instead of being charged to the Post Office Department. With book-keeping of this character you can have a surplus in any department at any time, if when you spend the money you charge it to another department and take credit to your department for what you collect.

I should like to have seen a reference made to the last South African contingent. We know that there was a good deal of higgling about its being raised. There was a good deal of objection on the part of the government to pay any expenses in connection with it, and there was a stipulation, if I am correctly informed, and if the newspaper reports be correct, that they refused even to do that until the British government conceded the right, while we were paying nothing, of appointing all the officers who received commissions in that contingent. But there is nothing said about it. Perhaps any reference to it in the Speech from the Throne might be taken by the Minister of Public Works and by those who think and act as he does, as establishing another precedent. I can say to the hon. gentlemen opposite that so far as the people of Ontario are concerned, I voice the opinions of the people of Ontario when I say that if the governnment would come down, with the plethora of money they have at present, and say they would pay every dollar of the expense of the last contingent, it would be approved by ninety-nine per cent of the people. It would be a credit to Canada, and while Canada stands very high in the estimation of British statesmen and of Europeans generally at present, from the course she has pursued in connection with this unfortunate South African war, if we came down and said to the mother country, 'we are prepared not only to place our young men at your disposal, but we will pay their expenses,' it would place us in a still better position. That is the feeling I entertain, and I think I hold it in common with 999 out of every thousand who live in the province from which I come.

Having said this much, I now turn my attention for a moment to the address. I need scarcely say that every one will concur in the thanks to Divine Providence for the blessings which we have received during the last year, and more particularly for the bountiful harvest in Manitoba and the North-west Territories. It is this harvest alone that has done so much to increase the immigration into this country. It is to the output of Manitoba and the North-west we may give credit for the influx of large numbers of people now going into that country, and I hesitate not to say that I fully approve of the policy of the government in sending men to the United States to try and induce Canadians and others living there to emigrate to this country. The large sales of land by the Canadian Pacific Railway, by the trust and loan companies, and by the government indicate a prosperity unprecedented in that section of the country. Why ? The bountiful rains that fell in that country, in June last fertilized the soil and brought forth the crops and did for that country and for Canada what no government, it matters not who they may be, or what their policy may be, could possibly do, and when credit is taken for bringing in these people, hon. gentlemen forget to give the reasons which induced them to come.

The visit of the Duke and Duchess of York, now the Prince and Princess of Wales, was a matter of gratification to every one, and there is no doubt the hon. gentleman who seconded the address spoke correctly when he said that it would open their eyes and give them an idea not only of the loyalty of the people of Canada, but of its great productive qualities. There is no period of the year that they could have visited Canada and gone through the North-west Territories and Manitoba to better advantage than the period when they did visit them. Then they had an opportunity of seeing hundreds of thousands of acres of wheat fields extending for miles and miles as far as the eye could reach. It was my pleasure to go through that section of the country before the harvest. It was my pleasure also to return through that country, and if there is anything that would gladden the heart

of man it would be to pass through Manitoba and the North-west while the farmers were reaping a harvest such as that which was given to them last year.

I am in full sympathy with the next paragraph of the address, and I am quite sure every man in Canada is, in deprecating the existence of a class of men who fancy that their vocation in life is to murder kings and rulers. I happened to be in Seattle the day the news of the assassination of the President of the United States was announced. There was but one feeling of horror and regret shown, and I am pleased to say the expressions to which I gave utterance to an interviewer are being realized in this paragraph. I said the state of society in the United States was of such a character that the most drastic measures should be taken to crush out of existence such a class of men as the anarchists, and I am very glad that the government have come to the conclusion to introduce such measures as will tend to drive, if I may use the expression, out of existence, societies and men of that character. It matters not whether it be a despotic government, or a republic in which the will of the people is at least supposed to dominate and to govern, the particular function of the anarchists seems to be to murder those who have the confidence of the people, whether it be in a monarchy or a republic. We shall be better able to judge of the character of the government measure after they have introduced it.

I now come to a paragraph which is a somewhat important one. It refers to the census. My hon. friend who moved the address said that while the increase of population was not so great as we should like, still it was an increase. True, it is an increase, but if we take the increase and apply to it Sir Richard Cartwright's basis of calculation when he used to denounce the former government because there was not a more rapid increase of the population, it does not give us a population equal to the natural increase of the country. What has become of the rest? They must have gone out of the country. But to take a little self-glorification to themselves, they say there is good reason to believe that the increase of the population during the last half of the decade—that is the period they have been in office—has been very greatly in excess of the average of former years, and that in the future it will increase more rapidly. I should like to ask the Secretary of State, and I trust that when he rises to speak he will inform the House, on what figures he based that statement. I noticed that same sentence in a speech delivered by the late Minister of Justice somewhere in western Ontario, and when I read the synopsis of that speech I wrote him a note congratulating him upon it, because I thought he had moved from that narrowest sphere which characterized members of the government when they spoke of their own departments, and asked him to send me a full report. When I got it, I found he had fallen into the same self-glorification that appears in the last paragraph of the Speech from the Throne. I think if you will read that address to which I have alluded you will find the same sentence. I told him while I had great respect for his ability, I regretted he had adopted a position which he could not sustain by figures or facts. The basis of calculation which those who discussed this question after the decennial census of 1891 adopted, was a reference to the Trade and Navigation Returns. They would there find an entry of the exports of settlers' effects, and the figures used to be dinned into our ears over and over again, and I think I may safely say my hon. friend who is now smiling used to indulge in that kind of argument. If it has any force I propose to apply it to the last five years that the hon. gentleman has been in office, and to which reference is made in the address. It will be found that the figures are just about the same average as in the previous five years. Having a tolerably good knowledge of parliamentary documents, I took the returns for the last ten years, and examined them to see how far the Trade and Navigation Returns issued under their hand and seal would verify their own suggestion, and I found this to be the case: the exports of settlers' effect amounted:

In 1892 to	$1,227,998
1893 to	1,537,646

The figures for 1894, I confess, I could not find. The trade and navigation returns of that year are published without an index, and while I spent a little time hunting for the item I had to give it up.

In 1896, the item was $991,735. I do not suppose the present government would lay claim to that; they would rather charge that to the late government. In 1897, the item was $1,237,000. They had not only nearly reached but exceeded those of 1892.

In	1898	they were....	$1,008,000
In	1899	" "	993,000
In	1900	" "	1,057,994
In	1901	" "	1,166,533

Compare those ten years, and you will find that the exports of settlers' effects from the country were greater during the last five years than for the five years previously. Yet we are told, with a good deal of solemnity—and I was going to say something else, but it would not be considered parliamentary—that in the last five years, the exodus has not been so great. There is a census taken in Manitoba every five years, and what does that show? There was a census taken in Manitoba in 1896, exactly the middle of the decade. Comparing its figure with those of 1891, and then with those of 1901, it shows the rate of increase was practically the same in the earlier and later years, so that there has been no great influx into that country until the present year, after the enormous harvest. The Postmaster General is not only master of letters and newspapers, but is also a publisher. I do not know that he edits the 'Labour Gazette.' I fancy he just controls it, but you will find in that Gazette a reference to the great exodus from the maritime provinces in particular and if you look at the last address of the Governor of Nova Scotia, on the opening of parliament, you will find that he uses this language—he mentioned the fact of the great enterprise which they had at Sydney, and trusted that this and similar undertakings would tend to stop the exodus of our young men to the United States. Yet these gentlemen would lead the public to believe, by this paragraph of the address, that the young men of the Dominion were not emigrating to the United States, but were remaining in Canada. If the hon. gentlemen would take the trouble to look at the census which was taken a short time ago in the eastern States, to which the maritime province men generally go, fishermen and others, while others go still further west, you will find that in 1880—that is the decennial census return—there were 717,157 Canadians in the Eastern States, and in 1890 there were 980,927, and by the last census of 1900, the figures had gone up to 1,181,778. With these facts upon record, we have the statement made in the address, or rather we have words put into the mouth of His Excellency, the truth of which cannot be verified by any facts or figures in existence. In the State of Massachusetts another census has been taken, and what does it show? That in 1885 there were 147,352 Canadians; in 1890 there were 207,000; in 1895 there were 243,000, and in 1900 there were 293,000 in that state, showing a constant increase in the number of people leaving Canada for the United States. I do not say that this did not exist under former administrations. It is the peculiar character of the Anglo-Saxon race to be roaming. They are never satisfied; they are going from place to place. Families are raised, and the boys, imbued with the same ideas as their parents, leave their homes and go forth to seek their fortunes somewhere else. Had it not been for that spirit of enterprise, I should not have been here to-day. My father thought he could do better here than he could in England, and he brought his family, myself among them, and I am very glad, as an evidence of the salubrity and healthfulness of this climate, to say that of the four children he brought to this country 67 years ago, we are all alive and kicking to-day.

Hon. Mr. TEMPLEMAN—Especially kicking.

Hon. Mr. O'DONOHOE—Are they all in Canada?

Hon. Sir MACKENZIE BOWELL—They are all in Canada. Two of them are living in Tweed, Hungerford, and another in Manitoba.

Hon. Mr. POIRIER—Are they all Conservatives?

Hon. Sir MACKENZIE BOWELL—Yes. I have dealt with that portion of the address referring to the census, and I think that the facts will convince the public that that was altogether a superfluous and unnecessary paragraph to place in the address.

What the next paragraph means I am at a loss to know, unless I am to draw from

the statement in the course of the speech made by the seconder of the address that we are to help the Canadian Pacific Railway. It is unusual to refer to private legislation in the Governor's Speech, and unless the government have some scheme by which they propose to assist the Canadian Pacific Railway by endorsing their paper, or guaranteeing their bonds, I do not know why the paragraph is introduced. We all remember the fight that took place by gentlemen in the House of Commons and also by gentlemen here against the Canadian Pacific Railway. I notice, however, that the Premier of Ontario, in a late address in Whitby, speaks highly of it, and, something unusual in the party to which he belongs, honestly admitted the error they made in opposing the construction of the Canadian Pacific Railway, admitting that Sir John Macdonald's policy, and which I admit was carried out at enormous expense, was the correct one, and redounds not only to his credit as a statesman, but has brought Canada to what she is to-day, and what she would not have been had not that road been built.

The reference to the inventor Marconi has no harm to it, but as the seconder of the address said—it is hard to say where he got his inspiration—I suppose it is the intention to subsidize Marconi that he may continue his experiments in Canada. We can all hope that his experiments may prove a success, and that they may be of benefit to this country.

The next paragraph refers to the revenue and expansion of business. That question was elaborately dealt with by the mover of the address. I am one of those who do not consider it to the greatest advantage, in a country like this, that our revenue should swell as it has swollen from importations. I would much rather see those goods which are imported, and from which we derive a revenue, made in Canada, giving employment to our artisans, our labourers, and our mechanics in order to keep them in the country, rather than have them go to the United States looking for employment. But has that been the result of what these gentlemen so often boast about, the introduction of what they call their preferential trade? I commend the figures to my hon. friend who has moved the resolution, because it is evident that he has given attention to the importations, the exportations, and the great growth of the trade of the country. But when we are told that that is the result of a preferential tariff in favour of Great Britain neither facts nor the figures given us by the hon. Senator will sustain the statements made. Let us look at the figures and we find these facts: the aggregate increase of trade during the last year has been 48 per cent in favour of Great Britain, 80 per cent in favour of the United States, notwithstanding a preference given to the English manufacturer, to which I may refer more at length presently, France 101 per cent, Germany 40 per cent, Spain 101, Portugal 104, Italy 110, Holland 110, with Belgium it has increased 550 per cent over the former trade of that country. Now, how is it? Can any one explain how it is that the United States, lying close to us, with the thirty-three and a third per cent of a differential duty against her, increased her trade eighty per cent, while the trade of the favoured country which the preferential tariff was supposed to benefit, only increased forty-eight per cent? These are figures that all can verify by looking at the trade returns, and they can answer the question to their own satisfaction. If you take the percentage from 1896 to 1901 of the trade between the United States and Canada —I am not speaking now of the gross trade— you will find that in 1901 our percentage of trade with Great Britain was 31·15 per cent, and with the United States in 1896 it was 50·80 per cent. Hon. gentlemen will observe how in 1897 the trade fell off with England during the existence of this preferential tariff. In 1897 it fell down to 27·53 per cent, and the United States increased to 53·48 per cent. In 1898 England's trade decreased to 25·36 per cent, while the United States increased 29·24 per cent. In 1899 the percentage of trade with Great Britain was 24·72, and with the United States 59·24. The figures are precisely as they were the year before. In 1890 the trade with Great Britain had fallen off to 24·17, but in 1891, last year, England's trade fell to 24·10, while that of the United States increased to 60·30. There is the state of the figures, and when we are told that this preferential trade has done so much to cement the good feeling that exists

to-day between England and Canada we must attribute it to some other cause. I can easily understand how the trade with Germany has increased with England; it is simply on account of the order in council which was recommended by the Minister of Customs, and is now in existence. If goods manufactured in a foreign country be sent to England and undergo a finishing process which is about 25 per cent—I am not absolutely certain as to the amount——

Hon. Mr. SCOTT—I think that is the proportion. That is my recollection of it.

Hon. Sir MACKENZIE BOWELL—I thought that was it, but I did not wish to be too positive—then they are admitted as English goods under the preferential tariff. Now, take buttons—that is a small matter—they will send them to England—just the bone itself, and perhaps the holes are bored in England. Then they are relieved of the differential duty of thirty-three and a third per cent by sending them to England rather than by finishing them in Germany. That applies to scores of things, so that in fact the preference through the means of this order in council is absolutely nullified in its operation. Then how are we treated by Germany? The expression used by people on the stump, is 'See what advantages have accrued to us from the fact of our having this preferential trade.' There is a gentleman, now a member of this House—I do not see him present—who was interviewed in Kansas, and he there told them of the magnificent effects of the preferential trade in opening the market of England to us. Let me ask any hon. gentleman present, who knows anything about the tariff and trade with England, have we one single benefit in the English market to-day that we have not had for thirty or forty years, since free trade was established in that country? Not a single one. If we have a surplus of grain or a surplus of manufactures we can go into England to-day on the same terms precisely as we did twenty-five years ago, so that there is not the slightest gain to us in that respect, while we have given them a preference of 33⅓ per cent and under that 33⅓ per cent the trade of the country has fallen with England and increased with the United States, with 33⅓ against her on the aggregate trade.

Hon. Mr. WOOD (Hamilton)—The hon. gentleman wants to take all and give nothing. The English people have been receiving our goods for thirty years free of taxation and you still want to keep a high taxation against them.

Hon. Sir MACKENZIE BOWELL—I should like to ask the hon. gentleman if anything has fallen from my lips which justified that remark?

Hon. Mr. WOOD (Hamilton)—I think so.

Hon. Sir MACKENZIE BOWELL—I said nothing about retaliation. I have been showing from the begininng the effect of the preferential tariff as it affected the trade of Great Britain. I have not expressed an opinion upon that point yet. If the hon. gentleman wants an opinion I have no objection to giving it. I have no opinions of any kind or character that I am ashamed to give expression to, and when the time comes for dealing with the question, I will deal with it just as frankly as I am dealing with this, but it would be just as well if the hon. gentleman, in considering these matters, would not try to put language into my mouth that I did not utter. I could give him reasons why I think the preferential tariff has resulted in the manner which I have indicated, but I will not take the time at present.

I wish to refer now to the enormous expenditure of the country. I may, however, remark en passant, that my hon. friend from Hamilton is one of the radical, free trade-protectionists that we have in this country, and I congratulate him on the latter part, however, much I may disagree with him on the former. He is one of the ardent out and out protectionists of the old Tory style. There is no question about that. I had the pleasure of sitting in the House of Commons with that hon. gentleman when he made one of the most elaborate statements in favour of protection, that perhaps any man ever made in that House, and I assisted him in getting it upon record, and he has a very good knowledge of the results. Not one word have they said about the expenses of the country. I thought the hon. gentleman to whom I referred a moment ago might be in the Chamber, but I do not see him here. He made a pledge in the Commons, when he was there, in which he stated that he was

quite convinced, if the Liberal party came into power, that if the people would change the complexions of its rulers, they could reduce the annual expenditure by four to five million dollars. I never heard him say a word about that during the five years he was in parliament supporting the present government. But if it were so, then the expenditure should have been last year about $36,872,318, instead of $61,500,000; it was only about one hundred per cent greater than his calculations in 1895. The following figures will show how the expenditure has increased during Liberal rule:—

1893—Conservatives..	$40,853,727
1894—Conservatives..	43,008,233
1895—Conservatives..	42,872,338
1896—Conservatives..	41,702,383
1897—Liberals..	42,972,755
1898—Liberals..	45,384,281
1899—Liberals..	51,542,635
1901—Total vote..	61,500,000

We have not had a single word said about that. It is rather a ticklish subject, no doubt, for the two hon. gentlemen who have addressed the House, more particularly when considered in view of the professions of the hon. gentlemen when they were in Opposition. Allow me for a few moments to call attention to the position which these gentlemen occupy as ministers of the Crown. I fancy if men like Robert Baldwin and Lafontaine could rise up from the grave and see the manner in which this country is governed to-day under the principle of responsible government, they would hide their heads in shame, and say that they no longer belonged to such a party. There never has been in the existence of a government in Canada, or in Europe, a conglomerate such as that which composes the present government. Is there a single question upon which there is a unity of sentiment or feeling among them? We have the free trader, Mr. Fielding, on one side; we have the professed free trader, Mr. Sifton, as his coadjutor. Then we have Mr. Tarte, who boasts he was born a protectionist, and educated a protectionist, is a protectionist still and intends to adhere to it, and when they discuss these questions they, the latter gentleman says, 'quarrel like blazes.' That is not my language; it is his that I am quoting.

Hon. Mr. DANDURAND—Not like traitors!

Hon. Sir MACKENZIE BOWELL—No, not like traitors. We might draw inferences from the remarks made by the hon. gentleman, but we are not discussing traitors just now, we are only discussing questions of difference between the gentleman whom he admires so much—the Minister of Public Works, his beau ideal of a statesman, as a man, and as a diplomat—and his colleagues, and consequently we will confine ourselves to this instead of discussing the question of traitors. Unfortunately there are traitors in all camps, and I am inclined to think the hon. gentleman may find some among his own friends. Whether they will have the same effect as certain other traitors have, or whether the results will follow their connection with them in the future, remains to be seen. I hope it may, that's all. I have heard, particularly during the last contest in these by-elections, the admirers of the administration say: 'We have carried out all our pledges that we made prior to the elections or during the elections. There is not a pledge which we have made that we have not adhered to strictly.' They say, too we have only a revenue tariff. They say more than that. They are not protectionists, except some portion of them. Let us look at a few of them and see what a position they occupy. The Premier—and when I use the single number understand it means the whole, because the memo, I have in my hand is written in the singular—we find that when the late Alex. Mackenzie, who was Premier of the government and a man of a stern character, a man who held opinions that he was neither ashamed of nor did he hesitate to avow them, that he, rather than yield to the clamour at that time, because such it was for protection, went to the people and was defeated. and they all stuck to him like bricks. They were all free traders at that time. Mr. Blake declared that if he came into power he would not think of removing protection suddenly. The hon. gentleman will remember that famous speech of his at Malvern, in Ontario. They echoed the same sentiment, and when Sir Richard Cartwright styled protection legalized robbery and was for unrestricted reciprocity with the United States, though Mr. Blake averred at that time that it would lead to annexation, they all fell into line and advocated it. Now they say they do not require either one or the other, and they have gone so far as to deny that they

ever advocated unrestricted reciprocity. He was for preferential trade with Britain on the Canadian hustings prior to the election, and pointed out the great advantages which would accrue to this country if they could get that preference, as to which my hon. friend says we want to get everything and give nothing. But as soon as he got into England, surrounded by free traders, he belied—that is an Anglo-Saxon word and perhaps a little too strong—he took a different view, and declared they wanted nothing from England and did not ask it, but was willing to give them all they had to give. I will not pursue that subject further, but I make the statement, that there is not a single principle that they advocated at the time when they were out of office that they have not violated since they came into power. But what I am going to point out—and I propose to close with this—is the divergence of opinion which exists between the members of the cabinet, and which is opposed to the principles of responsible government and parliamentary doctrine laid down by Mr. Gladstone, which I have in my hand, that when one minister differs from another he must go out of the government, that in no case can a man divest himself of his individual responsibility—that no members of the government can divest themselves of responsibility for the utterances of any one of the Cabinet, that what one does they are all responsible for. Let us look at the position these gentlemen occupy. It will be remembered that Mr. Blair repudiated Mr. Tarte in a speech delivered at Restigouche. Perhaps I should say the Minister of Railways and Minister of Public Works, but the other mode of expression is a great deal shorter. He repudiated Mr. Tarte in a speech delivered at Restigouche on the question of sending a contingent to South Africa. What did he say upon that occasion ? He said : It is true Mr. Tarte may hold certain views upon the question, and that he had a right to hold them, but the Cabinet was not with him and he did not have his way. That may be quite correct, and the statement made that he had a right to his individual opinions, no one disputes, but what we do dispute is that he had a right to go out on the stump and tell the people he disapproved of what had been done, and then remain in the Cabinet. It reminds me of one of the English statesmen of whom we read about, I forget the work now, but the statement is that when he left the Cabinet door he said to the other Minister what did we decide upon in reference to this : 'Well,' he says, 'don't you know ?' And the other minister says : 'Oh, I have forgotten, but if we have to lie about it we must all lie alike. There must be no diversity of opinion.' Then Mr. Blair supported the Kettle River Railway Bill, and Mr. Tarte attacked the bill in the House when it came before them, and defeated Mr. Blair. Mr. Blair negotiated with English and Canadian capitalists for the construction of a telegraph line to Dawson. Mr. Tarte on his return from Europe repudiated Mr. Blair's arrangement and built the line himself, and made the other parties lose their money. Mr. Blair supported in committee the Crow's Nest Pass Railway charter to the United States border. Mr. Tarte opposed it. Mr. Blair declared that it was the policy of the government to grant the charter. Mr. Tarte denied this, and declared that it was not so. Mr. Blair retorted, declaring that Mr. Tarte was not at the council and did not know, but Mr. Tarte won, notwithstanding, and defeated the measure when it came to the House. Mr. Dobell declared that the ss. *Scotsman* was lost on account of there not being lights and foghorns on the St. Lawrence. The Minister of Marine and Fisheries denied it, and a wordy row ensued between these two members of the Cabinet. Sir Louis Davies denounced what he styled an omnibus bill granting certain powers to an electric company on the St. Lawrence ; the Solicitor General, Mr. Fitzpatrick, supported the bill. Mr. Davies retorted and accused Mr. Fitzpatrick of being the attorney of the promoters, which Mr. Fitzpatrick indignantly denied, and read him a lecture upon the proprieties of debate. Messrs. Blair and Dobell opposed in committee the South Shore Railway Bill introduced by Mr. Préfontaine, as being an attempt to legislate others out of their rights ; Sir Wilfrid Laurier, when the bill came to the House, supported it. The bill was reported, and Messrs. Dobell and Blair were thereby defeated. At the Manufacturers Banquet, in Montreal, Mr. Fielding talked free trade, and Mr. Tarte, protection, declaring that he was educated a protectionist and was one still, and that 'they fought

like blazes in council when these questions came up.' Mr. Sifton repudiated protection in a speech in Winnipeg, and declared that if the woollen mills could not run with a twenty-three per cent protection, let them shut down. Of course this would be opposed by Mr. Tarte. Mr. Sifton declared that he was the only one in the Cabinet—and here is another, shall I say violation of the obligation which he took as a Privy Councillor—Mr. Sifton declared in his speech in the North-west a short time ago that he was the only one in the Cabinet who opposed the duty upon lumber. He should have had the manliness to have told the Manitoba farmers when the question come up that the government thought it in the interests of the country, but instead of that he said: I am the only man in favour of free trade. Then we find again, on the question of reciprocity, Mr. Tarte declared that the time to seek reciprocity had ended, but if you look at Sir Wilfrid Laurier's speech down at St. Hyacinthe, you will find that he said:—

The last had not been heard of the Washington commission, and if we are returned, further efforts will be made to get for Canadian products their natural market.

On the question of transportation, Messrs. Tarte and Fitzpatrick were again at loggerheads in committee. Mr. Tarte referred to the large amount of money which had been spent in Quebec without the people profiting by it, and asked Mr. Fitzpatrick if he knew how much had been spent. Mr. Fitzpatrick replied, 'You know best, and how it was spent.' I suppose probably he had reference to a 'rake off' just then. However, I do not know that. This is the language of the hon. gentlemen themselves.

Hon. Mr. DANDURAND—The hon. gentleman refers to the time when the McGreevy-Connolly scandal was being exposed by Mr. Tarte?

Hon. Sir MACKENZIE BOWELL—Very likely, I told the hon. gentleman just now that he was an admirer of Mr. Tarte, and he has taken the first opportunity to defend him.

Hon. Mr. DANDURAND—No, I am explaining what the Minister of Justice meant.

Hon. Sir MACKENZIE BOWELL—I will not enter into that point. If I did I could show how much rake off Mr. Tarte got. I could show how much he got from Paquet, how much he got from Whelan, and one or two others. But that is digressing.

Hon. Mr. DANDURAND—For Conservative purposes?

Hon. Sir MACKENZIE BOWELL—I will leave him with his hon. friend, and he can admire him as he does, and can sleep with him if he likes. These are but a few cases in which these gentlemen have proven to the world that they are not a unit. I am not prepared to say that they should be a unit in council, but I do hold, and so will any other man who understands anything of the constitution under which this country is governed, that whatever differences there may be at the council board, when they come out of the doors they should be one, and not be contradicting each other. If those things should occur in England, as they have occurred in this country, where responsible government is not only practised but lived up to, no man could remain in the government an hour afterwards. Some people will very likely, under the circumstances, think that they are a loving lot, and some might explaim, in the language of the psalmist, 'Behold how good it is for brethren to dwell together in unity.' Well, there is unity so long as the retention of office is in view. I would suggest to the hon. Secretary of State the paraphrasing of the old nursery rhyme about dogs, and that he should have the following motto put up upon the door of the council chamber; it might remind them of their boyhood days, and suggest to them the propriety of trying to do better. It should read thus:

Let dogs delight to bark and bite and scratch
each others faces,
But children of one Cabinet should not quarrel
'like blazes.'

Hon. Mr. SCOTT—I desire to thank the hon. leader of the Opposition for the complimentary terms in which he referred to the mover and seconder of the address. These gentlemen delivered their speeches in very good taste, and I think their remarks met with the approval of both sides of the House. They have given us an assurance that they will be valuable members of the Senate in the future. The same might be also said of the other four hon. gentlemen

introduced into this Chamber on Thursday last.

The other four have all been members of legislative bodies, and have come here with a large amount of experience, and will prove, I am quite sure, most valuable members of the Senate. I join with my hon. friend in saying that while we welcome the newcomers, yet our memories have not forgotten the old friends who sat in this Chamber. The one to whom he particularly referred, who sat upon his left (Mr. Allan), and to whom he alluded in such feeling terms, was for a long time a very warm friend of mine. It happened that in the year 1858, I think it was, speaking now from memory, at a time when members for the Upper Chamber were elected, the late Mr. Allan offered himself as a candidate for the Home District, and was elected by the people who knew him best. During the long time I had the pleasure of knowing him—now considerably more than forty years—I never once changed the high opinion I entertained of that hon. gentleman. The remark made by the hon. leader of the Opposition, when he said he was a man with high ideals, was a very correct phrase to use with respect to Mr. Allan, and recalled an observation that I myself made when he was nominated to the chair of the Senate. I distinctly remember saying, with all sincerity, that if at that time among the many members of the Chamber it rested with this body to nominate one to the chair, Mr. Allan would certainly have secured the position, and therefore we could all heartily endorse the selection made by the government of the day. While brought up amid very strong political associations, his father and grandfather, and married into what was known as the old family compact, yet he was a man who was singularly free from prejudice where his own judgment was brought into play—more particularly in the committees of this House, and especially when acting as chairman of several of the committees during that long interval. I have also to thank my hon. friend for the kindly manner in which he referred to Mr. Mills, who has been elevated to a place in the Supreme Court. He has known Mr. Mills for very many years, and has formed a very high estimate of his character. I think the opinion will be concurred in, not only by Mr. Mills's political friends, but by his political opponents.

Hon. Mr. SCOTT.

Hon. Mr. McCALLUM—Hear, hear.

Hon. Mr. SCOTT—As to his little chaff about acting contrary to the political views of some of my colleagues to whom he made reference, and departing from the policy he laid down, I presume on that occasion they were at all events following the precedent established by our predecessors, under the administration of the late Sir John Macdonald, when a namesake of his, Mr. McDonald, of Nova Scotia, passed from Minister of Justice to Chief Justice of his province, a very good appointment. No one criticised or found fault with it. I think it has been recognized in England that if the then Attorney General desires to go on the bench, it is usually his privilege to do so. That, I understood, has always been the rule.

Speaking now of persons whose names might be recalled to our memories, I think we ought not to omit mention of the distinguished man who died last week—I think the day before the House was called together—I allude to the late Earl of Dufferin, a gentleman that Canada owes a very deep debt of gratitude to for the warm interest he always took in Canadian affairs. It was his good fortune to follow the first Governor General of Canada, a gentleman who had not taken a very active part in filling the position that he occupied, that is, Sir John Young, who became Lord Lisgar. He was only in Canada I think for three and a half years. I must say he was not a great success; he did not take the active part, nor in fact did any of the governors before that period, that Lord Dufferin did when he came to Canada. He practically adopted a new line which has, I am glad to say, been followed by his successors. As hon. gentlemen know—particularly those who took an interest in matters, thirty years ago—Lord Dufferin made himself familiar with all the wants of Canada, took every opportunity of coming in close touch with the people, living at different times in leading cities of the Dominion; was present at banquets, and spoke with very great beauty and earnestness of the possibilities of this country. He continued to take a very active interest in Canada, and was always our friend at the Court of St. James when any Canadian question came up for consideration. His life was in many respects a very happy one. That is, he occupied high positions of very great

importance in the Empire. He was at different times Minister Plenipotentiary at different courts of Europe—Russia, Turkey, Italy and France, and was afterwards Viceroy of India. There is this to be said of Lord Dufferin, that he was generous to a fault. I think he was a poorer man the day he left Canada than he was the day he arrived—that is, I think the allowance paid him here was expended in generous hospitality with a free and open hand, and with the liberality he displayed at all times. However, he set a very good example, which, I am happy to say, has been very freely followed by those who have succeeded him.

My hon. friend's criticisms on the address, are, on the whole, rather moderate. He refers to several omissions, which I should note, and he took occasion to pass over a little chaff as to my position in this Chamber. As he knows, I have had no very great ambition to be first at any time. I am glad to-day to assist the party to which I belong in administering public affairs either in this Chamber or outside of it.

The hon. gentleman has also referred to a circumstance that has on many occasions been thrown across the floor of this House at me, that I changed my political opinions. It has been made so often and I have remained silent under it, that probably this moment may be a favourable opportunity for giving some very short explanation. I do not care, as a rule, about talking of myself, but as the statement has been made that I had, for some consideration or other, changed my political opinions, I think it is only fair that the House should understand my positon. I began life as a Liberal, as a boy and as a man, when I commenced my profession in the year 1848. At that time the exciting question was the Rebellion Losses Bill. I was on the platform moving a resolution in support of Lord Elgin, who had then signed the Rebellion Losses Bill, when we were attacked by a body of the Conserservative party, and put to rout. I continued to be allied to the Liberal party until the year 1857. It so happened that it was committed to my care to take charge of various claims of cities to be considered suitable places for the capital of Canada. I prepared the papers, and had charge of the application of Ottawa. After the decision was given, the Liberal party as a body denounced the selection. In the session of 1857-58 the vote against Ottawa was carried by a large majority. Sir John Macdonald took up the Queen's decision and stuck loyally by it. I represented the city of Ottawa, and certainly I should not have been doing my duty if I had not adhered to the government in so important a matter as the selection of this city in carrying out the Queen's decision.

Hon. Sir MACKENZIE BOWELL—That is, the defeat of the appropriation of fifty thousand pounds to begin the work—that is the question on which Sir John Macdonald was defeated.

Hon. Mr. SCOTT—No, it was on a square vote. First, Mr. Piché moved that Ottawa should not be the seat of government. That is the first vote that was given. Several places were voted on, and he moved a direct vote that Ottawa was not a suitable place for the seat of government, and the vote was carried. It dropped there, and for a whole year there was just that uncertainty about it. The following year, accompanied by some other gentlemen, I waited on Sir John Macdonald and the government at Toronto, and asked them whether they were prepared to take up the question and stand by it. They said they were, and they made up their minds to do so. A paragraph was introduced in the address announcing that policy, that they were prepared to stand by it. Recollect, before that they had resigned, and what was called the Brown-Dorion government was formed in succession to it. However, the following session, 1859, a paragraph was put in the Speech, binding the government to stand by the Queen's decision. We only carried it then with great difficulty by five votes. Certainly I should have been recreant to my duty if I had not adhered to Sir John Macdonald after that, and I did so until Confederation. My relations with Sir John Macdonald were always of a very pleasant character, even after I united myself in Ontario with Blake and Mackenzie. It may be an unnecessary thing to state, but as so many observations have been made in the last fifteen or twenty years in this Chamber chaffing me about it, I have taken this opportunity to speak of a personal matter. It is a bit of Canadian history that should not be forgotten.

Hon Sir MACKENZIE BOWELL—I have a pretty good memory of the rest of it. The whole story has not been told.

Hon. Mr. SCOTT—The hon. gentleman, among other things, finds that no reference is made to the fast line of steamers, and I think he quoted some remarks made by the Premier in another place, in which he said that the late government had taken an equally long time to make up their minds. The first legislation on the fast line was in 1889. Nothing came of it. The Act remained on the statute-book offering to give at that time half a million dollars towards establishing a fast line. In 1894 a new bill was introduced increasing the amount to three-quarters of a million dollars, but coupling with it the duty of calling at some port in France. Nothing came of that. The year 1895 passed over, and in the session of 1896 another bill was brought down which relieved the company from calling at a port in France, a clause having been added that the government of the day was empowered to also subsidize a line to France, and dispose of the necessity for the fast Atlantic vessels calling at France, as between Liverpool and Quebec or Halifax. There is a good deal of difference of opinion in this country as to the benefits of a fast line. If, as my hon. friend contends, it would have been wise to close with Mr. Allan,—and it is a long story to go into, because there were a good many qualifications,—the service had not been approved, if my memory serves me, by Mr. Chamberlain, who was then, as now, Secretary of State for the Colonies, and his approval was necessary, as it was absolutely essential that the Imperial government should contribute their share to the fast line—apart from that there were many reasons why it could not be acquiesced in, and so the subject was dropped for the time being. There is a broader question apart from that, that many people do not believe in a fast line as contemplated. A fast line is a term that changes rapidly. The fast line as contemplated in the bill to which I have referred was 20 knots an hour. We know very well now that such a service would not do. Take the 'Kaiser William,' for instance ; I think her speed is 24 knots an hour, and there is no doubt we are just in that transition state when faster vessels are being built from time to time when a power different from coal probably may be used, oil or some other substitute which will not occupy the space which coal does, because we know very well that what are called the greyhounds of the Atlantic, while they carry many passengers cannot carry freight. Now, the wealth of this country is the products of the country, and we must have vessels that will have sufficient space to carry those products abroad. Had we entered into the contract for the fast line, to which my hon. friend refers, in 1896, the vessels were to be ready in 1898, and we would have now spent three million of dollars as a subsidy to a fast line for that part of the ten years' service. Do the hon. gentlemen think it would have been of that particular value to this country? It was to be a weekly service. Six days of the week, our letters go by New York steamers. No merchant would ever think of holding his correspondence for six days in order to send it by a Canadian steamer while we have equal facilities to send by New York. I suppose nine-tenths of our mail-matter has for 10 years past been carried via New York —because it is a quicker route. It is a daily route, and for us that is a convenience and advantage that no weekly steamer could possibly furnish. Then, again, the great wealth of this country is in its products. I venture to say that the $38,000 a year given to the Manchester line of steamers years ago has been of greater benefit to this country than the expenditure of three-quarters of a million towards establishing a fast line. The Manchester line of steamers have carried our grain, our meats, our cheese, butter, fruit and all our products to a market where there are seven millions of people waiting to receive them, and that is really one of the secrets of the great export of this country—how the export of Canada has enormously increased. I have here the figures which I shall perhaps quote just now, and which are worth knowing, and it is all due to the increased facilities for transportation. The greater facilities given to farmers and to others who are sending their goods abroad have given a stimulus to our exports and really add more materially to the wealth of this country than a fast line could have done.

Hon. Sir MACKENZIE BOWELL—Do I understand from the hon. gentleman's re-

marks that the government have abandoned the idea ?

Hon. Mr. SCOTT—Not at all. The hon. gentleman may perhaps one of these days see advertisements for tenders, but what I recognize, and what I think every gentleman who will give his mind to it will recognize, is that there has been no serious loss, at all events up to the present time—that Canada has not suffered in consequence of the delay, particularly in view of the increased speed that year by year is being attained by vessels crossing the Atlantic.

Hon. Mr. LANDRY—When will the limit of speed be reached ?

Hon. Mr. SCOTT—I do not know. The increase is going on day by day. I suppose when we have a better energy producer than coal ; that is my idea about it, but at present, where you sacrifice everything to speed, there is very little space left for freight.

Another subject to which my hon. friend has adverted as an omission from the speech, is the Pacific cable. I think my hon. friend knows exactly the position of that. The papers were brought down to this Chamber last session, indicating that a contract had been made—that the ground had been selected at the Pacific coast—that the work was being carried on with as much speed as possible. I quite agree with him that the Pacific cable has not had fair play in the past, but I think neither the government of which he was a member nor the present government was responsible for the delay. I do not pass any strictures on those who are responsible. He knows them well, and any gentleman who chooses to study the question as I have had to study it, can arrive at only one conclusion, that there is a rival concern in which public men in Great Britain have very large interests, and necessarily they look with some degree of jealousy on so important a rival as a cable across the Pacific with a probable extension round the globe through British waters and on British territory. The Eastern Extension has been the opponent that has had to be fought during the last ten years since the Pacific cable was first projected. That company has thwarted it, and succeeded in postponing the time for laying the Pacific cable, and has succeeded, in that interval, in counteracting many of the advantages financially that would have followed from the Pacific cable occupying the ground eight or ten years ago. As far as our policy is concerned, it is to finish the cable as rapidly as possible. Our commissioner on the board is doing that, and I think the gentlemen who represent the other parts of the empire are of the same mind.

The hon. gentleman made some severe criticisms in reference to the Intercolonial Railway. I presume if some of my remarks were looked up, I would be found for many years to have made—perhaps not exactly in the same line—pretty sharps strictures on the expenditure on the Intercolonial Railway with few benefits flowing from it. As to the observation that we had bought a number of locomotives and farmed them out to the Canadian Pacific Railway, I really do not know the facts, but I presume if it is so, that the locomotives have been too heavy for the bridges, because I notice that it is proposed now to strengthen the bridges in order to enable new locomotives to pass over them, for it appears the bridges on the Intercolonial Railway were built when smaller locomotives were used. We all know that marked changes have taken place in recent years in the engines that haul heavy trains—that the smaller engines have been entirely discarded as not being profitable. The longer the train, the more powerful the engine, the more profitable the work that can be done, and I presume it is on that account, if it is so, that the engines have been farmed out.

Hon. Mr. McCALLUM—Are the engines too heavy for the bridges or the bridges too light for the engines ?

Hon. Mr. SCOTT—The bridges are too light for the locomotives. The hon. gentleman had a fling at the Postmaster General's Department. I thought if there was any member of the government who was entitled to credit it was my colleague the Postmaster General. When he was appointed to that position he found a chronic deficit of from $750,000 to $850,000. That had been the deficit, if my memory is correct.

Hon. Sir MACKENZIE BOWELL—I think not.

Hon. Mr. SCOTT—$750,000 was about the ordinary deficit.

Hon. Sir MACKENZIE BOWELL—That was the case once.

Hon. Mr. SCOTT—But it must be remembered that Mr. Mulock has cut down the revenues of the department, and given the public the benefit of very largely reduced postage, and necessarily, had there not been an enormous increase due to the fact that postage was very much cheaper, the deficit would have been continued and been much greater. I did not understand from the observations made by my hon. friend that the deficit had run over $400,000. I rather think it may be in that neighbourhood. There is no doubt he has brought down the chronic deficit several hundred thousand dollars. He has in addition given the public cheaper postage, and has increased largely the number of post offices in the country, and I think for that he is entitled to very considerable credit. The hon. gentleman also was of opinion that we should have made some remark in reference to the contingent. In order to quite understand the line taken by the government, I will just go back and refer to the time, now nearly a year ago, when a number of—I will not say a number, but several—active imperialists and fighters were anxious to go to South Africa. They made an application to the War Office direct, not through the government of Canada, but either personally or by letter. The question was naturally referred to the Canadian authorities.

Hon. Mr. McCALLUM—And you permitted them to go ?

Hon. Mr. SCOTT—We gave our consent, but we suggested that the selection of the officers who were to take charge of Canadian troops should properly be left to the Canadian government. We were then advised that the troops were not wanted. That was the position—that they were not wanted, and so the matter dropped for several months, up to the autumn of last year. In the meantime, as hon. gentlemen well know the war—what was called a war before—was practically over. You cannot call the operations in South Africa to-day a war. The Imperial force numbers, I think, 290,000 men, and according to Sir Alfred Milner's last statement, the number of Boers under arms is about 8,000. You can scarcely call that warfare. The Imperial government long ago recognized that the war had practically terminated, because business has been going on at Johannesburg as if nothing was happening in the mountains to the north. I note that recently, according to the army estimates, the government have cut down that portion of the army intended for South Africa by 30,000 men. Under these circumstances, it was scarcely necessary that Canada should be offering a force. Any force that goes there now is more a constabulary than a military body. The effort is to ferret out the Boers. They are in the fastnesses of the mountains, where they elude the troops, knowing the country as they do, and are able to make their escape. We have had a very sad instance of it in the last 24 hours where we find that by a trick, a Boer seen leaving a house, the troops, unaccustomed to Boer tactics gave chase. In the meantime they were surrounded and two officers and ten men were killed, and a considerable number wounded. It can scarcely be called warfare, where you are trying to catch a body of men who are constantly eluding pursuit, their knowledge of the country enabling them to get away on every occasion. Canada, I think, has given ample proof that she has done her share in aiding the mother country in the present war. In addition to the contingents we sent in the first instance, we have continued to garrison Halifax, where a regiment of the line had been always stationed as a naval port, and we have also largely contributed to keeping up Esquimalt. I think we spend about $130,000 a year at present, taking into consideration the buildings that are going up at Esquimalt, besides the large sum we are paying for the maintenance of the force at Halifax, relieving a regiment of the line that was thus enabled to go abroad. I do not think it lies with my hon. friend to make comments, because the government of which he was a member when they were asked on a former occasion to contribute, declined most positively to be at any expense whatever, but gave permission to the Imperial government to recruit in Canada, on the understanding that the entire cost must be paid by the Imperial government.

Hon. Sir MACKENZIE BOWELL—What was the date ?

Hon. Mr. SCOTT—It was the 12th of February, 1885, that the following despatch was sent :—

Governor General, the Most Honourable, the Marquis of Lansdowne, G.C.M.G., to the Rt. Hon. the Earl of Derby, K.G.

(Received.)

Telegraphic.

Feb. 12th, 1885.—Government ready to sanction recruiting by Canada for service in Egypt or elsewhere. Force should be specially enrolled from different parts of local batallions under Imperial Army Discipline Act. Laurie preferable to Williams. I would suggest brigade of three batallions (five hundred) each from maritime provinces, Old Canada and North-west. Laurie might command brigade, and Williams one battalion. Melgund would like to serve as Brigade Major; entire cost would fall on Imperial Exchequer.

Hon. Mr. FERGUSON—The hon. gentleman will remember that at that time Canada had a war on her own hands—the North-west Rebellion.

Hon. Mr. SCOTT—I do not think it was such a war as would prevent us——

Hon. Mr. FERGUSON—It cost us five millions of dollars.

Hon. Sir MACKENZIE BOWELL—On Sir John Macdonald's motion we gave £20,000 in in aid of the wounded in the Crimean War.

Hon. Mr. SCOTT—Had Britain been in real need of our aid, on the recent occasion, it would have been cheerfully granted, but the circumstances were not considered sufficiently urgent to justify Canada in putting its hand in the public purse without the authority of parliament and paying over a large sum towards the raising and sending abroad of another contingent. It being six o'clock, I move the adjournment of the debate.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, Feb. 18, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

APPOINTMENT OF COMMITTEES.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are called, I should like to inquire of the hon. leader of the Senate why the usual practice of giving notice for the appointment of committees has not been followed? The usual course pursued in the Senate in the past has been to place a motion of that kind on the paper immediately after the usual and pro forma motions have been made, or at least, the next day. I do not find any notice given in the Minutes of Proceedings and I should like to know why, or what object or reason there is for the delay which has taken place.

Hon. Mr. SCOTT—In looking up the practice which governed the House in former years I found that it was sometimes given before the Speech was answered, in other times not till after the Speech was answered. In one instance I found it was not given until after the ordinary recess, so that no formal rule has prevailed in the past. That is the inference I drew from it. I propose in this instance to adhere to the rule, and to give the notices immediately after the Speech from the Throne is answered.

Hon. Sir MACKENZIE BOWELL—I do not think that is the practice.

Hon. Mr. SCOTT—I will look it up again and I think I will be able to point out to my hon. friend that the statement I am making is quite in keeping with the practice in past years. I noticed one case where the committees were not struck until after the recess of the House.

Hon. Sir MACKENZIE BOWELL—I do not understand what the hon. gentleman means by the ordinary recess.

Hon. Mr. SCOTT—I mean the adjournment of the House. It was postponed so late, I mean on one occasion. On looking up past years, I found the practice had not been uniform in some years. In recent years it had been given the second or third day the House sat, without reference to the answer to the Speech. In other years the notice had not been given until after the debate on the Address was over, and one year I found it had not been given until after the House had adjourned, and the committees were not struck until after the adjournment. The better way will be, the moment the Address is passed to have the committees struck.

Hon. Mr. LOUGHEED—My hon. friend overlooks the fact that a day will be lost by the course he proposes. An intermediate day's notice is necessary; consequently when the Address is disposed of the hon. gentleman will give notice of motion and the Senate will have to rise and wait the 24 hours before the motion can be moved, so it is quite clear the utility of the procedure that is laid down is, that no time should be lost. By my hon. friend giving notice to-day, if the Address should be disposed of to-morrow, the resolution can be brought down, the committees appointed and we can get to work. But unless that is done we are only losing a day.

Hon. Mr. DANDURAND—I do not see the point made by my hon. friend, because if this discussion closed between five and six this evening, the notice could go in, and the committees be struck to-morrow.

Hon. Mr. LOUGHEED—Yes, if notice is given to-day.

Hon. Mr. DANDURAND—Supposing the notice is given to-day, the committees can be struck to-morrow.

Hon. Mr. LOUGHEED—But the Secretary of State proposes to postpone giving notice of motion until after the Address is disposed of. Let us assume for the moment that the Address is not disposed of to-day, but to-morrow, we will then have to wait 24 hours.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman opposite does not draw a distinction between giving notice of a motion and the consideration of the motion by the Senate. In the House of Commons one of the first things done is to give notice of motion, but nothing is done with the motion until after the Address is disposed of. I do not propose, nor do I desire to suggest that anything should be done until the Address has been passed, but the reason advanced by the hon. gentleman from Calgary is a good reason why the notice should have been given at once. In the House of Commons, immediately after the House met, the Prime Minister gave notice of motion, but he did not act on that motion until after the Address had been passed. There must be some object in this delay, or the usual course would not be departed from. I do not ask the hon. gentlemen to take action with reference to these committees further than to put the Senate in a position, when the Address is passed, to save time as suggested by the hon. gentleman from Calgary. In my experience here—it is not very long, I admit, not so extensive as that of the Secretary of State—never has a course of this kind been pursued before, and I cannot help thinking there is a reason for it. If it is a good reason the House may acquiese in it whatever it may be, but we have a right to complain of the delay resulting from the course that is being pursued.

THE SIGNING OF SENATORS' WRITS.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—I think in former sessions, when new senators were introduced in this House, the documents were signed by the Master in Chancery. I see in the present case they are signed by the Secretary of State. Is there any reason for the change ?

Hon. Mr. SCOTT—There is a reason.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman explain it ?

Hon. Mr. SCOTT—There was no reason for the Clerk of the Crown in Chancery signing the papers in the first place. In former years, he was an officer in the Department of the Secretary of State. I do not know whether he was when my hon. friend was a member of the government, but I have looked it up, and I find that he was in former years. The papers had been signed there. I found very considerable delay arose from the papers passing between the Secretary of State's Department and the Clerk of the Crown in Chancery. The day before the meeting of parliament arrived, and no commissions had been signed. They were issued the day before the meeting of parliament, which was Ash Wednesday, and were sent to the Clerk of the Crown in Chancery, so I myself went over to the Clerk of the Crown in Chancery and took from him the six forms of parchment, and told him that his services would not be required in the matter. They were then signed and handed in here the next day. Otherwise they might not have been ready as no action whatever had been taken on the day before parliament met.

Neither the Clerk of the Privy Council nor the Clerk of the Crown in Chancery had taken any interest whatever in the preparation of the commissions.

Hon. Sir MACKENZIE BOWELL—My hon. friend is dealing in ancient history.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—The Clerk of the Crown in Chancery has been an official of this House. I do not know what he was during the time my hon. friend was in office previously under the late Mr. Alexander Mackenzie, but I know what the practice has been lately, and why should the Secretary of State, if I may be permitted to ask the question, go to the Clerk of the Crown in Chancery and take the papers from him? The usual course has been—I do not know what it is now—for the Clerk of the Privy Council to send over to the Clerk of the Crown in Chancery the Order in Council appointing certain gentlemen to seats in this House, and his duty then is to fill out the papers and send them to the Clerk of this House. The Secretary of State never, in the past, has arrogated to himself the right to go and assume the functions and duties of the Clerk of the Crown in Chancery. Neither do I know any rule or law which justifies it. It is not only as a matter of precedent, but as a matter of rule and regulation that I call the attention of the House to the fact.

Hon. Mr. SCOTT—I saw no value or benefit in the rule other than the observance of a good deal of tapeism among gentlemen who did not seem to take an interest in their work, because, as I explained, up to the day before the meeting of parliament, no action had been taken in the preparation of the commissioners.

Hon. Sir MACKENZIE BOWELL—Whose fault was that?

Hon. Mr. SCOTT—The fault of the officials who had charge, and I do not think it will occur again.

Hon. Sir MACKENZIE BOWELL—Would that be the Clerk of the Privy Council?

Hon. Mr. SCOTT—I decided that there was no order or law requiring the Clerk of the Court in Chancery to sign the papers. He did not create the senators. They were created by His Excellency signing the commissions. I do not know what the Clerk of the Crown in Chancery had to do with the commisisons in the beginning. I could not see any possible connection other than, as I have said, in former days when Sir Hector Langevin was in the Secretary of State's office that practice prevailed. I looked up the practice, and the Clerk for the Crown in Chancery was an attache of the Department of State, and therefore I was unable to find that any direct authority had been given to the Clerk of the Crown in Chancery to sign these papers. I did not see that it added to their authenticity in any way. He was not the channel through which they should pass. The Order in Council and the commissions were the authority, and I decided that it was absolutely unnecessary for the Clerk of the Crown in Chancery to have anything to do with them.

Hon. Sir MACKENZIE BOWELL—I suppose any member of the Cabinet could have done precisely what the hon. Secretary of State has done.

Hon. Mr. SCOTT—I dare say he could.

THE ADDRESS.

DEBATE CONTINUED.

The Order of the Day being called

Resuming the adjourned debate on the consideration of His Excellency the Governor General's Speech on the opening of the Second Session of the Ninth Parliament.

Hon. Mr. SCOTT said : Hon. gentlemen, in the address that my hon. friend delivered yesterday he called attention to a paragraph in the speech relating to the proposed legislation in connection with the Canadian Pacific Railway charter, and asked whether the government had any scheme by which they proposed to assist the Canadian Pacific Railway by endorsing their paper or carrying their bonds. I can assure my hon. friend that the government have no intention to do either one or the other. If my hon. friend will just refresh his memory as to the terms and conditions under which the charter to the Canadian Pacific Railway was granted in 1881, he will see the necessity for this reference. Under a clause in the Canadian Pacific charter the company are independent, as far as tolls are concerned, of any control by the Governor in Council until their profits came up to ten per cent on

their capital. Hon. gentlemen know very well the question of interfering with the tolls of the Canadian Pacific Railway has received a great deal of attention. It has been discussed and brought up in another place very frequently, and the government have been called to account for allowing, in the opinion of some gentlemen, undue tolls to be exacted by the company.

The addition of $20,000,000 to the capital of $65,000,000 would necessarily involve the question whether, on the additional $20,000,000 of capital the 10 per cent was to be calculated ? In addition to that, there was also the point whether the whole of the $65,000,000 was really capital that was invested in the road. Now, those are the points. The government thought as the company could not increase their capital without the consent of the Governor in Council, it was an excellent opportunity to avail themselves of the position that they had a right to take, that the company should agree to refer to the proper judicial tribunal this important question of what was really the capital of the company on which they were entitled to receive dividends to the extent of ten per cent before there should be any interference with the tolls. I think it was a very important point to bring before parliament, because a bill will have to be introduced on those lines by the government, compelling the company—and I might say the company acquiesced in the proposition readily,—to submit this question for judicial decision as to what really is the capital of the company on which they can declare dividends of ten per cent before there can be any interference with them.

The hon. gentleman commented very strongly and earnestly on that paragraph referring to the revenue and the expansion of business. He dwelt a good deal upon it. In his observations he said :

I am one of those who do not consider it to the greatest advantage, in a country like this, that our revenue should swell as it has swollen from importations. I would much rather see those goods which are imported, and from which we derive a revenue, made in Canada, giving employment to our artizans, our labourers, and our mechanics in order to keep them in the country, rather than have them go to the United States looking for employment. But has that been the result of what these gentlemen so often boast about, the introduction of what they call their preferential trade?

My hon. friend speaks feelingly of the preferential tariff and its results, and as I consider that the increased trade of this country, the enlarged prosperity we are enjoying, is due mainly to the preferential tariff, I shall devote a few observations to showing why it has had that result. The preferential tariff necessarily was involved in the removal of the treaties with Germany and with Belgium. They were a great obstacle that not only Canada, but all parts of the empire were met with, in the endeavour to bring about closer trade relations, not only between the colonies themselves, but the colonies and the mother country. My hon. friend took a great deal of interest in that question when he was in the government, and very strongly urged it, and the parliament of Canada, no doubt at the instance of the government, in 1894 adopted a very strong memorial to the Imperial government, asking that those treaties be denounced. The subject was brought up and discussed at the Colonial Conference, held in Ottawa during the summer of 1893. My hon. friend was president of that conference. In his able address to the conference he comments upon the treaty and the obstacle it is to trade between different parts of the empire. He quotes approvingly an extract from the address to Her Most Gracious Majesty which had been voted in 1892, when, I think, Sir John Abbott was Premier of the country. I will read just two clauses of it :—

Your memorialists consider that these provisions in treaties with foreign powers are incompatible with the rights and powers subsequently conferred by the British North America Act upon the parliament of Canada, for the regulation of the trade and commerce of the Dominion; and that their continuance in force tends to produce complications and embarrassments in such an empire as that under the rule of your Majesty, wherein the self-governing colonies are recognized as possessing the right to define their respective fiscal relations to all foreign nations, to the mother country, and to each other.

Your memorialists further believe, that in view of the foreign fiscal policy of increasingly protective and discriminative duties, it is clearly adverse to the interests of the United Kingdom, and of each and all of its possessions, that the parliament of the United Kingdom, or of any of Your Majesty's self-governing colonies, should be thus restricted in the power of adopting such modifications of its tariff arrangements as may be required for the promotion of its trade, or its defence against aggressive or injurious measures of foreign policy.

Now, this would seem to foreshadow, it was hoped a time might come when something like a preference would be given to the mother country. The question was de-

finitely brought up in a resolution moved by the Hon. Mr. Sutter, and seconded by Hon. Mr. Fitzgerald, two delegates from the Australian colonies, and was adopted without dissent :—

That this conference is of opinion that any provisions in existing treaties between Great Britain and any foreign power, which prevent the self-governing dependencies of the empire from entering into agreements of commercial reciprocity with each other or with Great Britain, should be removed.

That certainly contemplated that a time would come when it might be advantageous to the colonies to have preferential trade with the mother country. That resolution, although supported unanimously by the delegates of the different colonies, was stamped out by the representative of the British government. Lord Jersey stated that it was quite impossible to move in that direction as the mother country would never think of denouncing the treaties with Germany and Belgium. They were both warm allies of the mother country, and they had no desire or disposition to take any such step.

Hon. Sir MACKENZIE BOWELL—That is where he made a blunder.

Hon. Mr. SCOTT—The only way it could be done was by the very method we adopted. We forced the hand of the British government when we introduced our preferential trade policy. The law officers of the Crown, of course, declared against it. The British government were unfavourable to it, because it disturbed their relations with two important countries in Europe. Then British public sentiment came to our aid, and it was through that British sentiment, that recognition of the loyalty of Canada in making an offer so generously to the mother country, unaccompanied by any qualifications, it stirred the hearts of the British people and forced the hand of the Imperial government. That led to larger trade and the recognition of Canada as a much more important part of the empire than she had occupied before that particular period. Now, the hon. gentleman in his statement said he would much rather that the goods we imported were made in Canada. I venture to say that our artizans, our mechanics, our labourers are more highly paid to-day, have more constant work than they had at any time when the national policy was in existence before the preferential trade was adopted. My hon. friend from Charlottetown smiles.

Hon. Mr. FERGUSON—I thought the national policy was in existence yet.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman is right.

Hon. Mr. SCOTT—At times it is exceedingly difficult to know where the hon. gentlemen want to place the present government. At one time we are denounced as destroying the industries of the country by taking away the national policy, that we are failing to stand by the industries of the country, that we are rushing on to free trade and ruin. At another, that we are maintaining a protective tariff. It is difficult to judge what is the just conclusion of the rank and file of our friends opposite, because they differ so widely on the policy pursued by the government, that it is quite impossible to make it consonant with common sense. What I say is, that at no time in the history of Canada was the prosperity of the country more in evidence than it is to-day, or that our various industrial lines were more fully occupied, or making more money than during the time the preferential tariff has been in existence.

Hon. Mr. McMILLAN—In the woollen trade for instance.

Hon. Mr. SCOTT—My hon. friend is quite correct; the woollen men are complaining that the preference is injuring them, that a tariff 23 per cent is not enough for them. There are differences of opinion on that. It is thought that if the woollen men, with the advantage of 23 per cent and freights and insurance, and the additional advantage of being in the home market, would only adopt proper appliances, and improved machinery, they certainly ought to be able to compete with those who produce articles abroad. What I maintain is this—that the giving of that preference to Great Britain aroused a sentiment there that declared in favour of trade with Canada, that it created a demand for Canadian products, that Canada was recognized as a most important factor in the future of the empire. It is quite true that our imports from Great Britain have not increased—I quite grant that—in the ratio that one would have a right to expect. Last year, in round figures, we imported $43,000,-

000 worth of goods from Great Britain, over $11,000,000 of which were entered as free goods. For the balance, they had the benefit of the 33⅓ per cent. Now, that is a very considerable advantage to them, that on an invoice of goods, where the duty would be $300 as against all other countries, the British preference gave them the right to enter the goods by paying $200 on that single consignment. There was a profit of $100, and that certainly was going a long way. I presume the reason we have not bought more largely there, is that our own industries have been stimulated of late years. Money has been made in Canada, and invested in industries which are more flourishing than under what was called the national policy. We have heard nothing but a recognition of Canada's action by the British people. They have never complained. They have taken it as an evidence of our good feeling, and we have benefited by the sentiment that that has created—the sentiment of a nation is very much better than its laws—and if the British people have formed that opinion of Canada that they owed us some degree of gratitude for our action, then they bought from us more goods, and the figures and facts will prove that. Now, I will just take the exports to Great Britain. The figures are rather startling, and they cannot be contradicted. The exports in 1878, were $45,000,000; in 1896, $66,000,000. That is, the increase in our sales to the people of Great Britain had gone up only a little over $1,000,000 a year. Now, from 1896 to 1901, the increase in the five years has been $39,000,000, so that hon. gentlemen will see that while the increase in eighteen years prior to 1897 was only nineteen millions, the increase in five years was thirty-nine millions—nearly double in the five years. There must have been something to have created that. It was not natural growth. Why did it start in 1897 and jump in one year to twelve million dollars, and so on, until last year it was one hundred and five millions? The sun was shining as brightly during the eighteen years of the national policy. The rain fell as liberally. There were as good crops, and cattle were produced all over the country and why was it that in all that time there was such a very small increase, only a little over a million dollars a year? Something must have happened to have suddenly made the whole jump in this way. The figures are worth remembering and I do not think they can be explained otherwise than in the manner I have indicated, by showing that the British people took more interest in Canada, and bought more liberally of Canadian products. It is quite true, probably, that we have improved transportation, stimulated by the cold storage, and we have educated the people how to send their goods abroad. No doubt that was done, but even with that it must be admitted that the extraordinary increase in the sales to the British people are otherwise inexplicable—in eighteen years the increase was only nineteen millions, and in five years it was thirty-nine millions. It had jumped from sixty-six millions in 1897 to one hundred and five millions in 1901.

Hon. Mr. FERGUSON—The argument is that this is all due to the preferential tariff?

Hon. Mr. SCOTT—Yes. Can my hon. friend explain it in any other way than that the British people did not, before that, take as great an interest in Canadian products? How was it that the moment the preferential tariff was passed this extraordinary increase in the demand for Canadian goods arose? Will my hon. friend explain it away by some theory that I have not yet heard announced? I know of no other way of explaining it.

Hon. Mr. FERGUSON—I would think that good crops had something to do with it.

Hon. Mr. SCOTT—Did Providence blight the harvests of the country during the eighteen years of the administration of my hon. friends opposite? Were there no good crops then? The crop of last year has not been accounted for yet in the market. One-half of the crop of the Territories is still within the Territories, or at least between there and Fort William. It has not gone forward, so that it could not be that particular crop, and it was not in that particular year, because if my hon. friend will look at the year before I think he will find it was a little more—one hundred and four millions.

Hon. Mr. LOUGHEED—Would the hon. gentleman attribute the proportionate increase of United States exports to Great Britain to the same cause?

Hon. Sir MACKENZIE BOWELL—The sun shone over there too.

Hon. Mr. SCOTT—If my hon. friend will look over the eighteen years of Conservative administration he will find the United States exports were climbing up rapidly.

Hon. Mr. LOUGHEED—And far more rapidly than ours in the last five years.

Hon. Mr. SCOTT—My hon. friend cannot explain it on that ground, because our products had to displace the products of some other country. The British people had to take our goods in preference to those of some other country, and my hon. friend cannot explain it away. It is too strong, it is too much in evidence, because it is preposterous to say that in every year between 1878 and 1896 there were not opportunities for calling the attention of the British people to the superiority of our products. It certainly was not done in a way, at all events, to attract attention. As I said before, sentiment is very often stronger than acts of parliament, and the sentiment of the British people was aroused and there is no manner of doubt that they took a very much greater interest in Canadian affairs after their attention was called to Canada by the preferential tariff.

Hon. Mr. McCALLUM—You cannot feed people on sentiment.

Hon. Mr. SCOTT—People were fed during the eighteen years. They were fed by some other country during that time. I maintain that the prosperity of a country is not due to an exchange of articles within its own limits, as my hon. friend contended. He stated that he did not think it was in the interests of Canada that importations of so large a character as have marked the trade returns of the past two years should take place. I do not agree with him. I think if we look at the statistics of Canada or Britain or any other country we will find that the most correct barometer of the prosperity of a country is its trade with outside countries. We must all admit that the prosperity of Great Britain is due to the enormous advantages of that country in securing the trade of other countries. Its prosperity increased with its increasing trade abroad, and so it was with Canada. If hon. gentlemen will just take the figures they will find that my statement is confirmed absolutely. It is admitted that there was depression in Canada—there is no doubt about the fact—between 1873 and 1878, the five years in which it was the misfortune of the Liberal party to be in power.

Hon. Mr. FERGUSON—Did the sun shine in those days at all?

Hon. Mr. SCOTT—We had our share of sunshine, but not the share of outside trade that we should have had. The secret was that the United States could not buy our lumber, and the people of Europe could not buy our grain and cattle and various products, and so our trade dropped very considerably in those years, and it was the only time in which Canadian trade did drop. Our exports dropped from $89,000,000 to $79,000,000 and our general trade dropped from $217,000,000 to $177,000,000. I will now, in round figures, give my hon. friend the benefit of these returns to bear out what I have stated, that the standard of a country's prosperity is its trade with the outside world, and I do not think it can be controverted, and I never heard it controverted. The evidence is too patent, particularly if we consult the histories of the United States and Great Britain. In 1878 our aggregate trade was $172,000,000, and in 1896 it had gone to $239,000,000. My hon. friends will say that there was a great deal of prosperity during that time, from their standpoint, although we have the fact that many of the factories to-day are doing a very much better and larger business than they did during that time. We know that there were a good many failures among some of the new factories, particularly the cotton factories. Perhaps the capital was in excess of the demands of the people, and they had to secure outside markets in order to succeed. From some cause or other there was considerable failure. But I maintain that since 1896, since the stimulus given to the changed conditions in Canada by the preferential tariff, by the through transportation, by the stimulus given to the trade of the country through facilities offered by cold storage, and increased subsidies to steamships, particularly the Manchester line, the increased trade can be accounted for in that way and it is something worth knowing. Now the whole increase in the aggregate trade of

Canada in the 18 years during which my hon. friends contended that men could make money out of swapping jack-knives, or something akin to it—that is exchanging their products with each other and not purchasing abroad—was $67,000,000.

Hon. Sir MACKENZIE BOWELL—What is the hon. gentleman quoting from ?

Hon. Mr. SCOTT—I am quoting from the Trade and Navigation Returns. I have not heard them called in question. The increase in the five years from 1896 to last June, was $147,000,000. That is, the increase in five years was more than double the increase in the former eighteen years. Does not that in some degree bear out the statement I made in the first place, that something must have arisen co-temporaneously with the adopting of the preferential tariff which stimulated our trade abroad ? I have shown by the figures that our exports to the mother country increased enormously, and this simply confirms the point that I made. There is another evidence that I think cannot be questioned ; in the five years the wealth of this country has increased as it never increased before. It is shown by the enormous business done by the banks. It is shown by the dividends they are paying. It is shown by the very large number of companies that have been chartered to open up new enterprises. Nobody will doubt that vast sums of money have been invested by Canadians in the last five years in various enterprises—it may be pulp mills, or mines, or fifty other things. I think I saw the other day that the province of Ontario had last year issued eight hundred charters to companies. Of course they gave increased facilities for the formation of companies. Companies had been formed and capital had been put in and a charter obtained. But I take the evidence of the surplus earnings of the people. We know that the banks only pay three and a half, or perhaps three per cent. And if you look at the returns of the deposits in the banks that could be drawn without notice, and the deposits that can be withdrawn by giving whatever notice they require—they rarely ever insist on the notice, but I think they are entitled to thirty days' notice—the amount at the credit of depositors in the banks of Canada, excluding the post office savings banks, in November, 1896, was $199,000,000. The amounts at the credit of depositors in the banks of Canada in November last was $364,000,000. That is an extraordinary increase, amounting in the five years to $165,000,000, an average of $33,000,000 each year, while the average in the eighteen years when the National Policy party was dominant, was only $6,000,000. That is a point which I think ought to convince every one that the great body of the people must have been accumulating profits, because we know that the man who has his half million or quarter million, or hundred thousand, does not seek investment in the banks. He is not satisfied with the three per cent. He risks his money and goes into something better.

Hon. Sir MACKENZIE BOWELL—Something he thinks is better.

Hon. Mr. SCOTT—He may be mistaken, of course, but I think the majority of the wealthy men do not keep their money in the banks at three per cent or on call, except, perhaps a few who speculate in stocks and take it out from time to time. But there is the extraordinary fact of that enormous increase during the last five years. The average annual increase during the eighteen years of the Conservative administration was only $6,000,000, while the average increase in the last five years was $33,000,000.

Now, as showing that that has been a constant increase, I have here the figures of the deposits in the last year, and I think that this includes the post office savings banks. From November 1900, to November 1901, the deposits were $48,900,000. That shows a degree of prosperity in a country with the limited population Canada possesses that is worth quoting. I do not think in any other country of the world a parallel will be found for it, that in a period of one year the savings of the people—because that is practically what those deposits are—should have grown nearly at the rate of one million dollars a week, besides all the money invested in a great variety of ventures.

My hon. friend accused this government of having broken all its promises and of having taken up the policy of the Conservative party. At another time, as I said before, we have been accused of not protecting the industries of this country. We have adopted a policy that is suitable to the conditions of the hour, and I think true statesmanship consists in recognizing the conditions under

which a country can best be served, whether it be free trade, modified protection, or whatever you may choose to call it. My hon. friend taunted members of the government with having changed their political views: I do not know that any statesman is entitled to very much respect if he is not open to conviction at any period of his life. If, after ten, fifteen or twenty years' experience he thinks he has made a mistake, and that the adoption of another fiscal policy would be beneficial to the country, would that statesman be true to himself, if because he had prejudices in his early life, he would not adopt what was then best for the country? That was not the feeling which influenced Sir Robert Peel when in 24 hours he changed from being a strong protectionist to practically a free trader. It was not the line taken by Gladstone who at the outset was a very strong Tory, but from his experience in parliament, he found they were not the party which brought about the reforms that modern times demanded, and so he did not hesitate to change his political convictions. Nobody reflected on Gladstone because of that. I might come nearer home. Sir John Macdonald was not in his earlier years a protectionist. On the contrary, he was a free trader. His tariff at Confederation was fifteen per cent, and it was only in 1868 or 1869, when Canada was pressed, that he made any increase; so my hon. friend ought not to taunt men with abandoning their views when they do so with the object of bettering the condition of the country.

Hon. Sir MACKENZIE BOWELL—What we charge them with is professing one thing and doing another.

Hon. Mr. SCOTT—My hon. friend quotes the utterances of gentlemen who fought the national policy, who did not for eighteen years believe in its wisdom or prudence, but thought it too restricted. When gentlemen had to assume the control of the government of this country, would they have exercised statesmanship to have gone back to the views they had announced in opposition? They found it would be folly to resist public sentiment, and they did not dare make those changes. It would take long years to do so.

Hon. Sir MACKENZIE BOWELL—I commend the hon. gentleman for his honesty.

Hon. Mr. SCOTT—They were not disposed to sacrifice the interests of this country. They adapted themselves to the conditions which prevailed. As opportunties offered, they enlarged the trade of the country by reducing the tariff, and they have done it on those particular lines where there was least resistance, and the trade of the country is largely benefited by that line of policy. If to-day we were applying the tariff of my hon. friend opposite, even after it had been modified in 1894, to the present imports, you would find that we would be collecting four or five millions of dollars more than we are getting from the people of this country. There is that much saved. My hon. friend shakes his head, but I could give the figures.

Hon. Sir MACKENZIE BOWELL—Surely the hon. gentleman knows that the government raised the tariff, and then took off the percentage.

Hon. Mr. SCOTT—On two or three items. The iron duties we cut in two, and since that we have in many lines of the iron trade taken the duties off altogether. If my hon. friend will look at the 'Citizen' of yesterday morning, he will find, under the authority of the Treasury Board, that the duties were taken off a number of articles which are used in manufactures in Canada, where the original article was the raw material—that is, where it was not made in Canada—just as we took the duties off tires and parts of locomotives, in order to aid the locomotive industry in this country. When we have steel and iron works established, as I hope we will in a few years, it may be a matter of consideration whether the government of the day might not restore many articles to the tariff list when we are making them in Canada. So long as we do not make them in Canada—so long as they contribute to the wealth of this country by enabling our manufactures to get the benefit of them it is good policy to admit them at a very low rate of duty, or to remove the duty altogether as we have done.

I do not know that I shall occupy the time of the Chamber any longer. My hon. friend has gone very fully into a number of personal matters. I do not keep a scrap book. My hon. friend, I suppose, has gathered very assiduously his scraps from the sayings of ministers, and endeavours to show they were

not consistent in their utterances. All I can assure my hon. friend is, that when we act as a government, we act cordially together—that there are no differences between us in the council chamber. All members of a government ought to be perfectly free to express their opinions. No man is worth very much unless he has some hobby in the advancement of the country, and it is quite true that Mr. Tarte has taken up the question of transportation, and is endeavouring to educate the people up to his own plane. Is there anything wrong with that? He is an ardent—

Hon. Mr. LOUGHEED—Protectionist.

Hon. Mr. SCOTT—No, nationalist. He believes in Canada, and that Canada's prosperity is bound up in transportation.

Hon. Sir MACKENZIE BOWELL—I suppose he did not tell the truth when he said you "quarrelled like blazes"?

Hon. Mr. SCOTT—No, not if he said that, but I am quite sure he did not say that, because I do not think we are a quarrelsome family at all. If my hon. friend could peep into the council chamber, he would find a good deal of mirth and pleasantry, but no quarreling, and that when we come out of the council chamber, we are a unit—no undermining of each other.

Hon. Sir MACKENZIE BOWELL—The facts do not agree.

Hon. Mr. SCOTT—I am giving the facts as a member of the government, and I do not mind taking my hon. friend into my confidence on that subject. I speak truthfully and sincerely when I make the statement. I do not think it is necessary to traverse any further the statements of my hon. friend. The main point is that we, by adapting ourselves to the conditions as they existed, consulted the best interests of the business of the country—I do not think any business man would deny that—and the figures both of savings in the banks and the trade of the country will bear me out in the statements I then made. They are incontrovertible. But you do not want to go to the figures. It is in the air. Everybody acknowledges that the trade of the country to-day has never been equalled before—that the whole country is prosperous, perhaps with the exception of the woollen industries, and one or two others.

Hon. Mr. McCALLUM—And cotton.

Hon. Mr. SCOTT—No, I think the cotton industry has done very well.

Hon. Mr. McMILLAN—Over three million dollars' worth of English cottons were imported in July, August and September.

Hon. Mr. SCOTT—If you exclude the water from the cotton stocks of this country, would not the hon. gentleman be willing to give 150 to 200 for them?

Hon. Mr. McMILLAN—They are not paying dividends.

Hon. Mr. SCOTT—You can put so much water in stocks that they cannot be made to pay a good dividend, and it is a fact that many industries have been making so much money that in order to divert public attention from them they have watered their stocks. But there is the fact which cannot be controverted, that in no period of the history of this country has it been as prosperous as it is to-day.

Hon. Mr. FERGUSON—When I heard my hon. friend with all seriousness—and he can be very serious when he is really humorous—in apparent seriousness, at all events, claim that the preferential tariff had been the cause of the enormous expansion of our trade, not only with Great Britain, but with all other countries, during the last few years, I am reminded of the incident which Bruce mentions in his account of his travels to Abyssinia. When he visited the capital of Abyssinia, small-pox broke out in the country. He was an astronomer, and was observed in the night-time to be out on a hill with his telescope directed on the face of the moon, and the conclusion the people arrived at was that this was the cause of the small-pox—that he was talking to the moon, and the moon was known to have sinister influences, and it was solemnly believed in Abyssinia that these nightly conferences with the moon had brought about the small-pox, and it almost cost Bruce his life. So my hon. friend turned his preferential telescope in the direction of Great Britain, and as soon as that happened, the sheep and cattle fattened more quickly, on our fields and farms, our industries began to be quickened in every direction, and the markets all over the world became greedy immediately for the products of Canada, simply because this tariff had been adopted in favour of Great Britain.

Hon. Mr. SCOTT—I said stimulated the demand for Canadian products in Great Britain.

Hon. Mr. FERGUSON—I just turn at once and look at the returns of our trade with Great Britain and with the United States, as shown in the Trade and Navigation Returns. My hon. friend will not claim that there has been any preference extended to the United States, and yet I find that since 1897 the increase of our trade with the United States has been 80 per cent, while our increase of trade with Great Britain has been only 40 per cent notwithstanding the preferential tariff.

Hon. Mr. McMILLAN—How do you account for that?

Hon. Mr. FERGUSON—I account for it in the same way I account for the enormous expansion of trade which has taken place all over the civilized world during the last five years. It is not confined to Canada or the United States, but all civilized countries on the face of the earth have participated in this expansion, and it is hardly treating this House with proper respect for my hon. friend to rise in his place and, with seeming seriousness, tell us that all this demand for our products, this expansion of our trade, has been due to the preferential tariff. My hon. friend started out yesterday in the role of a historian, making some explanation with regard to things which happened in the province of Ontario politically in the earlier days of his political life, but some hon. gentlemen sitting near me, who took an active part in the affairs of Ontario at that time informed me that my hon. friend stopped short at the crucial point of the history he was giving the House, and did not deal with the most important part of it. However, I am not dealing with that, but I notice my hon. friend's memory appears to be equally bad when he talks about the history of the preferential tariff. My hon. friend surely has not forgotten that the Finance Minister, when he came to parliament in 1897, proposing that change which they now call the preferential tariff, was at great pains to explain that they did not mean to give any preference at all—that it was not a preference they were proposing, but a reciprocal tariff. That was the very wording of the measure, and it was so understood all over the world. It was in that sense Kipling understood it, when he spoke of the Lady of the Snows favouring those who favoured her. There was no such thought as giving Britain a sole preference. My hon. friend seems to have forgotten that they proposed a reciprocal tariff which would have given some countries, which have been pursuing commercial enmity towards us, advantages which would have been denied to some British colonies, though not to Britain herself. My hon. friend seems to have ignored all that. He seems to have forgotten that it was not until after Sir Charles Tupper and the leaders of the Conservative party in the House of Commons did what they could to put them on the right track—although they amended their tariff later, on Sir Charles Tupper's suggestion in order to give them a hole of escape, not until after they went to England and Mr. Chamberlain told them that even after the abrogation of the German and Belgian treaties they could not give the general or reciprocal preference they proposed, but would have to limit it to British dominions, that it was made a preference for the empire. If all those advantages have accrued from the sole preference as claimed by my hon. friend, the government are not entitled to credit for it, because they gave it by accident. The government aimed at another thing altogether, which was a reciprocal tariff. They were forced by the British government, and by the power of the treaties existing and the policy of the empire, to make it a British preference. So even if all the advantages which my hon. friend speaks of had arisen from it—which I think few people of this country will be willing to believe—my hon. friend is not entitled to a very great amount of credit, because after all it was nothing more than a lucky blunder on their part.

Hon. Mr. SCOTT—We got there at all events.

Hon. Mr. FERGUSON—I did not intend to have made any remarks upon the address, but I was prompted to rise mainly with a view to deal with this extraordinary argument, if I may so call it, which was presented in the House by my hon. friend the Secretary of State. The hon. gentleman said that it was British public opinion that came to the rescue of Sir Wilfrid Laurier

and his government in 1897, and forced the abrogation of the Belgian and German treaties. My hon. friend's memory is again entirely at fault, but if my hon. friend will refresh his memory by going back to the reports of the conference of 1897 in England and Mr. Chamberlain's speeches there, he will find that Mr. Chamberlain recounted the efforts which had been made by Canadian governments, Conservatives as well as Liberals, to get the German and Belgian treaties abrogated. He referred also to the action of the Canadian parliament at its recent session and said that up to this time the British government had failed to yield to those demands, and added that it was because the premiers of all the colonies had concurred in demanding the abrogation of those treaties, that Britain consented to apply for their abrogation. It seems extraordinary that the hon. gentleman should take the ground which he has taken, for we are inclined to ask ourselves the question what could there possibly be in this preference to English goods that would create such a demand for Canadian products? What could there be in that very small change to cause a general expansion of trade throughout the world, a change which I never condemned nor found fault with? I think it is quite right. But what we have condemned—what I do condemn and always will condemn on the part of my hon. friend and his colleagues is that when they gave that preference to Great Britain, when they narrowed it down to a British preference at the instance of Mr. Chamberlain, they did not make a reasonable and modest request for something in return for what they were giving away. Instead of that, the premier of Canada, although he was solemny pledged to the people of Canada in speeches made in this country before the election of 1896 to endeavour to obtain an advantage for Canada in the markets of Great Britain—what did he do? He told the British government and the British people that Canada gave this concession entirely of good will, and without any desire or any wish that anything whatever should be given in return for it.

Hon. GENTLEMEN—Hear, hear.

Hon. Mr. SCOTT—He made a virtue of necessity.

Hon. Mr. FERGUSON.

Hon. Mr. FERGUSON—Hon. gentlemen seem to applaud that sentiment very much. I have no objection to showing good will to the mother country, but the premier of Canada violated his promises to the people of Canada. On that point there can be no doubt whatever. He put himself on record as being as favourable to a preference in the British market for Canadian products as Sir Charles Tupper was. The 'Globe' said that it was unnecessary for Sir Charles Tupper to be preaching this preference for Canada, because Mr. Laurier was equally favourable to it. Mr. Laurier said the possibilities of that tariff were immense. It meant that our butter, our cheese, our grain, our meat—all those products of our country would get a better price in the markets of Great Britain than those of other foreign countries would receive, because the latter would have to meet a duty from which our products would be exempt. That is what Sir Wilfrid Laurier said in a speech in London, Ont., but when he went to England he threw all that away, and declared that the Canadian government did not want anything in return, and went further and advised the British government and the British people not to depart from their free trade principles, because he said protection had done a great deal of harm in Canada.

Hon. Mr. SCOTT—Sir Wilfrid Laurier saw it was absolutely impossible—that he might as well have asked for the moon.

Hon. Mr. FERGUSON—When did this light dawn on the mind of the premier? We know he did not think it impossible when he went to London, Ontario, and made that celebrated speech. He could not have thought it impossible when he went to Toronto and made another speech in the same strain. It could not be that he regarded it as impossible on those occasions. When did the light dawn? Was it when he reached the other side of the Atlantic?

Hon. Mr. SCOTT—He always had but one opinion.

Hon. Mr. FERGUSON—I am sorry I cannot at this moment quote the exact language he used, but my hon. friend cannot have forgotten the speeches made by his leaders before the elections of 1896, and how he can stand before this House and say it was al-

ways Sir Wilfrid's opinion, in view of his speeches in 1896, I cannot possibly conceive.

Hon. Mr. SCOTT—He would look at it as everybody else would and say it was unattainable.

Hon. Mr. FERGUSON—Why did he speak of the immense possibilities, of the advantage that Canadians were to get from the free admission of their beef, grain, butter, and all the other products of our country into the market of Great Britain, while the products of other countries were to be met with duties, if all the while he thought it was impossible to get a preference in Great Britain in favour of the products of Canada? I will not follow that subject any further. I think my hon. friend will do well to pass it over as quietly as he can, because the course of his government in regard to it is of such a nature that if there is any good in the British preference they cannot claim any credit for it, because they did not intend to give a sole preference but reciprocity to any country that would reciprocate. They narrowed it down after they went to England to a British preference, and even if it had done all the good that my hon. friend says it has done, they would be entitled to no more credit than anybody who makes a lucky blunder.

Hon. Mr. WOOD (Hamilton)—Did not one of the hon. gentleman's colleagues from Prince Edward Island move a resolution in the House of Commons long before the time he refers to, offering preferential trade to England?

Hon. Mr. FERGUSON—One of whose colleagues?

Hon. Mr. WOOD (Hamilton)—I refer to the present Judge Davies. He moved a resolution in the House of Commons offering to give a preference to England, and the Conservative party voted it down.

Hon. Mr. FERGUSON—My hon. friend, I am afraid, is nearly as much out in his history as his leader is.

Hon. Mr. WOOD (Hamilton)—I know that is a fact.

Hon. Mr. FERGUSON—My hon. friend knows that a resolution was proposed, but he is not very accurate in stating the terms of that resolution. It was simply a bald resolution in favour of closer trade with England. It was just about the same time that the same gentleman and those associated with him were trying to pass resolutions in favour of commercial union with the United States. The ground taken is, that Sir Wilfrid Laurier, before going to England, posed as an advocate of a preferential tariff in favour of Canada. There is nothing in what my hon. friend from Hamilton says to contradict that; it rather confirms it. The premier posed before the people of Canada as an advocate of preferential trade with England, not a one-sided preferential tariff, for he explained the advantage would be immense, because it meant that practically all our agricultural products would be received in England free of duty, while the products of foreign countries would be met with a tariff. He made that statement and there is nothing inconsistent with the views I have attributed to Sir Wilfrid Laurier in the statement made by the hon. gentleman with reference to the resolution of Judge Davies in the House before 1896.

Hon. Mr. WOOD (Hamilton)—The hon. gentleman says they blundered into this, although it had been thought of and carefully discussed in the House of Commons. The hon. gentleman says it was a blunder in giving the preference?

Hon. Mr. FERGUSON—My hon. friend will not help the position of his friends at all by probing this question any further as he is doing. He brings Sir Louis Davies' resolution up to controvert my view that the government of Sir Wilfrid Laurier blundered into this preferential tariff which they have now with England. There is nothing in that resolution which does not show that they were even blundering at that time, for it appears, if my hon. friend is right, that they contemplated a preferential tariff with England such as we have now. If so, they made a very serious blunder in 1897 when they introduced their reciprocal tariff which they declared over and over again, through the mouth of their finance minister, was not a preferential tariff at all. Therefore, if there is any point in my hon. friend's interruption it is to prove that they blundered when they introduced that resolution or blundered when they passed their so-called reciprocal tariff in 1897, or that they

blundered in England. Perhaps they blundered all the time.

Hon. Mr. SCOTT—That is a very strong word to use. My hon. friend will not say that Great Britain was not getting the benefit of the preference from the very beginning?

Hon. Mr. FERGUSON—Yes, but other countries were getting it.

Hon. Mr. SCOTT—We could not help that until they denounced the treaty.

Hon. Mr. FERGUSON—We are beginning to get a little rusty in the history of this question, but my hon. friend helps me out amazingly. He reminds me of the fact that for a considerable period his government collected duties against Belgium and Germany, which they had afterwards to refund to the importers.

Hon. Mr. SCOTT—They were allowed to come in until the treaty was denounced and that forced the hand of the British government.

Hon. Mr. FERGUSON—Until Chamberlain put them right.

Hon. Mr. SCOTT—The hon. gentleman is altogether wrong.

Hon. Mr. FERGUSON—I know that I am not wrong. When they passed their reciprocal tariff so called, their customs officers here acted upon it as applying to all countries whose tariff was as low, or lower than the tariff of Canada.

Hon. Mr. SCOTT—Yes, the hon. gentleman is right there.

Hon. Mr. FERGUSON—They collected duties on German and Belgian goods, which they had afterwards to refund.

Hon. Mr. SCOTT—We knew from the beginning that Germany and Belgium were entitled to the same benefit as England, and that is the only way we could force the hand of the British government.

Hon. Mr. FERGUSON—My hon. friend has ceased to surprise me when he makes that statement.

Hon. Mr. SCOTT—I am familiar with it.

Hon. Mr. FERGUSON—Because he must remember not only did they not know that, but they acted on exactly opposite lines. When Sir Charles Tupper pointed out that they had not the power to exclude Germany and Belgium the Minister of Marine and Fisheries, Sir Louis Davies, said that not a fifth rate lawyer in that House would be found to take that position, and the Minister of Marine and Fisheries, representing the government of Canada, went before the Privy Council of Great Britain to contend that their tariff was all right, and that they could still continue to enforce that tariff against Germany and Belgium, notwithstanding the treaties. My hon. friend shakes his head. Is it possible that my hon. friend will undertake before hon. gentlemen in this House to deny that this was the position they took?

Hon. Mr. SCOTT—I say that we were perfectly conscious of the existence of the two treaties, and knew that Germany and Belgium were entitled to any advantages that the mother country enjoyed in the colonies. We resisted that interpretation, we did all we could to call public attention to it, and it was the only way we could accomplish our object of having the treaties denounced.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman denied positively that it was an interference in any way with those treaties.

Hon. Mr. FERGUSON—Yes emphatically, and not only did the hon. gentleman and his friends make these statements in parliament and before the country but they carried them before the Privy Council of England and the Privy Council declared that they were entirely wrong. As I have remarked, I did not intend to take any part in the discussion of the Address, because very many of the clauses are not controversial. That I freely admit. They are far from controversial. They are clauses in which we all very heartily agree and there are very few of its clauses, therefore, to which I wish to refer. The speech as a whole is about as commonplace as the observations we pass to each other about the state of the weather, but there is just one point in the speech which certainly is extremely controversial if you can describe a statement such as that with regard to the census as being open to any controversy. That is where the ministers of His Excellency the

Governor General put in his mouth these words :—

> There is good reason also to believe that the increase of population during the latter half of the decade has been very greatly in excess of the average of former years and that in the near future we may look for a much more rapid growth than occurred during the period covered by the last two censuses.

The last clause of that I have no fault to find with. We may really look for a more rapid growth during the present decade, and in the future than in the past, but I have no hesitation in saying that the statement in that speech, that there is good reason to believe that the increase in the population during the latter half of the decade has been greatly in excess of the average of former years is not true. As a very celebrated doctor of divinity in the maritime provinces used to say "it lacks the essential element," and I must say that I cannot conceive on what ground this statement could be based or what reason they have to form that opinion. The hon. leader of the opposition has shown, by the returns of settlers' effects, that the movement of our people to the United States seems to be going on towards the end of the decade just as actively as at any previous period. Those of us who live in the east, at all events, know that this is the case, and yet some three years ago the same set of advisers made the Governor General of Canada, then the Earl of Aberdeen, say that the exodus from our country had ceased. It was lamentable that the advisers of His Excellency living in this country and knowing, as they must have known, how very different was the fact, should have put such words in his mouth. It is hard to describe those words adequately without using strong language, but I must say that the words that are in the speech on the present occasion, though not so openly wrong as that was, are nevertheless lacking in foundation. We have no evidence whatever that there has been a larger increase in our population in the last five years than there was in the first half of the decade. On the contrary, if we were to reason from analogy we would say that the rate of increase during the previous ten years, from 1881 to 1891, was possibly continued into some of the earlier years of the last decade. That would be quite as reasonable a conclusion as the one which they have given voice to in the speech. We have no evidence whatever that any such increase of the population took place towards the close of the last decennial period. There is another clause in the speech with which I have no fault to find, but upon which I wish to offer a word of comment. That is the 11th section, which reads as follows :

> Our thanks are due to His Excellency for the information that his government having caused inquiry to be made has reached the conclusion that the establishment of direct steamship service with South Africa would enable Canada to secure in that country a profitable market for her varied products and to that end His Excellency will endeavour to arrange for such a service.

I have no fault to find with that and hope that such a service will be established, but I hope that when the government take up this question they will grapple with it earnestly and give a proper and good service, that they will see that not only will there be departures and sailings at certain periods, and steamships of proper power and tonnage employed for the purpose, but that these steamships will be equipped in such a way that they will take care of the perishable products of our country when they are crossing the equator to South Africa, because I can tell my hon. friend that if they do not take the right course on that point, a steam service with South Africa will only carry probably some manufactured goods and some of the coarse products, such as hay and oats. We ought to have a market in South Africa for many other things. We ought to be able to send many of the finer products of our farms there. Our cheese should find a market there, and probably in some parts of South Africa we might have a market for our fruit at some seasons of the year, and there might be some other articles of that kind, perishable in their nature, which can only be carried that great distance, and over the equator in ships which are thoroughly and properly equipped with cold-storage, or more properly speaking proper ventilation in the holds, and between decks of these ships. I have no hesitation in saying, without discounting the efforts of the government in the last few years, that we are lamentably behind in the care of perishable products being carried from our country across the ocean, and unless we are able to design means by which we can

carry without injury, without ruin, as I might say, our cheese and our apples, and other things of that kind, to the English market, across some three thousand miles of ocean in the temperate latitudes, unless we can learn to grapple with that proposition, I am afraid we will come out very poorly if we attempt to carry these perishable products across the equator to South Africa. My hon. friend, I have no doubt, after I have made these remarks, will rise and claim great credit for his government for what they have done in regard to cold storage. As I said before, I am not disposed to say that they have not done perhaps as much as they could, according to the light they possessed, and according to the progress that science has made in furnishing means for the ventilation of ships and cold storage, but it is notorious that at this present moment, notwithstanding what has been done, we are in many respects in a worse position than we were in five or six years ago. I read a statement made by the Minister of Agriculture not long ago, at a meeting he was addressing somewhere in the province of Quebec, that the great cheese industry of Canada was in grave peril just at this moment on account of this very question of transportation. I know that Professor Robertson, the Commissioner of Agriculture, before the Committee on Colonization and Agriculture last year, made a statement of a similar character, and said that we stood to lose in the year that then was upon us, and which has just now passed, between $2,000,000 and $3,000,000 on account of a set back that we had got in the British market because of the bad condition in which our cheese had arrived in that market during the previous season. Trade changes, circumstances change. As I understand it, it was found that the British market favoured a milder and moister cheese. The Canadian factories were advised, and advised very properly, I would say, to meet the views of the British consumers, and a milder and moister cheese was being manufactured, but as soon as the moisture was added to the cheese, it became very much more difficult to transport it in the hot spaces allotted for the cheese in many ocean steamships, and where the dry cheese and the hard cheese that were formerly produced, would have crossed with comparative safety, it was found the cheese we have been making in recent years suffered injury. I mention that incidentally as a warning to my hon. friend, not only as to what is the duty of the government with regard to the transportation of our perishable products to Great Britain, (which is of immensely greater importance than establishing this trade with South Africa,) and in the establishment of this line of steamers to South Africa, that care should be taken to make the transportation of such a character that these perishable products may be carried without injury to their consumers in that very distant part of the empire. I noticed in looking over the records of the other branch of parliament last year, that one of the members of that body, a gentleman of very wide experience—a supporter of the present government who has a very intimate knowledge of Australian and New Zealand conditions, did not hesitate to say that the province of New Zealand was fifty times ahead of Canada in the matter of transportation. What do we see ? We find that the apples of Tasmania are laid down in the London market alongside of ours. The season is different, but there is an overlapping now. They are laid down beside ours in perfect condition, without being wet or slack. They are brought that immense distance in safety. A very large proportion of the Canadian apples are delivered slack and wet and sell for half price, and they give Canadian products a bad name, because many of the consumers do not know what is the cause of the bad condition in which they arrrive. My hon. friend will remember I am not denying that this government has made very creditable efforts to improve the transportation, but I want to point out to my hon. friend that although many of these efforts were made in good faith, and with an earnest belief in their efficiency, they did not turn out to be as efficient as it was expected they would be, and new discoveries are being made, and new methods are being adopted such as I have referred to in Australia and New Zealand, and we should not lag behind, and we should put ourselves ahead of the most advanced in this matter of transportation.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. FERGUSON—Reference has been made by the gentleman who so very ap-

propriately and with such correct taste, moved the reply to the address on this occasion, and by the hon. gentlemen on both sides of the House who have led in this discussion, to the vacancies that we see around us since the last time we met in this Chamber. The first thought is directed, as we come here, to the fact that the hon. gentleman who led the Senate for the last three or four years has been removed to another sphere. Probably I had more tilts with the hon. gentleman while he was in the Chamber than I have had with any other gentleman in parliament, but I am free to admit that he was a very industrious man, and had a great grasp of constitutional questions ; and I should be sorry to utter one word of criticism in regard to him in his new sphere. I hope he may live long to adorn the bench to which he has been elevated by the government. But there are other changes which have been appropriately and feelingly referred to. There has been the death of my late hon. friend from Toronto, whom I have had the pleasure of knowing since I came to this House, and whose advice I sought and endeavoured to act upon on very many occasions. No one regrets more than I do the loss which this House has sustained in the death of the Hon. Mr. Allan. Those who were co-operating with him daily know better than others that he was one of the wisest and best men one could meet, and a strong party man at the same time, but I never heard him utter a harsh word of any one in the House or anywhere else. We deeply regret the loss the House has sustained in the death of so able and influential a man as Hon. Mr. Allan. But there is another change which affects me more deeply than anything which has occurred since I was appointed to this House, or since I have entered political life, and that is the removal of the Hon. Mr. Prowse, the member from my own province, from Murray Harbour. It was my good fortune to be connected very closely personally and politically with the Hon. Mr. Prowse since Confederation, and I found him one of the most honest, fearless and kind-hearted gentlemen I ever met, notwithstanding his brusque manner. At the time of Confederation he had the courage of his convictions, when the opportunity required, and he stood up as an advocate of Confederation in Prince Edward Island when very few men could be found to assume that position. He cast a vote in the provincial legislature in favour of the principle of Confederation, for which he lost his seat at the following election. From that time up to his death he was a fearless advocate of the public questions in which he firmly and honestly believed. In private and commercial life he was a man of remarkable ability. From very small beginnings he improved his position and achieved a good competence. I remember that when yet a very young man, just about the time he entered political life, he built two very fine ships for the British market. He loaded them with the products of the country, and he did what was a remarkable thing for so exact a man, sent them out without insuring them. Neither of his ships was ever heard of. He lost the ships and cargo. It did not disconcert him in the least, although it robbed him of the earnings of several years' labour at one swoop. But he went bravely forward in his business as a merchant and amassed a very much larger fortune in a few years and left his family in good circumstances. I have been associated with him in private life, and found him honest in his convictions, loyal to his friends, and frank and fair to everybody. I deeply deplore the loss which this House has sustained in the removal of my late colleague the Hon. Mr. Prowse.

Hon. Mr. DANDURAND—I join with the hon. gentleman from Prince Edward Island, who voiced the sentiments of the members of this House with respect to those hon. gentlemen who have departed from us. There are two of our late colleagues whom I have been intimately acquainted with, and whose departure I most deeply mourn. I had occasion, since I learned of the departure of the Hon. Mr. Mills from our Chamber, to write to him, and I told him that if he had asked the opinion of his fellow members in this House as to the advisability of his leaving us, we would have been unanimous in asking him to remain with us. With reference to the Hon. Mr. Allan, I consider that the departure of such a dignified figure as his from among us has reduced to a considerable extent the present value of this House, inasmuch as he was one of the few links that bound us to a past that we all honour and cherish.

I do not intend to speak at length on the Address, but simply to dwell for a few moments upon some of the contentions of the hon. gentlemen opposite. The preferential tariff seems to be a thorn in their side. They attack it on all sides, discuss it, and call it a blunder of the Liberal party, but when they are asked if they condemn it they immediately withdraw and state that they have no intention of doing so. Yet it is not the best policy that could have been followed, according to the hon. gentlemen opposite, because they have not fathered that policy, and I am not so very much surprised at the stand they take. Up to November, 1900, they were convinced that the Liberal party were not a party that could govern this country. They were convinced that the whole science of government was within their ranks, and of course they suffered, were distressed that we should last for one parliament, but to their very great amazement they saw that the policy of those men who could not govern this country had been approved by the overwhelming majority in the country. Preferential trade, says the hon. gentleman from Prince Edward Island, was blundered into by the Laurier government. They did not look for the results they obtained. They wanted to strike every other country, and they pretended that German trade and Belgian trade was not to benefit by that reduction given to British goods. I will readily admit that Sir Louis Davies, when he started upon his journey to convince the law officers of the Crown that this reduction should be limited to Great Britain only, and not extended to German and Belgian goods, was expressing a legal opinion which had considerable weight, but at the same time he knew full well that if the Law Lords of the British Crown declared against him, the British government would be in the dilemma of accepting the benefit of the preference and repudiating the two treaties, or refusing the benefit which was offered. At the same time the premier of Canada crossed the sea and by his fair and open declaration that he wanted no *quid pro quo*, that he thought free trade England had done sufficiently for Canada by opening its doors absolutely to our trade and was entitled to some kind of return and advantage in our markets, touched the hearts of the British people and created such a sentiment that although the British law officers declared against the contention of Sir Louis Davies, the Prime Minister of this country carried his point. Yet my hon. friends opposite say that he blundered into it. We know that somebody blundered in England about that time, and somebody blundered just 48 hours before Mr. Chamberlain and Lord Salisbury's government denounced the German and Belgian treaties. That somebody was not the prime minister of Canada. He had hoped to be, and was chagrined because he had failed, and he had declared it was ridiculous that these treaties could be denounced by Great Britain. That gentleman was Sir Charles Tupper himself. He was given the lie direct 48 hours afterwards by the action of the Imperial government which denounced those treaties.

Hon. Mr. FERGUSON—Where did Sir Charles Tupper make that declaration?

Hon. Mr. DANDURAND—In London, forty-eight hours before the announcement, but I think it was his misfortune to make it twenty-four hours before the treaties were denounced.

Hon. Mr. FERGUSON—I never heard of it before.

Hon. Mr. DANDURAND—My hon. friend just shows that when he abandons his duties in this House and resumes his duties in that splendid garden, Prince Edward Island, he is so interested in it that he does not follow what takes place in London or in Ottawa. If my hon. friend will simply ask his colleague on his right, or his hon. friends at his back, I do not think he will find anybody but himself who is not aware that Sir Charles Tupper committed the blunder of declaring forty-eight hours, or perhaps twenty-four hours in advance that those treaties could not be denounced.

Hon. Mr. LOUGHEED—The government of which Sir Charles Tupper was the head, asked the Imperial government to have them denounced.

Hon. Mr. DANDURAND—I have no objection to follow my hon. friend on that ground, but we are discussing what Sir Charles Tupper said forty-eight hours before.

Hon. Mr. McDONALD (Cape Breton)—Sir Charles Tupper denied that positively when charged with it, and stated that his speech on that occasion was misreported.

Hon. Mr. DANDURAND—He had the advantage of being far away from the source of information, because it was in London his speech was made, but I will simply refer to the 'Associated Press' reports which came here, and which found their way the next morning into the official Tory organs of this country. I am satisfied to accept what the good Tory organ, the 'Gazette' of Montreal, reported of the speech, and my declaration will stand by it or by the statement in the 'Mail and Empire.'

Hon. Mr. LANDRY—Cannot the hon. gentleman accept the denial of Sir Charles Tupper ?

Hon. Mr. DANDURAND—I should like to see that statement of Sir Charles Tupper and compare it with the reports which appeared in the papers.

Hon. Mr. WOOD (Hamilton)—I was present at the meeting of the Chambers of Commerce in London when Sir Charles made his speech, asking that the British government give a 5 per cent preference to Canada on her products. It was declared that the treaties could not be denounced. A leading man there said those treaties would prevent their giving a preference. Sir Charles Tupper declared then that the treaties could be denounced, and he tried his very best to get them to do it, but the government would not denounce the treaties until Sir Wilfrid Laurier got there, and when he did get to the other side the treaties were denounced. Sir Charles Tupper did his best, but he could not succeed.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. DANDURAND—It only shows that where Tory science fails Liberal methods will succeed. We are told that this preference given to British goods has brought us nothing in return. As the Secretary of State has said, why is it that concurrently with the denunciation of those treaties—concurrently with the reduction of the duty upon British goods, our trade has expanded in Great Britain ? Is it not because of the action of the Prime Minister of Canada in Great Britain, of the action of our parliament in giving that preference to British manufactures ? We have spent a lot of money in Great Britain in advertising our country. I have heard numbers of speakers on both sides of politics declare that the presence of the Prime Minister of Canada at the jubilee celebration, the speeches he made at that time, the importance of the representation of the colonies in Great Britain, and the ascendency over them all of our own representative, have been of greater value to Canada than all the money spent previously for advertising purposes. From that moment our trade has expanded, and why ? Because, as every one knows Canada was hardly known in Great Britain or in Europe. The North British colonies had not yet attracted the attention of the ordinary man in the street in Great Britain, but from that moment when it was heralded that we were giving British goods a preference in our market without asking for a *quid pro quo*, we were doing something for Great Britain, our goods commanded a better price. If it is not due to the action of parliament and to this preference that we gave, to what is it due ? I have heard the question put, how is it that the United States expanded its trade in the same proportion as Canada ? I do not think so, but there is one thing I know, the consular agents of the United States in Liverpool and London since 1896-97 have yearly reported to their government that Canada's goods were displacing United States products in that market. I have seen and read reports of these consular agents and every year they have advised their government to beware of Canadian competition. So that from that moment that Great Britain's attention was drawn to the possibilities of Canadian commerce —was drawn to the fact that we were doing something for the metropolis—from that very moment our trade has expanded, and if the action of the government and of parliament at the time is not sufficient to justify the expansion of our trade in the extraordinary proportions mentioned by the Secretary of State, I would point out again, with the concurrence of my hon. friend from Prince Edward Island that the action of the Minister of Agriculture (Mr. Fisher) has contributed a great deal towards the

development of our trade with the mother country. The care taken in the transportation of our goods by the cold storage system developed by the present government has undoubtedly had a considerable effect, and I might say, while I am on this subject, that I have not yet heard of any important work similar to that done by the present Minister of Agriculture in Great Britain during the last two trips he made to the other side. Hon. gentlemen in this Chamber who have had occasion to follow him in his work of evangelization on the other side, have seen that he has gone from one big centre to another, has spoken to nearly all the important boards of trade on the other side, and that there is not a newspaper published in the British islands which had not reports of these speeches made by him and by his assistant, Mr. Robertson, who accompanied him. I am quite sure that we have had no more diligent Minister of Agriculture since Confederation, and I congratulate the hon. minister on the trouble he has taken to do that important work of thoroughly informing the British citizen as to the possibilities of Canada and the importance of mutual trade. My hon. friend who has preceded me said that the government had blundered into this policy. Well, if this present government reaches such results in all its blunders, I expect marvels of them when they do not blunder. The hon. leader of the opposition in answer to a question, said 'I have not condemned the preference given to Great Britain.' A few minutes after in his speech, he pointed out contradictions that have appeared in the press between statements made by members of the present government. I have here a speech made by Mr. Monk, one of the leaders of the opposition, who has condemned unreservedly the preference given to British goods in our markets. To-day we are asking ourselves where the opposition really stands on this question. Of course they declare they would prefer a *quid pro quo* policy, but they have not yet moved to have removed from our statute-book the preference given to British goods. The hon. leader of the opposition spoke of contradictions between reports of speeches made by divers ministers who form this government. He forgot that at the last election the mate of Sir Charles Tupper, who was to bring such power to the opposition, Mr. Hugh John Macdonald pronounced in the west in favour of a reduced tariff on agricultural implements, if not free trade in agricultural impements, while at the same time his colleagues in the east were clamouring for greater protection on these very articles. But this contradiction between Mr. Hugh John Macdonald and his colleagues is not the only one to which I can point in the policy of our opponents. The leader of the opposition has condemned the government for not mentioning the sending of a third contingent to South Africa, and has pressed this government to pay the whole of the cost of the sending of this contingent. In this contention he is at variance with one of his colleagues in the other House who plays no less a role than assistant leader of the opposition, Mr. Monk, of Jacques Cartier. I would advise my hon. friends to gather in caucus and decide on their policy on that question, because I cannot believe they are united, when I have here before me a speech made to the electors of Laval county by Mr. Monk. The speech is in French. I will quote the portion referring to the sending of this contingent and it will be seen from the remarks of the hon. gentleman that more credit is given by him to the action of the present government than is to be found in the remarks of the hon. leader of the opposition, for he contends that if this third contingent is not paid out of the public treasury, it must be due to the action of the Hon. Mr. Tarte. I consider that such questionable motives should not be attributed which would have the effect of disturbing the ideas and sentiments which should unite this whole country, and it is because I condemn the tone in which the remarks were made that I want to point out to the hon. gentleman that on this score the policy of the Conservative party is not a united one if we can judge by the remarks made by Mr. Monk as contrasted with his own remarks. Here is what Mr. Monk says. I quote from *Le Journal* whose director he is jointly with Senator Forget and Mr. T. Chas. Casgrain, M.P. :—

PARLIAMENT AND CONTINGENTS.

Touching this burning question I think that I have squarely laid down my views in my

speech before the Cartier club. We have gained our constitutional rights after innumerable struggles and sacrifices. I have blamed and I blame the Laurier government for having failed to consult parliament upon a question of this importance. What is a representative system ? Its very basis is the necessity for the government to consult the people through their representatives in parliament whenever important questions have to be solved which affect the whole country. I accuse Mr. Laurier of setting aside the authority of parliament in all the most important acts of his administration since he reached power. Did you ever hear of the participation of Canada in the wars of the empire before Mr. Laurier's reign ? Never. Here is the reason of our participation to the South African war. In 1897, when the South African war had not yet broken out, Mr. Laurier left for England to go and represent Canada to the Jubilee festivities. There a sudden change appeared in our Prime Minister's mind. From a democrat to the core he became dazzled by honours and titles and one fine morning he found himself, according to rumour, covered with decorations and titles and he was forced to accept them. Then Mr. Laurier entered into an absolutely new road. A few days afterwards at a grand banquet given the colonial representatives he made that speech where he assured the mother country, in the event of war, that the beacon fires on the hill tops would only need to be lighted and the clarions sounded and Canada would be ready to furnish its blood and its money. This solemn declaration was binding upon the whole country. I am not among those who will blame Sir Wilfrid Laurier for having redeemed his promise, but what I find to be blame is that on March 30 last, when parliament was in session, this government offered a new contingent without consulting the representatives of the people who are sent to parliament to represent its interests and have a right to be consulted on questions of this importance.

This is all Mr. Monk is reported to have said. I know he did say more, but his organ did not report more concerning the sending of this third contingent. Throughout that by-election, himself and Mr. Bergeron, an ex-leader of the party in the other House, denounced imperialism quite severely. Now, it seems to me that when the government has departed, as this present one has, from the traditions laid down by the other party, and has done what it has done for the metropolis, the most ardent loyalists among the people of this country should be contented and satisfied. It is all very well to condemn the present govment for having been remiss in its duty in not paying the expenses of this third contingent. When we look at the past record of our opponents in both Houses, we find nothing during their long régime which showed that desire which now burns in them to assist the mother country to the tune that their speeches would indicate. There is one thing which this government has done: it has given a preference to British goods in our own market, and yet we find these gentlemen who speak of the duty of the government to pay the expense of the third contingent at the same time condemning the government for having obtained nothing in return for the advantage which British goods have in our market. Of course I know Sir Charles Tupper said that preference to British goods is a question of business, and that we should treat it as a question of business. I have no objection to do so, but, as the hon. Secretary of State said, we could obtain no such advantage in the British market as the hon. gentleman thought we could by a close bargain.

Hon. Mr. McCALLUM—The premier said we did not want it.

Hon. Mr. DANDURAND—There is one sure thing, that there can be no chance for a number of years to come, of Great Britain taxing its primary necessaries of life in order to obtain a *quid pro quo* in the colonial market, and by going to the extent that we did go we showed our good will to the mother country, and at the same time I consider that this government has done its duty to the people of Canada and has stood by its pledge in giving thereby a reduction upon the tariff of this country which we had promised in our platform of 1893. It is all very well to say that British goods have obtained an advantage here, but the people of Canada have obtained an advantage—have not only obtained an advantage in getting cheaper goods coming from Great Britain but from other countries as well. I have seen it declared in the Conservative press that the effect of that preference had gone beyond the market of Great Britain—that the reduction upon the British goods had forced the Americans to reduce their prices in order to be able to enter our market. So that the preference given to Great Britain, which seemed to touch the hearts of the British people, has at the same time had the effect of reducing the price of goods not only in the lines produced in the British Isles, but on many lines of goods imported from the United States.

Hon. Mr. McMILLAN—What particular line has the hon. gentleman reference to ?

Hon. Mr. DANDURAND—I am speaking generally of lines similar to those British

goods which have benefited by the reduction of the tariff upon British goods. There is no doubt the people of this country have felt that the taxation under our tariff has gone down to a considerable extent by the preference given to British goods, and by the effect it has had on goods from the United States similar to those imported from the United Kingdom.

There is one remark before I take my seat which I should like to make. It is concerning the transportation question. We have spent a considerable amount of money, some $80,000,000 up to this date, in improving and deepening our canals from the lakes to Montreal. We have thought that by so doing we would capture our share of trade going from the west. Money has been to a considerable extent expended in deepening the St. Lawrence channel from Montreal to the sea, and I have a sanguine expectation that within two years we will have a 30-foot channel all the way through from Montreal to the sea. But it is apparent that we have not done enough. The idea has been thrown out to the public that we should go one step further and deepen the French river to twenty feet, in order to bring the western trade and the western grain to North Bay, which would thence be carried by the Canadian Pacific Railway to Montreal and the seaboard. I am absolutely in favour of deepening the French river, and using Lake Nipissing and the French river in order to retain our Canadian western trade, and carry it in Canadian bottoms to North Bay, and then tranship it upon the Canadian Pacific Railway to the sea.

I consider that this is but one link—an important link—of a big scheme which has already attracted the attention of this Chamber. I speak of the Georgian Bay canal project. I consider that this country should within as short a time as possible give its full attention to the problem of western trade, and the necessary channels to bring that trade into Canada, and retain it, in order that we should profit by it. We know that the westerners have a future before them. We know that Manitoba and the North-west Territories are progressing at an extraordinary rate. We have no doubt that before ten years the transportation problem, even if we do not wrestle with it now, will present itself and imperatively force our attention. It seems to me that we should prepare for the moving of the products of the west, and that there is no greater, no better, and no more radical solution than the building of the Georgian Bay canal, or rather the deepening of the Georgian Bay waterway, inasmuch as it is hardly a canal, and cannot very well be called one. I know that our friends from Ottawa have given very much attention and time to the study of this question, but when I look on the map it seems to me that it is a question which should engage the attention not only of the people of the Capital, because the Ottawa river passes by it, but that it should engage the attention of the whole of Canada. I am convinced that when we have a twenty-foot channel between the lakes and Montreal we will see cities springing up all through the waterway from the Georgian Bay to Montreal, and that even if we capture but one-fourth of the trade that goes through Lake Erie and United States ports we will make such strides as will surprise not only the people of Canada, but outsiders as well. If we captured but one-fourth of the trade which is our legitimate due, Montreal and Quebec would not have to discuss as to which is the national port. I am convinced that there would be such a stimulated trade along the St. Lawrence that the two ports would nearly join. I know that people living in the west are now attracted by this scheme, and I have no hesitation in saying that Montreal realizes to-day that if we want to monopolize our Canadian western trade we must do something towards developing these avenues of trade and facilitate the transportation of the western products, perhaps through the French river to North Bay temporarily, till the whole of the Georgian Bay canal and waterway is constructed, and thereby I am quite sure that Canada's prosperity will continue to develop. With such a national highway opened between the west and the St. Lawrence and the sea board, there would be no danger of lean years for very many years to come. We are to-day among the fat years. We have had for three or four years such a wave of prosperity as we had not seen for fifteen or twenty years before, and if we simply take care to monopolize the carrying of our western produce, I am

quite sure that we of this present generation, at all events, will not have occasion to be pinched by the lean years that generally follow the fat years such as we are enjoying.

Hon. Mr. McCALLUM moved the adjournment of the debate.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, February 19, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE ADDRESS.

DEBATE CONCLUDED.

The Order of the Day being called

Resuming the further adjourned Debate on the Consideration of His Excellency the Governor General's speech on the opening of the Second Session of the Ninth Parliament.

Hon. Mr. McCALLUM said: I may be permitted to make a few remarks with reference to the changes which have taken place in the Senate since last session. I miss from this House some old and respected friends, whom I knew for many years. They have been replaced in this Senate by other hon. gentlemen whom I am well acquainted with, and whom I welcome to this House. Some of them have been opponents of mine for a long time, but I have no doubt they will discharge their duties properly. I also miss the hon. leader of the government in this Senate, the late Minister of Justice, who has been transferred to another branch of the public service. I respect him very much, and I think it is a great pity that he has been removed from the Senate to the Supreme Court. Of course if it is his gain I am willing to put up with it, but at the same time, I consider that it is a great loss to the country that such a man as the Hon. David Mills, who has been in the parliament of Canada for a long time, and who was a Minister of the Crown before he came to the Senate, appointed Minister of Justice here and remained in the Senate for years, should be removed from us now. I respect him for his great ability and his knowledge of constitutional law. However, I have no doubt that he will discharge his duties satisfactorily in his new office. With reference to the appointment of another gentleman to take his place in the Senate, I have nothing to say. I do not know exactly who that gentleman may be, but I will treat him with all the respect due to him when he comes to this Chamber. I desire now to make a few remarks on the Address in reply to the Speech from the Throne.

It is something new to me now—and it is also gratifying to me to know—that the so-called Reform government of this country are taking the Canadian Pacific Railway under their charge. I am an old man, and I remember long, long ago, when the Reform opposition opposed the building of the Canadian Pacific Railway with all their might and main. They characterized the province of British Columbia as a sea of mountains, and said that it was not worth while to build the Canadian Pacific Railway in order to save that province to the British Crown, and, if built, the line would not earn enough money to pay the oil required to lubricate the axles of the car wheels. I remember the time when they wanted to build only the prairie section and utilize what they called the water stretches. That was their policy. But they are now taking the Canadian Pacific Railway under their wings and making the people believe that they are the party who constructed that road. I have no doubt that is what they are endeavouring to do. I was amused at the Secretary of State when he told us yesterday what an effect this preferential trade had on the products of this country. What has this government done? We have prosperity in Canada, and I am glad of it. My hon. friend said that sentiment was better than law, but at the same time sentiment has nothing to do with it. The prosperity of this country is due to the brain and muscle and intelligence of its people. In the matter of production, what have they given us? Did they give what they promised? We remember the present premier of this country speaking at London, Ont., before he became Prime Minister and saying: 'If you return me to power, I will get you

a preference in the British market, and see what an advantage you agriculturists will have. Everything you grow and everything you produce will be worth so much more per pound. Your beef and your pork will be worth just so much more, and if you elect me Prime Minister I will obtain that result for you.' Well, did he do that? Did he ask it? At a banquet given in Liverpool, did he not say: "I am ready to give you a preference and I want no *quid pro quo*. I want nothing of the kind.' He went there to get everything for the people of Canada and he came back here with nothing but a gold medal. He said, of course, that free trade is better for Great Britain and it is better for Canada also. I do not forget those things. We are told that the government of the country is the cause of our present prosperity. Can any gentleman within the hearing of my voice point out where they have assisted in any way whatever to bring about this prosperity? I have not heard any evidence of it yet. The hon. gentleman says that the government created a sentiment in favour of this country in Great Britain, and for that reason the British people buy more from us. Fancy the people of Great Britain eating more because they have a sentiment in our favour! The hon. gentleman further stated that Canada was not known in Great Britain until after Sir Wilfrid Laurier went there, and after that our products were looked for. The hon. gentleman said Canada was not known.

Hon. Mr. DANDURAND—Hardly known.

Hon. Mr. McCALLUM—We are not going to swallow all that. We take it for what it is worth.

Hon. Mr. McMILLAN—It wants a little salt.

Hon. Mr. McCALLUM—Yes, and pepper too. When the premier goes over this summer, I hope he will have something better to show when he comes home. I hope he will not go over there for a certain purpose, and then change his mind and come back with a gold medal because he tells the people of England that Canada does not want a preference. In fact, he refused the preference before it was offered to Canada. We want nothing of Great Britain more than British subjects are entitled to, and when the government talk about creating a sentiment by giving the manufacturers of Great Britain a preference, they are giving a preference for admitting silk and shoddy which should be made at home. The government of this country, we are told, have increased the prosperity of the people. How have they done it? They are deepening our canals, with a view to bringing the trade of the west by the St. Lawrence. That may come by and by, and the people of this country will get the benefit in proportion to the reduction of freight. But if we carry wheat from the western states by the St. Lawrence, do we get anything out of it? We do not get enough from the tolls to pay the lock tenders on one canal. I do not object to deepening the canals for the carrying of the trade of Canada, but when we are going crazy, as we are to-day, in the expenditure of money, it is time we began to see what we are getting for it. We have a large revenue, but it is the people's money, and it should be so judiciously expended, that it will be a benefit to Canada in the future. I question very much if the expenditure which we are making upon the canals, will be of great advantage to Canada. The government is digging a hole in the rock at Port Colborne. Years ago I brought pressure on the government to bring the level down to 14 feet on the mitre-sill; they were going to put it at 12 feet. Now, what are they doing? At Port Colborne, they are lowering the mitre-sill while they have any amount of rock to cut out before vessels can reach it. The result is now that that expensive piece of work in the aqueduct will have to be thrown away also if we are to get any more water than 14 feet in the Welland Canal. The people of this country should ask themselves what they are going to get out of this large expenditure of money. If we had a Canadian shipping with the owners living in this country, they could go all over the world, and whatever they earned above expenses would be brought to this country, and that and the lower freights is all we can make out of it. I am willing that Canada should pay her proportion to sustain the British empire in any part of the world, but have we created any sentiment in our favour in Great Bri-

tain by the action of the government ? No. What have we done ? We have sent some volunteers from Canada. In fact, the premier says, he did not send them, he permitted them to enlist. Fancy the premier telling a British subject in this country he has to have his permission before he can volunteer to fight to uphold the flag of the empire. To talk about sentiment because we allow the shop-keepers of England to send their goods here at a lower rate of duty when we should be manufacturing the goods here, is absurd. But have we done our share in the matter of sending contingents to South Africa ? No, when they are sent C.O.D. The only thing that I have known the government to do to assist the empire was to send over dog-biscuit in the shape of emergency rations. The Secretary of State said yesterday, in reply to a remark of the leader of the opposition, that the government should not be accused of not carrying out our pledges. Does the hon. leader of the government mean to say that they have carried out all their pledges ? He has told us his political history, but I do not think it was necessary ; we knew it pretty well, and there are men here older than I am—two or three members of this House, who know all about the hon. gentleman's political career. I have nothing to do with it. I always took him as a strong Reformer. I knew when he was whipped around. He was elected by one party and acted with another. That was his choice, and he need not have bothered us with his political history, because we have nothing to do with it. I ask again, what have the government of this country done to increase the prosperity of Canada, except by the creation of the favourable sentiment in England of which he speaks ? Have they opened up any new market for us ? They told us they were going to get reciprocity with the United States, and if they could not get fair reciprocity they would get unrestricted reciprocity. As far as the tariff is concerned, they were to reform it. The only thing they did was to admit corn into this country free. If they had not done so, they might have got reciprocity with the United States in hay or barley, but they disarmed themselves when they admitted corn free. They went to Washington and they took the duty off corn to create a sentiment. On several other matters they have acted in the same way. My hon. friend on my left (Mr. Dandurand) spoke about the pledges which were made to the people in 1893. I happen to have a copy of them here. They were going to give us tariff reform. That is one of the pledges they made. They reformed the tariff a good deal by taking the duty off corn, the only thing they had to go to the United States with and demand a *quid pro quo* because it is worth a great deal to the United States to get corn free into this country. Then reciprocity was another of the pledges in that political manifesto of the great Grit party, and if they could not get reciprocity fairly they were going to have it anyway. Then the next thing was corruption condemned. Just think of it. Think of what is going on in this country and hear these gentlemen appeal to the people of Canada to condemn corruption. They have condemned it very much, and I stand before you to-day and say that it is a serious question how you are going to get a proper vote of the people. You will have to come back to the old system of open voting.

Hon. Mr. MILLER—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. McCALLUM—That is what you will have to come to, because I remember the swindles which commenced long, long ago with that pure party that wanted to put down corruption. I remember long ago hearing about some cupboard in the cellar down in Montral. I remember they had a cupboard in the cellar.

Hon. Sir MACKENZIE BOWELL—And a trap door in the floor.

Hon. Mr. McCALLUM—And they abandoned the cupboard but now they stuff the ballot boxes. It was intended to benefit Laflamme, far be it from me to say that Laflamme had anything to do with it, I only speak of the facts. One of the present Supreme Court judges was his opponent at the time.

Hon. Mr. DANDURAND—Mr. Justice Girouard.

Hon. Mr. McCALLUM—He was defeated by corruption, and swindled out of his seat.

Hon. Mr. DANDURAND—His opponent, Laflamme, abandoned the seat on the recount, when he heard of the irregularity that had been committed.

Hon. Mr. LANDRY—That is a precedent for Mr. Brunet.

Hon. Mr. McCALLUM—I am only saying that the parties who preached purity of election are the very parties who commenced corruption and have carried it on till this day. I do not accuse my hon. friend of corruption, but I know that he is a strong man in his party, and I would advise him, for the sake of this country and for the sake of all that is good, to influence his party to stop these things so that we will not have to go back to open voting. Then another plank in the platform of 1893 is 'another law for the settler.' I do not know that the settler wants any more law. We are all settlers I suppose, and I do not know what that means. 'The Gerrymander Act.' I suppose they are going to gerrymander us by and by. Is that what they mean by that? The hon. gentleman spoke of that yesterday. They are going to gerrymander us. We are pretty well gerrymandered now. Then 'Senate Reform.' The Almighty has reformed the Senate.

Hon. Mr. FERGUSON—Hear, hear.

Hon. Mr. McCALLUM—I say it with sorrow for these hon. gentlemen, because I give them all respect. They reform the Senate by taking away one of their brightest members—one of the brightest members the government ever had in this Senate. I refer to the late Minister of Justice who, in this House I must say was loved by all. It is true I did not see eye to eye with him. It is true I often considered it my duty and privilege to disagree with him, but I do not think that made any difference so far as his feeling towards me was concerned. I am sure it did not make any difference so far as my feeling towards him was concerned, I hope and trust that he will live to enjoy his new position. They have reformed the Senate by taking the hon. Minister of Justice away from it. I find no fault with their action, and I do not know what gentleman they will put in his place, and it is not my concern, but I will find no fault with him and I think we will get along peaceably. As far as I am concerned I have good-will towards all. I wish to say, however, that we want more than sentiment. This Canada of ours is part and parcel of the British Empire, and we are ready and willing to assist in upholding our great and glorious empire, but we do not want to be told 'not a man, not a dollar' for the purpose. Look at the position we stand in to-day. Look at the other colonies of Great Britain. Do we stand as the first colonial possession of the British Crown? Do we stand as well as Australia, New Zealand, and the other colonies? They come forward willingly and support the mother country, but our men had to be dragged to enlist, and when they wanted to send emergency rations to South Africa the government supplied them with dog biscuits. I believe they paid the freight on them and that is about all. Of course there are a great many questions about which there may be difficulty. For instance this question about transportation. The government are in a majority in the Senate I think, and I appeal to them now. It has been said that the Senate stood between the government and the people. I do not say the government intend to do what is wrong, but I would ask the Senate to go on now irrespective of party as I have always done. I opposed the government which I have been supporting all my life whenever I found they did wrong, and if they were still in power I would oppose them to-morrow if necessary. It is true I may not be here very long, perhaps I will soon be with those who have gone before, but I have expressed my feeling in this matter, and I have nothing in heart but a feeling of kindness for all in this chamber. I believe every hon. member has a good feeling for his brother member.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. McCALLUM—I believe that is the sentiment of us all. I am an old man now and I may not have the privilege of addressing the Senate another session, but I look to the welfare of my country. It is prosperous now. It is prosperous because of the industry and intelligence of the people, and not because of sentiment. Sentiment is very fine, but it is not as good as law.

Hon. Mr. CASGRAIN (De Lanaudière)—I had intended only to add my humble quota to what has already been said of those members of this House who died since last session and less than one year ago, but before going into that painful matter, I shall endeavour to answer some arguments brought up by those gentlemen who have not confidence in the government of the day. In reply, in the first place, to the hon. gentleman from Monck, I have nothing but praise and thanks to offer him for the very kind words he has said of the ex-leader of the government in this House, Mr. Mills, now Judge Mills of the Supreme Court, and I am sure if he had been as good and kind to him when he was leading the Senate he might even have supported some of the government measures he presented to the Senate. As to the Liberal party taking the Pacific Railway under its wing, as the hon. gentleman said just now, some years ago many members of the Liberal party recognized that the Canadian Pacific Railway had become a national work, built with Canadian money, part of it, money coming both from Liberals and Conservatives, and from every province of this Dominion, and therefore we have as good a right, we of the Liberal party, as any others, to claim it as a national work of Canada today. As to the enormous public expenditure—the hon. gentleman from Monck even said we were going crazy over it—he must remember that members of his party in another place where they have much greater control over the expenditure than we have here, have not objected to it—in fact, did not object to more than a very few paltry amounts. I do not believe you can find that they objected to votes aggregating more than $100,000 out of the millions and millions that have been spent.

Hon Sir MACKENZIE BOWELL—Has the hon. gentleman forgotten the general resolution condemning the whole expenditure, moved by Mr. Borden ?

Hon. Mr. CASGRAIN—I am glad that the hon. gentleman has put me on the right track. In generalities they condemn expenditure, but when we ask them to point out the items of expenditure they object to, not a man rises, because that patronage might be distributed in the counties that some of them represent. The leader of the opposition in this House, in his speech on Monday, had some fault to find with the management of the Intercolonial Railway, and one of his grievances was that while the Minister of Railways and Canals was buying locomotives for the Intercolonial Railway he was at the same time loaning locomotives to the Canadian Pacific Railway. I have not seen the report of my hon. friend's speech but I think that is the remark he made.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is correct.

Hon. Mr. CASGRAIN—If the Intercolonial Railway had been following that policy, it would not be the only great railway in this country that is doing the same thing. Mr. G. B. Reeves, general manager of the Grand Trunk Railway, told me that his company had been buying, as every one knows, new locomotives, and had loaned to the Canadian Pacific Railway no later than last November twenty-six locomotives, and that for a period of at least three months, and perhaps more, and the purpose of loaning these locomotives was to enable the Canadian Pacific Railway to move eastward that abundant crop which providence has given to us in Manitoba and the North-west this year. If the Intercolonial Railway, a government road, had consented to loan some locomotives for that purpose to the Canadian Pacific Railway, I would certainly, for one, not have found any fault with them for doing so. It is a rather awkward task for me to contradict the hon. leader of the opposition, but the information I have gathered—and I say this with a great deal of diffidence—was that the Intercolonial Railway did not loan locomotives to the Canadian Pacific Railway. I am sorry to contradict the hon. gentleman, but that is the information given me.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman may have received that information. I said in my speech that I had read the statement in one of the newspapers, and had asked a prominent official of the Canadian Pacific Railway if it was correct, and he said they had borrowed both from the Grand Trunk Railway and Intercolonial Railway. Whether that is correct

or not, the hon. gentleman has the authority on which I made the statement.

Hon. Mr. CASGRAIN—Then I suppose I am obliged to give my authority also, I went this morning to the Department of Railways and Canals, and asked the secretary, Mr. Jones, about it. I may explain why I asked. I had tried myself for a railroad whose bondholders I represented, to obtain the loan of a locomotive, and they refused me, saying they had work for all their locomotives, and therefore I was surprised to hear the leader of the opposition say that they had loaned locomotives to the Canadian Pacific Railway. That is why I went myself to the department and asked Mr. Jones. Mr. Jones told me he thought they never—in fact was positive they never did loan locomotives. I said I intended to repeat his statement in the House this afternoon, and he went in and asked Mr. Schreiber, and Mr. Schreiber said they never loaned a locomotive to the Canadian Pacific Railway.

As to the Intercolonial Railway not giving the satisfactory results which we as Canadians and shareholders in that line would be glad to see it give, I am sure that there are many reasons for the large deficit of the Intercolonial Railway this year. In the first place this government road is run, as we all know, through a sparsely settled country. Leaving Montreal, and after passing St. Hyacinthe, we have what is called the Drummond County Railway which runs through a country now in course of settlement, but still far from being densely populated. Many promises had been made, even by the leader of the Conservative government, that the Quebec bridge would be built. That enterprise will now be carried out by the present government but for want of such a bridge the Intercolonial Railway at this time of the year is at great disadvantage for business between Montreal and Quebec because the crossing of the St. Lawrence is so uncertain. On the portion from Quebec eastward, the important points are Rivière du Loup, Rimouski and Campbellford in a long stretch of very sparsely inhabited country. It must not be forgotten that this road passes through one of the most difficult countries to operate in winter time. I do not think when the Intercolonial Railway was built it was intended mainly for commercial purposes. It was built to unite the maritime provinces with Upper and Lower Canada. Those who are older than I am know whether that is correct or not. Then there is the exceedingly long mileage which prevents it competing with the Canadian Pacific Railway running to St. John, which I believe is two or three hundred miles shorter. Having to sell tickets and to carry freight for the same rates, this railway, although doing a great deal of good to the inhabitants of Canada, and giving every accommodation, cannot compete successfully with the Canadian Pacific Railway. I call upon the hon. gentleman from Marshfield to say if in Canada there is a better railway train than that which leaves Bonaventure station, Montreal, at noon every day for Halifax and St. John —a beautiful train for the accommodation of the travelling public, and this train is run at a very considerable expense, while the number of passengers is not sufficient to justify it.

I have but one more remark to make to the leader of the opposition. He spoke about divergence of opinion in the cabinet, and went to considerable trouble to show that Mr. Fielding had said one thing and Mr. Blair another; how Mr. Tarte had spoken one way and Sir Wilfrid Laurier another. Although very young in public life, I remember full well that the government over which the hon. gentleman presided were never noted in this country as a model cabinet as far as harmony is concerned. We know if ever there was dissension in any government—if ever there were men who went on strike, it was in his cabinet. I really do not know why the hon. gentleman brought up that topic except to give us an opportunity to stigmatize once more as they deserved to be, and as he called them himself, the seven traitors in his own government.

Hon. Sir MACKENZIE BOWELL—That, I suppose, justifies divergence of opinion among the members of the present government.

Hon. Mr. CASGRAIN—During the remarks of the hon. gentleman from De Lorimier, the hon. gentleman from Glengarry asked him to specify one industry in the country that was prospering.

Hon. Mr. McMILLAN—And he did not?

Hon. Mr. CASGRAIN—No, but I will and use the hon. gentleman himself to prove my case. We were together at the annual meeting of the shareholders of the Montreal Cotton Company, and Mr. A. F. Galt, the president, a man in whom we have confidence, declared that last year was the most prosperous season the cotton industry had ever had. He said more, that the profits were so great that the shareholders might rejoice that they were going to get 9 per cent instead of 8 per cent dividends, and he made some remarks something like a finance minister would make on giving us the budget for the coming year, and that was to the effect that next year would be a still better year than the past one, so that far from having no cotton factory on a sound basis, I think my hon. friend will admit there is at least one.

Hon. Mr. McMILLAN—I should like to ask the hon. gentleman if the government of Canada did anything towards assisting that company to which he refers? On the contrary they reduced the duty from 23 per cent to 16⅔, and that has been the means of having three or four other companies pass the dividends this year.

Hon. Mr. CASGRAIN—The companies that passed their dividends have been badly managed. That is admitted by their own directors. If the government have reduced the duty, and the cotton industry is still more prosperous than ever, it would indicate that the Liberal policy is right.

The hon. gentleman from Marshfield has spoken against the preferential trade policy of the government.

Hon. Mr. FERGUSON—I never said a word against it.

Hon. Mr. CASGRAIN—If the hon. gentleman is in favour of it, I am satisfied; we are.

Hon. Mr. FERGUSON—I never said a word against the preferential tariff; on the contrary, I said I approved of it.

Hon. Mr. CASGRAIN—I understood that the hon. gentleman said we had made a blunder, but it was a lucky blunder.

Hon. Mr. FERGUSON—What I said was the present government was entitled to very little credit for it, even if it had done all the good my hon. friend said it did, because they had drifted into it by a blunder.

Hon. Mr. CASGRAIN—I am glad to hear my hon. friend say it is a good thing. We think so. There is another thing about that preferential tariff. The visit of Sir Wilfrid Laurier to London has been referred to over and over again, and the question has been asked what did he do? We had always been stigmatized as a disloyal party. We were not supposed to have anything to do with the flag. It was supposed to be monopolized by the Conservative party. What did the Liberal government do after having been eighteen years in opposition when they came to power? The first thing they did was not to show lip loyalty merely, but to be loyal in deed as well as in words, and Mr. Laurier went to England and said, out of the liberality of the Liberal party, he would give Britain preferential trade, and that preference would be 12½, 25 and even 33⅓ of the whole duty, so that to-day when you go to the custom house in Montreal you can enter for two dollars as much British goods as you could enter for three dollars under the old regime. As to getting a *quid pro quo*, if there is one thing I do not admire, it is when one is making a present that he should ask what he is going to get in exchange for it. England admits our goods freely without one cent of duty. What more could we expect? If, after this terrible war in South Africa, England should find it necessary to impose customs duties in order to raise a revenue, then we might ask for a preference when otherwise there would be a tax against our products, but there is none to-day. Under existing circumstances, we cannot ask England to impose a tax upon the bread of her wage-earners to help Canada. Her imports from Canada are small compared with her total imports—I do not believe more than 10 per cent of the whole—and shall we ask them to tax 90 per cent of their imports in order to help our 10 per cent? It is not a reasonable thing to ask.

As to the present prosperity of the country, the hon. gentleman from Monck admits that Canada is prosperous. He also admits that these are bountiful years, but the Conser-

vatives have been making a little fun of the Postmaster General because once he called himself 'I, Wm. Mulock,' and wrote on a postage stamp 'Greater than has been.' The postage stamp is not the only thing that is greater than has been in this country, since my hon. friends have been out of power. Greater things than have been have taken place in this country. As I was coming to this House, I was handed by Mr. Clergue a pamphlet with photographs showing greater things than have been in this country where Mr. Clergue and his associates have actually spent up to date some $22,000,000. It was my good fortune last July to visit those works, and I must say I was astounded at their immensity. I read in the 'Montreal Gazette' of to-day that they have commenced to manufacture steel ingots, and in a few months, nay a few weeks, they will be producing steel rails. As far as Sault Ste. Marie is concerned, I would strongly advise all the members of this House to visit that immense plant, and see it for themselves. It is the greater than has been in Canada and especially after they have harnessed the immense water power of the Sault, using Lake Superior as a mill pond in order to turn innumerable turbine wheels which are producing electricity, converting wood into pulp and making pulp to be shipped to the old country, and carloads are leaving daily. An immense caustic and bleaching powder mill has been established and above all they have immense iron works. They are building a great railway, and yet my hon. friend asks what has the Liberal party been doing? Has Mr. Clergue not been brought here by the Liberal party of Ontario? Has he not been brought here by the concessions made to him by the Hon. G. W. Ross and his government in Ontario? Who are opening up new territory, and building the Algoma Central, a road which is being built to the same standard as the New York Central, a road over which the heaviest locomotive will run, a locomotive of 137 tons, with the tender bigger than any locomotive used by any railway now? This is for the western part of Canada. In the eastern part we have the Dominion Iron and Steel Company, and that is another institution with some twenty millions in bonds and shares, and larger than has been, and that was also due to the present Minister of Finance (Hon. Mr. Fielding) when he was premier of Nova Scotia, when he formed the coal syndicate with Mr. M. H. Whitney at its head, and developed the coal mines. And now they are developing the iron industries. As to the output of coal from Cape Breton, we had a record here last year and with that export duty of one shilling a ton on the coal that is now being exported from England, this has opened for the coal from Canada new markets, and a very successful trade now being carried on in the Mediterranean ports, where Cape Breton coal met with great success and where there has been a large demand for it.

Only a few words more as to the transportation question. That is the problem which seems to be agitating the minds of all the business men of this country, and of all the transportation, railway and steamboat men as to the question whether it is right to continue the policy which has been followed in the past, of deepening and enlarging the canals, or whether we should stay our hand. I may say that I read in the papers the speeches of the Hon. Mr. Tarte and of the Hon. Mr. Haggart both in favour of the Georgian Bay Canal. I take a slightly different view and I may say I do not believe in the whole of the scheme. I for one, would believe it quite possible to improve the French River, and to open that beautiful sheet of water called Lake Nipissing, which is a very deep lake, and have the steamers now plying the lakes, drawing twenty feet of water, ascend the French River and go as far as North Bay, where the Canadian Pacific Railway and the Grand Trunk Railway could take care of and transport the cargoes from North Bay eastward, but the canalization of the Ottawa river would cost many million dollars, and you will find railway authorities and railway men alive to this business of transportation who think that the moment has almost arrived, if it has not already arrived, where it will be possible to transport by rail as cheaply as you can transport by artificial water courses. I could illustrate this if I were not afraid to take too much of the time of the House, but in one word I may say that this is being done by the use of these immense locomotives such as the one I spoke of a moment ago, which burn in proportion very little more coal than the smaller ones, and which have three, or sometimes

nearly four times the weight, and which require only one stoker instead of four, and one driver where four were required before. By the use of a very much heavier rail and flattening the grades and reducing the curves, if a railway were built as expensively as a canal would be, or say, for fifty per cent of what a canal would cost, I am led to believe—and I have good authority to make me believe—that freight could be moved during the twelve months of the year as cheaply by rail as it could in canals during seven months of the year. Therefore, before going into the expenditure of so many millions in the canalization of the French river, it would be well for the government to inquire into that matter.

With reference to possessing the confidence of the people, I do not think there is any doubt but that the present government has the confidence of the people of this country. If we doubted it we might have been reassured by reading the papers this morning, where something, I suppose almost unheard of in the political history of Canada, is related, that with two Liberals running the Conservative candidate managed to lose his deposit, and so swell Mr. Fielding's surplus by $200.

Hon. Mr. FERGUSON—There were two opposition candidates.

Hon. Mr. CASGRAIN—The Speech from the Throne speaks of the coronation. I sincerely hope that if the Prime Minister of Canada can be present on that memorable occasion, he will then, as he did in the time of Queen Victoria's jubilee, do honour to all Canadians, friends and foes alike, and I have from the Conservative secretary of the Sir John Macdonald Club evidence to prove that when Sir Wilfrid Laurier was in that grand procession following Queen Victoria towards the old St. Paul's Church in London and the streets were lined with surging masses of the population of the biggest city in the world, the cheers rent the air, first for Her Majesty, as it should be, then for Lord Roberts, and afterwards not for the British ministers, but for our own Prime Minister, and when the royal carriage in which he was seated passed in front of the platform upon which this secretary of this Conservative club stood, he stated that the cheers and enthusiasm were such that he himself could not resist, and as a Canadian he lifted up his hat and cheered for Canada's premier.

Hon. Gentlemen of the Senate—May I be allowed to add my humble quota to what has already been so well said of the members of this House who have died since our last meeting less than one year ago.

I would desire to claim but for a few moments the attention of this House to pay a debt of gratitude and render a last tribute to one of those who have left us for ever and for whom since my entry in the Senate I have had the highest esteem and most sincere admiration, I wish to refer to the late Hon. G. W. Allan.

I can not forget that his very last speech, in fact his last words he uttered in this chamber, were words of commendation of a public measure I had the honour of introducing.

A few days after I entered this House it was my privilege to meet Mr. Allan socially and to be his neighbour at the dinner table of one of our colleagues. There one could appreciate the exquisite politeness and the courteous amiability which graced the gentleman of the old regime.

The charms of conversation which, in our busy rushing age, appear to be somewhat neglected, were one of his most fascinating qualities. Mr. Allan would recall the anteconfederation days when he sat in the old Quebec parliament, and teach a page of history of Canada under the union with such graceful ease that it rendered the listening as interesting as it was instructive. For those like myself of the younger generation, his memory will ever remain engraved in our minds, as marking an epoch, the survivors of which have now almost all disappeared from active political life.

In the early fifties in the old city of Champlain he was intimately associated with the prominent leaders of my race and he acquired then those kind sentiments of tolerance and generosity towards the French Canadian minority which characterized all his public actions in his uncommonly long parliamentary career. Forty-seven years ago he had already attained a high position in Upper Canada—and the Queen City of the west had conferred upon him its highest honours.

He understood, as public men do in England, that municipal affairs exacted from

him their share of his time and attention, and that under our constitutional system, the good administration of a city was as essential to its progress as the efficient and honest government of the country was inherent to its welfare.

He therefore took an active interest in the civic affairs of his native city and his integrity and ability soon won for him the first place, and he was elected mayor of Toronto. In this House, the conscientious study of public and private legislation submitted for the consideration of the members, his recognized impartiality, proverbial urbanity and above all his well equipped mind by abundant reading designated him here also for the highest position in this chamber. Those of the hon. members over whom he ruled as president of the Senate are unanimous in recognizing that no one filled the presidential chair with more tact, kindness and impartiality.

In this House the hon. Secretary of State told us yesterday that if the Senate had been left to choose a speaker, Mr. Allan would have been unanimously elected to fill the presidential chair. His conscientious study of all public and private legislation, submitted to the consideration of the members, his proverbial urbanity and, above all, a mind well equipped with abundant reading, qualified him for this high honour. I know that his tall and slender, yet stately figure will always be seen hovering in these halls in the memory of those with whom he worked so long, and I know that in after years, when their eyes will be dimmed by age perhaps he may be slightly forgotten, but visitors coming to these halls for years to come will still see the dignified and familiar features of our past president in that historical gallery which surrounds this chamber.

Hon. Mr. PERLEY—It is quite a departure from my usual custom to make any remarks at so early a stage of the session as the debate on the Address in reply to the Speech from the Throne, but I feel on this occasion that I would be derelict in my duty and also untrue to the people whose representative I am here, if I did not call the attention of parliament and the government to a matter of very considerable importance to the people of the Canadian North-west Territories. I am referring in this connection to the shortage in our transportation facilities in that country. I do not do it in a hostile spirit. I do not wish to find any fault, because I think there is hardly any fault to be found, although a man would be hardly safe in saying that in some sections of the North-west Territories where the farmers have hundreds of loads of wheat at the station and cannot get it to market. They would incline to the opinion that there was some great fault, and that that fault was with the government and the Canadian Pacific Railway, because the Canadian Pacific Railway cannot find cars to transport their grain to its ultimate destination. I might say in this connection that there is a striking contrast between the conditions of to-day and those which existed when the government was endeavouring to get the money granted for the building of the Canadian Pacific Railway.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. PERLEY—It is quite within the memories of hon. gentlemen in this House that there were great doubts as regards the utility of the North-west Territories. One very great man, perhaps the most eminent man in the opposition ranks, the Hon. Edward Blake, announced when the money was being sought to build that road, that the freight of that country would not be sufficient to pay for the grease for the axles on the cars taking it out. Now, a different state of things has arisen. We have not at present the axles to put grease on. We require more axles to put the grease on. They have not greased them, however, and they are not getting the grain out of the country. We have from the last few years acquired a knowledge in the western country, of how to till the soil. In the earlier history of the country we did not understand how and when to plough, we did not understand how to prepare for the next year's operations and we had many failures, but those failures were not the fault of the climate nor of the soil. The failure was the fault of the people. We were all from eastern Canada, and the farmers did not understand how to apply their work to Canadian North-west soil. We were unable to plough and work in the manner that we should. The government of that day established an experimental farm,

and a great many of the farmers tried experiments, one after another, and so we have been able to acquire a knowledge through this experimental farm and through our own efforts as well, because we have all been experimenting. We have acquired a knowledge of preparing the seed bed, and it has been said by one of our most eminent men—I refer to Mr. Mackay, the manager of the experimental farm—that he thinks he has learned to prepare the soil so that he can produce a crop without any rain at all—that he has so cultivated the soil this year—because we have to cultivate it one year to get it ready for the next year, cultivate it at the proper time to preserve the moisture so that it will be sufficient to raise the crop the following year. He has done that on his own farm at Indian Head, and the result is that he acquired information we have now to guide us in the future and we can count on not having a total failure, but a fair crop every year in that country. If that be the case, then we want more railway facilities. I am not finding any fault with the Canadian Pacific Railway. They have done marvels in taking the grain out, but in my own town, for instance, I venture to say all the elevators are full, and when a farmer comes in 25 or 30 miles with a load of grain, he cannot find a market for it, because there is no way of getting it out. He has to remain for days under expense at a hotel, waiting for a train, and then there is a scramble as to which of them can unload and get away first. I want to call the attention of the government to the fact that something must be done to enable the Canadian Pacific Railway, or some company, to provide accommodation another year, and not to have this state of things exist. I see the Canadian Pacific Railway is asking for power to issue another twenty million dollars in bonds. We all know there is a strong feeling in many parts of Canada in favour of government ownership of railways. I quite understand, according to the history of the Intercolonial Railway, that it is hardly reasonable to expect the government to own railways, because there is always a great deficit in the management of that line. It is a live question in the Northwest. They think the government ought to own the railways, and they expect them to take the wheat out of the country at a reasonable or proper cost. We claim now we have to pay too much. We complain now of want of transportation rather than of excessive charges, although it costs $120 to take a car from Wolseley to Fort William. I understand the government is about to grant the Canadian Pacific Railway permission to extend their capital $20,000,000. Would it not be a good plan for the government themselves to take that stock, and not to allow foreigners to get hold of it? If the stock is put on the market it can be bought by anyone. United States capitalists have already bought the Canada Atlantic Railway, and it will no doubt have the effect of diverting trade from the ports of Canada to United States ports. We do not want to see that. We want to see our own ports built up and our grain shipped through those ports. It is a matter worthy of some consideration for the government, to take that $20,000,000 of bonds themselves. It would give them a strong controlling influence in the company. I do not suppose they would take the stock with the intention of reducing the freight rates unreasonably, but they would see fair play between the company and the people. In that way they would have some influence over the freight rates which are now so exorbitant. The Canada Atlantic has been sold to United States capitalists, I understand. I do not know how many shares of the Canadian Pacific Railway are owned in the United States, but I believe a large number are and if these $20,000,000 were gobbled up also, what would be the position of Canada with United States capital controlling our railways? It would be a disastrous thing to my mind. It would be a great lever against us, because the Canadian Pacific Railway runs near the frontier for a thousand miles. It is a matter for the consideration of the government how that capital is to be disposed of, whether our railway system is to be handed over to foreign capitalists or not. I hope the government will take some steps to see that our interests in that particular are not handed over to the United States capitalists who can charge us what they please, and in time of difficulty would control our lines of transportation. I was sorry to hear my hon. friend who preceded me speak of the deficit on the Intercolonial Railway. A few years ago, we threw out the Drummond County Railway Bill, and the follow-

ing year, when we passed it, we saved a million dollars. It was argued if the government secured the Drummond County Railway there would be no more deficits on the Intercolonial Railway, but I understand the deficit this year is larger than it was ever before; I can quite understand that they are carrying freight on the Intercolonial Railway too cheap, and the result is that we in the west have to help to pay the full quota for the freight we send, and then help to make up the deficit on the Intercolonial Railway. That is hardly a fair deal, and some steps should be taken by the government to make every part of the country pay its fair share.

I was pleased when I heard the Secretary of State, now leading the government—I do not want to make any remarks in a hostile spirit—say that when the government came into power, all their former prejudices against the tariff were found to be wrong, and they adopted the policy of the Conservative party. An open confession is good for the soul, and the moment the hon. gentleman made that confession, my hope for the country was raised a hundred per cent. Because when we have men persisting, as some do, in saying that the prosperity of the country is due to them, there is no hope; but when the hon. gentleman tells us that during the years they were preaching ruin because of our policy, they found when they came into power that their abuse of the policy was all wrong, and they had to continue the Conservative policy because it is right. I am glad the hon. gentleman made the confession, and I hope his government will stick to it. They talk about the prosperity of the country. I would like them to point out one industry that has been established in the country which was not started under a Conservative government. I do not care a snap for one party more than another. The Reform party opposed every measure that was introduced for the benefit of the country. They opposed the building of the Canadian Pacific Railway. Where would we have been to-day without the Canadian Pacific Railway? I venture to say there will be forty or fifty millions of dollars put into the farmers' pockets in the North-west this year because of the grain sent out by the Canadian Pacific Railway, and where will that money be spent? It will go to Montreal and other eastern cities. We do not manufacture an axe-handle. We do not manufacture anything. We till the soil, and we pay heavy duties on all the machinery we use in the working of our farms and raising that wheat. In this connection we feel somewhat disappointed because the government have not only retained the Foster tariff, 20 per cent, on agricultural implements, but have raised the invoice price so that it is now practically 22 per cent. It is quite a bit in excess of what the real tariff should be, 20 per cent. We have to buy those implements to raise wheat. We do not manufacture anything as yet. We are trying to get up a binder twine factory. I do not know whether we will succeed or not. We send all the money for binder twine down here. Why should not your trade prosper, and why should not your business be on the increase? It could not be otherwise with the magnificent crops we are raising in the west. Canada is exporting produce largely to South Africa, and the government take credit I suppose for the increase in exports of hay, oats, beef and flour sent to that country. If credit is due for the increase in trade on that account, give it to old Kruger. If it had not been for him, that increase would not have taken place. Kruger did it; the government did not do it themselves. But who are the men who are encouraging that trade? Professor Robertson, who was appointed by the late government, is one. He is a worthy officer, and I am glad the government has the good judgment to retain his services. Then, again, take the lumber interests of New Brunswick. Lumber is worth double to-day what it was seven years ago, and the sale of it brings money into the country.

Hon. Mr. McSWEENEY—What is the reason?

Hon. Mr. PERLEY—Because there is a demand for it abroad. It is not because of anything the government have done; you in New Brunswick are a lumber producing people. I understand we have sent ten millions of dollars worth of hay, oats and flour to South Africa. We were told so the other day. We are shipping nearly a million dollars worth a month this year so far, and the trade is increasing rapidly. Then the Yukon has been opened up. I suppose the government created the mines in the Yukon. People

rushed there and brought a large amount of money into that country. Altogether the industries of the country have been developing. At the start, hon. gentlemen opposite opposed every one of them. Every manufacturer we were told was a high-handed robber. Protection was making the rich richer and the poor poorer. To oppose it was the policy of the Liberal party. I am glad they have seen the error of their ways, and I hope they will do better in the future. In doing so they will have my support so far as that is concerned. Whenever they do anything that is right I will support them ; when they do not I will oppose them. My hon. friend from De Lanaudière (Hon. Mr. Casgrain) referred to the manufacturers of cotton and the Montreal Cotton Co. Who started that enterprise ? Why, the Conservative party. We did not expect hon. gentlemen to obstruct everything when they came into power, although they said they would do it. It was not reasonable or right that they should do it. I congratulate the country on the fact that hon. gentlemen have seen the error of their ways when in opposition, and are now trying to do the best they can to promote the prosperity of the country. What would have been the result if hon. gentlemen had not continued the policy of their predecessors ? Ruination and bankruptcy would have prevailed in Canada to-day had the policy of the Reform party been carried out when they attained power. What was the condition of things when the Conservative party was in power? There was a very intelligent and able party in opposition—a very creditable party to Canada. Sir Richard Cartwright, David Mills, who has been lauded so highly to-day, Laurier, Blake, Mackenzie—all those eminent men denounced in unmeasured terms the National Policy, and described what they would do with it when they attained power. They said there would not be a vestige of protection left in Canada. What could the manufacturers say to that? They dared not put up a building, or put in new machinery because they feared if the Grits got into power they would introduce free trade and ruin their industries. The merchant said he dare not fill his shelves with stock, because if the free trade party got into power, they would ruin trade by a change of policy. They did not get into power on their trade policy, however, but on the school question. That was the condition of things that existed before the change of government. No man dared branch out in business or do anything that might sustain an injury by a change in the tariff policy. The moment the manufacturers saw that the new government were not going to enforce their free trade policy, but were obliged to continue the policy of the Conservative party, they said : ' Now we are all right, we know what the policy is. The new government have endorsed the policy of their predecessors, and their predecessors will not oppose it, and we can go on and enlarge our business—we can put in new machinery and manufacture not only for Canada but for the world.' The merchants said ' we can import goods because the duty is not going to be reduced,' and the man who wanted to buy those things would not hang off for another year expecting to buy at a lower rate. People had confidence in the established policy of the country, and that is where prosperity begins. Show me one measure that the present government has introduced ? They have tinkered with preferential trade and it is only tinkering ; but show me one thing they have done since they came into power and I will acknowledge I am wrong. The National Policy was there ; they have just gone on and developed it. The Secretary of State said his party had left their prejudices behind them after they came into power, and they have continued the policy of their predecessors which they found was all right after eighteen years of violent opposition to it. Where would the North-west Territories be to-day, if the policy of hon. gentlemen had been carried out ? There has been one hundred million bushels of grain, oats and wheat produced in that country this year. The principal point of my speech to-day is that we are capable, even under less favourable circumstances, of producing magnificent crops in that country, and we want the government to take steps to see that proper facilities are given for storing and handling our grain ; that a like condition of things does not exist next year such as we have experienced this year, and that the farmer who brings his grain twenty-five or thirty miles to market should not have to pay hotel bills for days before

he can dispose of his produce ? That is the condition of things throughout the North-west Territories and a portion of Manitoba. Farmers have had to pile up their grain. To-day in the town where I live and at Indian Head and other places, there are twenty thousand bushels of wheat piled up in farmer's wagons and other places, while the owners are off for another load. In the town of Wolseley there are a hundred warehouses built by the farmers which cost thirty-five dollars apiece and hold a thousand to two thousand bushels of wheat. The same thing applies to all the towns along the railway. It is a serious state of things to the farmer to have two or three thousand bushels of wheat that he cannot dispose of and get the money to buy what he requires. If he cannot dispose of his grain promptly, he must take the time when he should be seeding next year, and that is why farmers have built these granaries. They want to prepare for next year's farming operations and have to provide granaries to save time in shipping later on. The whole point of my remarks is this : that I want the government to take time by the forelock, and I should be derelict in my duty if I did not call their attention to the lack of accommodation for farmers for the sale and transportation of their wheat. I am no advocate for the Canadian Pacific Railway, but I admit they have done marvels to get out the grain as they have got it out. But we have the land, we understand the business and we are able to produce in that country, under ordinary circumstances, great crops. We will have more settlers, and the farmers have made greater preparations so that with a much less acreage we will be able to produce quite as large a crop next season as we produced last year, and we must have ample facilities to take it out, or the country will sustain a serious loss.

Hon. Mr. CLEMOW—I did not intend to speak on this occasion, because, as you are all aware, I have been ill for some time; but I could not allow the remarks of the hon. Secretary of State to pass without some contradiction from me. I am a living witness to the position occupied by that hon. gentleman since his first advent to the city of Ottawa, then the town of Bytown. He came here a young lad, was taken hold of by the Conservative party in a masterly manner, was afforded every facility to make himself heard in the country, and, as far as I am personally concerned, I did for that gentleman what very few men have done under similar circumstances. I have actually supported the hon. gentleman at times when it was contrary to the opinions of my political friends, and the Protestants of this country. At that time there was strong political and religious feeling in this town, and I can assure the House that it required a great deal of perseverance on our part to continue the support he received from a few Protestants in Bytown through whose influence he was elected to parliament. It seems to me very extraordinary that he should now come forward at this late date and refer to his record of the past. In my opinion it would have been far better for him to have allowed the matter to remain in oblivion, as it has been for forty years. At the time he took a seat in the Blake government, he wrote to his supporters here to ask their opinion respecting the position they were offering him. He wrote to me. I replied that if it was a coalition government I should have no objection, but otherwise, the people supporting him would not agree to it. However, he allied himself with the Blake party. He came down here and remained quiet until the day of nomination. When the day of nomination came, he addressed the electors and at the hour of one, these words were uttered by him : 'I am in perfect accord with the Blake government.' If he had said those words before that hour, I had a gentleman present ready to become a candidate for the constituency. Therefore, I contend that the hon. gentleman secured that position under false pretenses. His friends were never advised that he intended to support the Blake government as a Grit government, but that he intended to go into a coalition and that is why his friends gave him an opportunity to do so. Since then he has become a violent Grit and a strong supporter of the Grit government, and we find him at the present time occupying that position. I contend he acted very unfairly and discreditably in deceiving his friends at that time and entering the government with Mr. Blake, which he knew perfectly well at that time his friends, the Conservatives of this city, would not agree

to. I challenge him now to say whether what I have stated is correct. I am a living witness, and there are many in this city who can verify what I say, and it is unfair to those people that he should come forward at this late period and give a different version of why he became a Reformer. He said the other day that he came here as a Reformer. I deny that in toto. He came to this city as a Conservative, and was supported by the Conservative party. He claims that he made Ottawa the seat of government. He was not alone. My brother-in-law, the late Mr. Powell, at that time had a good deal of influence, and he was trusted to a certain extent at the time, but the hon. gentleman takes the whole credit to himself.

Hon. Mr. SCOTT—No, I have done nothing of the kind.

Hon. Mr. CLEMOW—That is one of his ways of doing business. He takes credit for everything. No matter who does the work, he takes the credit for it. I am here for the purpose of denying in toto that he occupied such a position as he has stated. At that time he had very little influence. It was true he was returned to parliament, but I leave it to him to say who were the means of getting him returned at that time. It was not the Grits, certainly; it was the Conservative party, assisted by a few Protestants who took hold of him for the purpose of giving him an opportunity to make a position for himself. It is very unpalatable for me to have to come forward at this late date to make these observations. I should much rather not have been under the necessity of doing it, but I am in duty bound to the people who supported him at that time to give a flat contradiction to what he has stated to be the course he took on that occasion. I know perfectly well that the hon. Secretary of State in those days was ambitious for a position, and there was a proper way of getting it. Certainly it should not have been done by deceiving those who supported him through thick and thin, coming down here under false pretenses and accepting a position which he knew his friends would never have agreed to had they known the true state of affairs. I had a gentleman ready at that time, the late Philip Thompson, an extensive miller of this city, who was prepared to become a candidate if anything occurred to show that the hon. gentleman was prepared to change his colours and become a Grit or Reformer instead of a Conservative. I would much rather this question had never been brought up. I felt very badly, as I always feel when any man turns his coat as a religious or a political representative. I have an abhorrence of any one who acts that way.

With respect to the Speech from the Throne, it contains a great many valuable suggestions and paragraphs, but I should like to have seen something more. I should like to have seen the opinion of the government with respect to the United States capitalists obtaining control of our railways. It appears to me, as the government cannot obtain reciprocity with the United States, they should see that United States capitalists do not get control of the means of transportation. They are talking now of controlling the vast mines of the country. They control the steel and coal industries of the maritime provinces. There is no knowing where this is going to end. It is due to the people that the government should give some indication of the policy they intend to adopt in this connection. There is nothing to prevent United States capitalists buying up the stock of the Canadian Pacific Railway, and what would be the result to this country if they obtained control of that great line for their own purposes? Should United States capitalists secure control we may rely upon it that whatever profits they realize from their operations in this country will be taken over to the United States, and Canada will lose the advantage of it. I would much rather have seen British capital employed to obtain possession of these railways if it was necessary at all. Whether it is going to be a benefit or not, time will tell; but it looks to be a very grave matter to me, and there is no knowing where it will stop. We hear that the Rockefellers and Vanderbilts and others who have any amount of capital, want to invest it in some way, and whether they will take this course for the purpose of trying to obtain control of the Dominion is a moot subject, and the proper policy to be pursued should be considered by the government in a way that the people will understand. If they wish the whole of the business of this country to be taken over

by United States capitalists it is their concern, but I do not think the people of this country will agree to it. Canadians are loyal to British connection and are desirous of maintaining their rights, and would not under any circumstances allow foreigners to come in here and get control of our lines of transportation. I was pleased to hear my hon. friend from Montreal (Mr. Dandurand) speak in favour of the Georgian Bay canal. It shows that the people of this section of the country are alive to the great importance of that subject. We may talk of the railways, but we can never control the extensive trade of the North-west unless we have a canal similar to the one proposed from the Georgian Bay to Montreal. It is true, it will cost some money, but the benefits will be simply these: You are going to transport your grain at a very much reduced cost. You are going to have the whole region of country between French river and Montreal settled, and in the course of time it is going to be an advantage and every dollar of outlay will be returned five and ten fold. I do not believe there ever was a project of such vast importance to Canada as this Georgian Bay canal. There is no other way of securing the vast trade of the west except by the canal, and the canal will convey your grain from your door to Quebec at a very low rate, to be transhipped in large vessels and a very great deal of time will be saved and insurance lessened and in every way it will be an advantage to the country at large, not merely to one section, not merely to Ottawa and Quebec, but to the country as a whole. Therefore, I think the government might have given this matter some further consideration, particularly because last year, as I believe, they had almost made up their minds to favour the incorporation of a company with a guarantee sufficient to build this work. I was told that that was the case. But now they seem to have changed their course, and there is no knowing where it is going to end, but I do ask the government to take this matter into their serious consideration, and see whether, before the next session of parliament, something can be done in reference to that work—a work unparalleled in its usefulness and general benefit to Canada in a variety of ways. It is going to affect the waterways in every respect, and it will be such a great benefit that I do not see why the government should hesitate for one moment in considering the matter. The surveys will be made shortly, and I think it will not be long before the project is under way. There were other matters which the government were going to attend to last year. They were going to build a mint, but not a nail has been driven. The geological museum was to be built, but it is not commenced yet. The ground is hardly selected, and therefore I think that while the government is spending so much money, while the revenue is very large, while the country is prosperous, they should do something to carry out these projects. Notwithstanding all this prosperity, the expenditure more than outweighs the revenue. If that is going to continue, I do not know where it will end. The expenditure is increasing from year to year, and I do not know where it will stop. It is true we are prosperous enough, but how long will it continue? These conditions occur periodically, and it is nothing but reasonable to suppose that a change will take place some time. Therefore I think it would be wisdom on their part to undertake the project now. Of course it is perfectly right and fair that they should spend money judiciously where it is required for the public good, but extravagance should not be countenanced in any way. They should spend what is necessary and nothing more. If they do that, I do not believe the people of the country will find fault. With all this prosperity we should expect that some decrease would take place in the national debt, but there is no decrease. It has been suggested that the government should assume control of the railways. That proposition seems to be fair, but with the experience that the government has had with the Intercolonial Railway I question whether the people would agree to such a proposition. It behooves us to look well into the actions of our neighbours on the other side. They want this country, and if they can obtain it by means of money, they will do it, and I have no doubt they are calculating on some course of this kind for the purpose of obtaining control of the country and its resources, and controlling the legislation of

the Dominion. They may control the railways, but they cannot control the people. The people are loyal and will not sell themselves to the United States or any other country, and they will be firm in maintaining their rights. I did not intend to say anything, and I would not have said anything in reference to the disagreeable subject of the antecedents of the hon. Secretary of State if I had not been forced to come forward and give my version of past history so that people might perfectly understand who was right and who was wrong.

Hon. Mr. SCOTT—May I ask the indulgence of the House for a few minutes. I am astonished at the extraordinary attack made on me by an hon. gentleman whom, up to the present time, I had regarded as a friend. Had his memory and mine not corresponded as to past events, it would have been the part of a friend to have come to me and told me I was wrong in my statements. I reiterate what I said yesterday most positively, and I suppose there are living witnesses as to the facts. I gave as evidence that I began my public life as a Liberal, that I was on the platform approving of the policy of Lord Elgin, and we were driven off the platform by the Conservative party, and that one of the motions at that meeting was moved by myself. I state here positively and absolutely that I acted in sympathy with the Liberal party until 1857, when the question of the seat of government came up, and I gave my reasons why I thought it was only proper and my duty to adhere to Sir John Macdonald and his government, in consequence of their loyal action in connection with the seat of government. There is no doubt that is a correct statement. I had in Ottawa very many friends, and I had hitherto regarded my hon. friend, who has just spoken, as one of them; and those friends supported me on all occasions, being personal friends. But my position was perfectly well known. Then, when I joined the Mackenzie-Blake government there was no coalition about it, because they were all Liberals. No one doubted that fact. It was well known that Mr. Sandfield Macdonald and myself had not been in sympathy. Sandfield Macdonald came here in 1873 and opposed me, and that was the only time I was defeated. We never were cordial, but I was cordial with everyone else, and particularly with my hon. friend opposite from London (Sir John Carling). The reason I made the statement was that on several occasions since the hon. gentleman has been in this chamber he has brought up my antecedents politically. I remained silent on every occasion. Other hon. gentlemen have followed his example in stating that I had been a blue-blooded Tory and all that kind of thing, and I remained perfectly silent. The matter was alluded to in this debate, and I thought it better that the impression should be removed as to my early life. It is not a matter of public interest at all. It is past and gone, and men are judged now as they are known. I think it is an unkind and ungenerous attack, and without foundation, for my hon. friend to make the statement he did. Mr. Philip Thompson never would have opposed me. He was invariably a supporter of mine on all occasions. When I joined the Blake-Mackenzie government everybody knew my political stripe. There could not be any possible doubt of it.

Hon. Mr. CLEMOW—I am not talking about that government at all.

Hon. Mr. SCOTT—The hon. gentleman said I was going into that government as a coalition government.

Hon. Mr. CLEMOW—I said the Blake government.

Hon. Mr. SCOTT—If they were all of one stripe, it was not a coalition government. They had defeated a coalition government. The matter was discussed openly in the press. I am sorry this has occurred. I had hoped that the friendship which the hon. gentleman from Rideau and I had always entertained for each other would be continued. I think the hon. gentleman's remarks were entirely indefensible. If his memory and mine differed, it would have been only fair to have come to me and said: 'I think you are wrong in the statement you have made.' I should have been glad to compare notes with him.

Hon. Mr. CLEMOW—I did not say one word with respect to the change of government. I spoke of the time the hon. gentleman joined the Blake government. He

wrote me that it was to be a coalition government.

Hon. Mr. SCOTT—No.

Hon. Mr. CLEMOW—I say yes. I will swear to it.

Hon. Mr. SCOTT—Oh, no, how could it be ?

Hon. Mr. CLEMOW—I will swear to it. I had Mr. Thompson beside me, and he said that if the hon. gentleman made the least assertion that he was going to join the Blake government he was prepared to take the field and oppose him, and I can get plenty of people in this city to say the same thing. I did not say anything about the hon. gentleman joining the Mackenzie government. I knew that the hon. gentleman was then a full-fledged Grit, and the hon. gentleman knows I ruined myself for the purpose of assisting him. . .

Hon. Mr. SCOTT—Oh, oh.

Hon. Mr. CLEMOW—It is a fact. It is true.

Hon. Mr. SCOTT—In what way did the hon. gentleman ruin himself ?

Hon. Mr. CLEMOW—I voted for the hon. gentleman and supported him in every way, and almost at the peril of my life.

Hon. Mr. SCOTT—Oh, oh.

Hon. Mr. CLEMOW—There was such a strong feeling here politically and religiously that it was dangerous for a Protestant to support a Catholic. I am willing to admit it, and therefore I do not think the hon. gentleman was justified in coming forward and taking all the credit to himself. There was my poor brother-in-law, the late member for Carleton, who did more in one day than the hon. gentleman could do in a whole year.

Hon. Mr. McDONALD (C.B.) I desire to say a few words on the question of the Intercolonial Railway. The hon. gentleman from Wolseley (Hon. Mr. Perley) said the Intercolonial Railway brought flour and grain from the west at too cheap a rate. I do not agree with him. I do not believe that that is the cause of the great deficit in the operation of the Intercolonial Railway. The cause of the deficit is altogether owing to other matters—extravagance, mismanagement and general incompetence.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. McDONALD (C.B.)—We know that when the Drummond County resolution was introduced into the Senate, it was contended by the government that the purchase of the Drummond County Railway would help increase the revenues of the Intercolonial Railway, and we are perfectly satisfied to-day that that is not the case, but the contrary. There is a general impression abroad in the maritime provinces that it is like a concerted action on the part of the government to reduce the character of the Intercolonial Railway by increasing its deficit with a view of perhaps disposing of it in some way. We know that United States capitalists are coming into Canada, as the hon. gentleman for Ottawa has just stated, and that circumstance perhaps may have some little weight in creating that view in the minds of a large number of the people in the maritime provinces. We see by the papers to-day that yesterday the government had a caucus, and that the members from the maritime provinces supporting the government denounced the management of the Intercolonial Railway from Montreal to Sydney, and with justice. We know for a fact that United States capital is now building a railway at the extreme east of this Dominion, 100 miles from the Strait of Canso to Louisbourg, controlled by Dr. Webb. It is said that Dr. Webb represents the Vanderbilt capital. Why is Dr. Webb going to build a railway in the extreme east, parallel with the Intercolonial Railway in Cape Breton one hundred miles from the Strait of Canso to Louisbourg ? Is it only for what it will earn ? No, it is something beyond that. It is impossible to make one hundred miles of a road in the east pay, But we hear also that that company has purchased a road in the west from Georgian Bay to Montreal, the Canada Atlantic. With the Canada Atlantic in the west and 100 miles of railway in Cape Breton, and with the possibility of another independent road to be built from Montreal to Quebec on the south shore of the St. Lawrence to be con-

trolled by Dr. Webb, he would then have from Georgian Bay to Quebec and from the Strait of Canso to Louisburg. What is there to prevent him from buying the Intercolonial Railway, if the government has entered into any conspiracy with some parties to sell that road ? And that seems to be the impression with a great many intelligent men in the lower provinces. It is a serious matter for this country, and perhaps before this parliament expires we may see an Act introduced to carry out that object. I hope the people of Canada will take warning in time and see that they retain the control of the Intercolonial Railway, no matter whether it pays its expenses for the present or not. It will not always remain as it is now. Its management is characterized now by extravagance and general incapacity.

Hon. Mr. PRIMROSE—Following up the remarks which have just fallen from the hon. gentleman from Cape Breton, in reference to the Intercolonial Railway, I would call the attention of hon. gentlemen to the fact that at the inception of confederation it was one of the stipulations upon which the maritime provinces entered into confederation that the Intercolonial Railway should be built so as to make the connection between the upper and lower provinces, and to my mind it would be unconstitutional, under the British North America Act, to transfer that railway to any company.

Hon. Mr. ROBERTSON—It is not my intention to make any remarks with regard to the Speech from the Throne. I simply rise to endorse the expressions of the hon. leader of the opposition and the hon. senator to his right (Hon. Mr. Ferguson) in regard to the death of the hon. Mr. Prowse. Knowing him for forty years, being connected with him in every relation of life, I considered it was my duty to endorse the sentiments those hon. gentlemen have expressed with regard to him. First, in his family he was a kind husband and an affectionate father. He will be greatly missed, not only in his family, but in the county, generally, in which he lived. Meeting him, as I did, on very many occasions, knowing him as a good man, and a man of honesty and integrity, I say that he will be greatly missed. He did not devote his time entirely to his business, but was kind to the community in which he lived. On many occasions I met him in the houses of the sick and afflicted, and I assure hon. gentlemen he never went to those places empty handed. It is my duty to pay this tribute to him. He was a strong Conservative and a great strength to the party. He was a great fighter in politics. Many a battle we have fought. But I can say this of him, I always found him a gentleman, and when the political battle was over, we were as friendly as we ever were. I therefore take this opportunity to express these sentiments with regard to one whose death will be regretted here, and no more so here than at his home.

Hon. Mr. MACDONALD (P.E.I.)—I wish to say one word in support of the remarks which have been made by my hon. colleague from Montague respecting my late colleague, the hon. Senator Prowse. I was for many years associated with that gentleman in the provincial legislature. I have met him also on the political platform where we were opposed to each other on some occasions. He was a member of the government of Sir Louis Davies, when Sir Louis Davies was in the provincial legislature. He was a member of the government of the Hon. Mr. Sullivan, and of the government of the Hon. Mr. McLeod. In all these relations he was a man who had the interests of his constituents warmly at heart. He expressed his views in the local legislature, as he did on the floor of this chamber, fearlessly, without favour or affection. He was not afraid to call a spade a spade when it was necessary to do so. I know that he was an enterprising and successful man in business. He did a great deal for the community in which he lived and his memory is cherished there, not only by the business men, but by every one in the community in which he lived, and as was stated by my hon. colleague who has just preceded me, his benefactions to the poor were widespread and widely known. He commenced business as a poor man. He left an honoured and respected name behind him, and left his family and all connected with him in a comfortable position in life.

Hon. Mr. PRIMROSE—I wish to add to the remarks I made a few moments ago, something that I had forgotten—that in regard to the Intercolonial Railway, hon gentlemen must not forget that it is the *quid pro quo* that the maritime provinces received for their share in the construction and maintenance of the canal system of Canada, and I think this would commend itself to the members of this House as fair play and justice. It would be very unfair to take this away from them.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, February 20, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

TRANSFER OF MANITOBA LANDS.

MOTION.

Hon. Mr. BERNIER moved:

That an humble Address be presented to His Excellency the Governor General praying that His Excellency will cause to be laid before this House, copies of all orders in council, documents, memorandums, or other papers, relating to the transfer, from the federal to the provincial control, of public lands allotted for education in Manitoba, or relating to the payment by this government to the Manitoba government of any money—whether it be on the capital or on the interest—derived from the sales of such lands; also copies of all correspondence between the government or any member thereof, and the government of Manitoba or any member thereof, or any other persons, up to this date, in connection with the above matter.

He said: It has been stated in the newspapers, and I have reason to believe, that there are some documents in connection with the matter to which my motion refers. It affects not only present interests, but future interests, and consequently it is a very important matter. I hope the government will have no reason to refuse the papers if there are any, and that they will be brought down as soon as possible. Unfortunately, in the past returns have not been brought down to this House promptly. I hope in this matter the returns will be laid on the table before long, so that when the matter comes before parliament we shall be enlightened on the subject.

Hon. Mr. SCOTT—There is no objection to the address going, and I will give instructions to have the papers prepared as early as possible. I do not know why there should be any delay about documents of that kind.

The motion was agreed to.

APPOINTMENT OF JUDGES IN NORTH-WEST TERRITORIES.

INQUIRY.

Hon. Mr. PERLEY rose to

Ask the government if they had appointed a judge to fill the vacancy caused by the death of the late Hon. Judge Rouleau, in the North-west Territories, and if so, who? and if not, why not? Also, have they appointed a chief justice for the North-west Territories, as promised for last session of parliament, and if so, who? and if not, why not?

Hon. Mr. SCOTT—In answer to my hon. friend's questions, I may say that the Hon. J. E. P. Prendergast, the judge of the Eastern Division Court in Manitoba, has been appointed to fill the vacancy caused by the death of Judge Rouleau, and Mr. Justice McGuire, the judge of the court of the North-west Territories, has been appointed chief justice.

Hon. Mr. LOUGHEED—Can the hon. Secretary of State say where Mr. Justice Prendergast will reside?

Hon. Mr. SCOTT—I fancy he will go to Prince Albert. If Judge McGuire comes down to Regina, I suppose Judge Prendergast will go to Prince Albert.

Hon. Mr. LOUGHEED—It is not likely that Judge McGuire will go to Regina. Mr. Justice Richardson is resident and senior Judge at Regina, and has resided there since the organization of the court. I apprehend if a change is made Mr. Justice McGuire may possibly be removed to Calgary.

Hon. Mr. SCOTT—I will make inquiry.

Hon. Mr. LOUGHEED—My hon. friend the Secretary of State should be better acquainted with the fact than I am.

Hon. Mr. SCOTT—I will make inquiry. I did not take enough interest in it to ascertain the details.

Hon. Mr. LOUGHEED—I am assuming that, the fact that the vacancy created through the death of Judge Rouleau who presided at Calgary has now been filled by Judge Prendergast, that another judge will be sent to Calgary. What I desire to know is whether the chief justice will reside there in place of Judge Rouleau.

Hon. Mr. SCOTT—I will make inquiry and inform my hon. friend of any decision arrived at in connection with that.

THE STANDING COMMITTEE.

Hon. Mr. SCOTT moved :

That, pursuant to rule 79, the following senators be appointed a Committee of Selection to nominate the Senators to serve on the several Standing Committees during the present session, namely :—The Honourable Sir Mackenzie Bowell, Honourable Messieurs Templeman, Ferguson, Dandurand, Miller, Ellis, Lougheed, Jones, and the mover, and to report with all convenient speed the names of the Senators so nominated.

He said : In submitting this motion, I do so with the hope that senators will see their way to accepting it. Should it, however, be intended to challenge the formation of the committee, it may be proper for me to make one or two explanations in connection with it, giving my reasons for asking the Senate to give the government a majority on the Striking Committee. I think it has always been an accepted position that the government of the day is responsible largely for the legislation that is adopted by parliament. They ought, therefore, to have a preponderating influence on the committees of each branch of parliament. In the past the Liberal party, the party supporting the government since 1900, have not had their fair representation on any of the committees. When I was a member of the government in former years, and led in this chamber, in the years 1877 and 1878, with my hon. friend alongside of me, there was a considerable disproportion between the numbers of the government supporters and the opposition, the government being largely in the minority. Still, I think there was a very much greater regard for the wishes of the supporters of the government at that time than I have noticed in more recent years. I make no complaint of the action of the House during the last parliament. The government was untried. It might be assumed that the government would be only a government of one term. Since, however, they have been returned to power in 1900, and admittedly to-day have the confidence of the country, it is only fair and reasonable that a larger consideration should be shown to the supporters of the government in this chamber. Speaking now altogether from memory, because I had not looked up the particulars of what I am going to state, the chairmanships of the committees—I am excluding the Joint Committees of the Library and Printing—have invariably been in the possession of one party, the dominant party in the Senate. No doubt it will be admitted that there were fair men occasionally to be found on the other side, still the dominant party in the Senate claimed the chairmanships, and had them. I think it is an unfortunate precedent, because in a chamber composed as we are, not liable to be changed every five years, it is not desirable that the same strong political lines should be drawn here as in the other branch of the legislature. There are fair-minded gentlemen always to be found on both sides of politics to whom chairmanships might be given, and therefore it is to be regretted that in the long period to which I advert, going back to 1874—I do not speak of times antecedent to that, although the same principle may have prevailed—the chairmanships were always claimed by one party in the Senate. The resolution I have drawn contemplates that the government supporters in this House will have control of the committees. I trust, however, if the House adopts this resolution that the formation of the commitees will in future at all events be on a fair and just basis to both sides of the House. In striking the committees last year I do not think that the supporters of the government were named in their numerical proportion. Last session the number of supporters of the government in this chamber was 32. They were increased by two gentlemen at the end of the session. However, at the beginning of the session our numbers stood 32 to 49. I find on the committees, taking Banking and Commerce, there were 30 Senators, only ten of whom were Liberals. On the Railways, Telegraphs and Harbours committees, composed

of 40 members only eleven were Liberals. No hon. gentleman will contend that that was a fair proportion of the complexion of the House. On Private Bills, our proportion was larger—10 to 15. On the committee on Internal Economy and Contingent Accounts, composed of 25, there were only six Liberals. That certainly was not a fair proportion, such as they were entitled to. I should hope, therefore, that the Senate will give the subject their fair consideration, and recognize the principles that I have laid down, that the government of the day ought to be more largely represented on the committees in the future than they have been in the past.

Hon. Sir MACKENZIE BOWELL—I have listened with no little interest and surprise to the explanations and the reason given by the Secretary of State for the course which he has adopted. It will be in the recollection of hon. gentlemen who were present at the striking of the committees last year, that when certain objections were taken to the complexion of the different committees upon the grounds of the political opinions of certain members, the hon. Secretary of State rose in his place, and with a good deal of warmth declared that no question of politics since he had been in the Senate had been introduced by the striking committee in nominating the standing committees. To-day, he has left the impression upon the minds of those who listened to him that that was the ruling passion in striking of committees. I have been on the Striking Committee since I have had the honour of a seat in the Senate—since 1893—and I never heard the question mooted of the political leanings of the gentlemen who composed the striking committee until last year. If in the formation of the standing committees the proportions of the two parties were of the character to which the hon. gentlemen refers, why did he neglect his duty—why did he not complain that justice was not done to his friends ? I state positively that the hon. gentleman took no such objections to what was done by that committee in the formation of the standing committees. On the contrary, when objections were taken in this House to the formation of the committees, he defended the report of the committee and did it warmly too, and at that time I complimented him on doing so. The question of the political opinions of gentlemen of the committee had never been questioned or mooted, and wherever the Secretary of State or the then Minister of Justice, made any suggestions as to filling up vacancies, they were accepted at once, as I take it for granted they would be now. That is really the practice that has prevailed in the past and it is to be regretted that the hon. gentleman has departed from that principle. It is true that in the House of Commons, which is an exclusively political body, the chairman of the striking committee, as a rule is the representative of the dominant party. The representatives of the government and opposition meet together and decide upon what is the relative strength of each party in the House of Commons, and after having ascertained that, they say, 'your proportion of such a committee is so many, you are entitled to so many representatives,' and on that principle they act. That is the practice on which the House of Commons committees are formed, and reported to the House. Last year, when I moved a special committee of very great importance, I showed it to the then Minister of Justice, and upon that basis, he not only stated to the House, but to myself privately that the proportions were equitable and quite proper. I should like to ask the hon. gentleman and the members of this House, what could be done other than was done when the House was composed of a majority of forty or fifty on one side of politics ? Was that disproportion to be ignored altogether, and were the Liberal members, largely in the minority, to be put on every committee ? I hesitate not to say, and I will be supported by every one who has had anything to do with the formation of these committees, that the members supporting the government have been given most prominent positions on all those committees, some of them having been on four and five committees at the same time as the result of their being numerically weak. If that is to be the basis of the formation of the committee, the Secretary of State has no right to claim a majority on any of those committees. The Senate stands to-day, if

we are to take its political complexion, with five of a majority for the opposition. The time is rapidly arriving when, through death and resignation, as in the case in the past, the Senate is likely to be filled by those who are in accord with the government, although I may say parenthetically that I look upon that principle as not altogether correct. It was not followed in some few cases under the late administration. There are gentlemen belonging to both parties in this country who in their commercial, legal and other knowledge are superior to the most of us, and I should like to see the principle adopted, I care not what government is in power, of selecting those men for prominent positions of this kind. The Secretary of State has said inferentially that injustice has been done to the government on account of the complexion of these committees. When bills have been opposed and defeated, it has been from a conscientious conviction of that which is right. It may be that our minds do not run in the same channel as the minds of those who support the government. I hesitate not to say in this connection that I have the fullest confidence in the hon. gentlemen he has named on that committee who are not in accord with myself politically, and I hesitate not to say that if the party whip, which has been introduced in this Senate by the hon. Secretary of State, is not brought to bear upon their backs, they will do justice to every one in everything that they may consider proper and right. There is such a thing as going too far in questions of this kind, and I think the Secretary of State might have accomplished his object without introducing objectionable questions. If representation on committees is to be proportionate to the political strength of the Senate why does he ignore it? He ignores it only on the ground that the government of the day should have the preponderating influence on all those committees. Supposing that in a few years, as appears likely to be the case when the youngsters like myself and himself may drop out, and others of a different complexion of politics come into the Senate, you get into precisely the same position that the Senate occupied when the present party came into power, is the principle which he is now advocating to be applied to the government of the day which may succeed them? Though there might be only fifteen or twenty supporters of the government in the Senate, are they to have a preponderating influence? I will venture the assertion that if the hon. Secretary of State were here, or if men of his particular turn of mind and his desire to rule and control, those fifteen men would stand a very poor chance of having any position. Can he point, in a single instance, to any chairman to whom he has referred who has not acted fairly and squarely? There are men to whom he has objected who have been said to have been too arbitrary. Perhaps the successors may be just as arbitrary. It has been said the Contingent Accounts Committee has been too extravagant and raised salaries improperly. Those of that committee and those of this House know who instigated the raising of those salaries, and I hesitate not to say that it was not the gentlemen of the opposition who occupy this position. I do not say, either, that these people who said the salaries should be increased, acted improperly. I do not affirm one way or the other, but when they attempt to lay it at the door of those who were not in accord with the government I say it is not correct, and I have every reason to believe he knows it is wrong, because he ought to be acquainted with what has been done, and who were the parties who advocated these increases of salary. The government take the responsibility, and they must take the responsibility of the expenditure of all money. The Senate have certain rights in connection with their officials, which the government have no right to control, and if the Senate has any regard for its own dignities and its own rights, it will maintain those rights irrespective of the Secretary of State or any of his colleagues. I do not desire to say any more upon this question, further than this; that I have confidence in my colleagues, no matter what their political complexion may be, in dealing with questions where equity and good sense should prevail, unless with this proviso—they are whipped into the harness to do that which they would otherwise not do. That is all I desire to say upon this question further than to de-

precate again the introduction of the principle which has been advocated by the hon. Secretary of State. It may last for a little while, but I am inclined to think that it will not be either to the advantage of the government, or add to the dignity of the members of this House. He has introduced the party lash and he must take the consequences in the future.

Hon. Mr. TEMPLEMAN—It seems to me the hon. leader of the opposition has stated the case very fairly when he says he has every confidence in the equity and fairmindedness of hon. senators. I trust that he will have the same confidence in the equity and fairmindedness of the Striking Committee as proposed by the leader of the government. The hon. leader of the opposition has overlooked the fact that for the long period of twenty-eight years no chairman representing the Liberal party has been appointed to any of the Standing Committees in the Senate. I understand that is a fact. The members supporting the government in this House are more numerous than they have been in many years—more numerous than they have ever been before, and it is not to be wondered at that they feel that their rights ought to be respected in the formation of committees. I believe it is a fact, as the hon. Secretary of State has said, that last year the Striking Committee did not recognize the members on this side of the House relatively or proportionately to their numbers. As the hon. Secretary of State has said, the proportionate number of the Liberals or proportion of the supporters of the government on the respective committees was less than 25 per cent on many of them and on all the committees it was much less than they ought to have had.

Now, I do not know whether that was by design or accident, but it seems to me it was not fair, and in taking the course he has, the Secretary of State simply desires that the supporters of the government will be fairly represented on all the committees. I believe it is the wish of this Striking Committee, if it is appointed as proposed by the Secretary of State, to deal fairly with both sides of the House, and I do not think that for many years to come at all events, it will be possible for our friends on the opposition side to say of the supporters of this government that they will refuse to accord to them fair play in these matters. I believe it is the desire of the Striking Committee to deal fairly with our friends opposite, much more so than members on this side of the House have been dealt with in the past. There may have been no party politics in it, but it is a remarkable thing that in all the history of this Senate—at all events during the last twenty-eight years—since 1874—the Conservative majority in the Senate of Canada have never recognized the right of one Liberal to act as chairman of any committee. I do not claim we are a majority in this chamber, but we are very near it. We represent the government of the day. The government is responsible for the legislation in this House—for the expenditures recommended by the Contingencies Committee of this House, and I think the hon. Secretary of State is not doing anything wrong in what he is asking. He is doing perfectly right in asking the Senate to concur in the motion before the House, and I am quite sure that that Striking Committee will act fairly and impartially, and do justice to both sides of the House.

Hon. Sir MACKENZIE BOWELL—I just want to correct a statement of the hon. gentleman. I did not understand the Secretary of State to go so far as the new member of the government, or the hon. gentleman who is to become a member of the government, says he will. I understood him to say that they had not had their proportion. I challenged him or any other member of the committee to point out a single instance in which a suggestion was made by the Secretary of State, or by the Minister of Justice, to add to these committees members supporting the government, that was refused. I deny it most positively. In every case, where a vacancy occurred, the vacancy was filled up by a gentleman representing that party.

Hon. Mr. LOUGHEED—Complaint can certainly not be made by the opposition of the fact that the numbers on the government side of this chamber have reached what might be termed practically a majority. That was inevitable. We are not, therefore, accepting apparent defeat in that particular respect with bad grace. We accept it with the very best of grace, but permit me to say this, that the Secretary of State in

importing into the introduction of this motion the statement that the composition of the committees in the past had been made by the Striking Committee on the ground of political differences, or on the ground of party preference, is inaccurate to say the least of it.

Hon. Mr. TEMPLEMAN—How about the appointment of chairmen ?

Hon. Mr. LOUGHEED—I will come to that in a moment. When the present government came into power in 1896, there were only eight members of the Liberal party in this chamber. The hon. gentleman must also take into consideration that the underlying principle of the representation of members upon the various committees has been governed by a fixed rule, namely, that a member should not be on more than four committees. Hon. gentlemen will therefore readily appreciate the fact with that rule, an unwritten law, yet observed with rigour, it was impossible that members of the Liberal party should have representation such as the Secretary of State thinks they should have had, notwithstanding the fact that the government of the day represented the Liberal party of the Dominion. My hon. friend the Secretary of State, I think, will be sufficiently candid to say that he cannot recall an instance while he was on the Striking Committee in which a suggestion was made to the committee to put a Liberal on any committee that was not acceded to by the committee. I have been on that Striking Committee almost ever since I became a member of this House, and I certainly cannot recall any instance in which the representation of the Liberal party on the Striking Committee ever made a motion that a vacancy should be filled by a Liberal member, but it was acceded to by the majority of the committee. Therefore, my hon. friend surely cannot say, in the face of that fact, and in face of that which I have already mentioned, that there being only eight Liberals in this House when the present government came into power, that it was possible to give his friends the representation that my hon. friend thinks they are entitled to. Can my hon. friend point to a committee in the House of Commons to-day where the Liberal party is in the ascendancy, where there is a Conservative chairman ?

Hon. Mr. SCOTT—No.

Hon. Mr. LOUGHEED—My hon. friend himself recognizes the logical tendency of the ascendency of parties in deliberative assemblies. It never was proposed that a Liberal of this House should be elected chairman of any particular committee. I also think my hon. friend will do us the justice to say that party spirit was never imported into those committees, and had my hon. friend at any time said there was a desire on the part of the Liberal party that there should be a Liberal occupying the position of chairman, I am satisfied that his request would have been acceded to, but you must take into consideration that the majority of the members on a committee will naturally elect one of themselves as chairman, and I am quite prepared to say that when the Liberals of this House have control of the committees, that those committees will be presided over by Liberal senators. If so, I am satisfied there will be no complaint made by the Conservative members of the various committees that the Liberal party is not doing justice to the Conservative minority. They will accept whatever is given them with the very best of philosophy and good grace. They will make no complaint that, owing to the ascendency of the Liberal party, justice has not been done them. We only ask hon. gentlemen to accept the facts as they actually present themselves, and as they have governed the business of the committees from the time the Conservative party were in the ascendency in this House down to the present time.

Hon. Mr. LANDRY—Before the motion is put, I should like to say a few words in answer to the remarks made by the hon. Secretary of State. He claimed a moment ago that in all the committees named last year, the Liberal party had not representation according to their strength.

Hon. Mr. DANDURAND—The Secretary of State mentioned that on the Private Bills Committee the Liberals had fair representation.

Hon. Mr. SCOTT—I made that an exception. That was the only committee on which there was fair representation.

Hon. Mr. LANDRY—You had a majority on that committee. Was that fair represen-

tation ? The hon. minister gave ten as the number of Liberals on that committee. It was thirteen out of twenty-five. Will the hon. minister stick to his number ?

Hon. Mr. SCOTT—It can be checked. I thought I had counted them correctly.

Hon. Mr. LANDRY—What are the facts ? I am not speaking of thoughts, but what are the facts ? Were the Liberals on that committee ten or thirteen ? Mute again. We will take another committee—the Debates and Reporting Committee. On that committee there were four Liberals and five Conservatives. Was not that fair representation ? Was it or was it not ? Mute again. But there is another point I want to call attention to, and the point is this : the Senate is composed of 81 members, of whom 24 are from the province of Ontario, 24 from the province of Quebec, 24 from the maritime provinces, and 9 from the provinces and territories of the west. Now, what is the composition of that Striking Committee ? Ontario has three members. Where is Quebec ? My hon. friend the member from Delorimier——

Hon. Mr. CASGRAIN (De Lanaudiere)—He is as good as five.

Hon. Mr. LANDRY—If he is as good as five like you, we will move that four of the other gentlemen be stricken out. Where is the justice to the province of Quebec ? The province of Quebec on that Striking Committee should stand in the same position as the province of Ontario and the martime provinces. Each of those provinces has 24 representatives in the Senate. Now, where is the justice to the province of Quebec in the proposed committee ?

Hon. Mr. CASGRAIN (De Lanaudière)—We are satisfied.

Hon. Mr. LANDRY—The hon. gentleman is satisfied. He represents the interests of his province and he is satisfied. He should not boast of that. If I were in his place I would be ashamed. I ask the government if they have decided to entirely ignore the rights of our province on that Striking Committee. Is that the reform of the Senate promised by the government ? I thought that the government in promising to reform the Senate would take the first opportunity, when the hon. Minister of Justice was promoted to the bench, to give a representative in this House to the French element. I thought that either my hon. friend, the member for Grandville, or the member for De Lorimier, or the new member for De Salaberry, was perfectly entitled to nomination as a minister of the crown in this Chamber, and that any one of the three would do justice to the French element of the whole Dominion. Where is the reform ?

Hon. Mr. TEMPLEMAN—Hear, hear.

Hon. Mr. LANDRY—I hear the hon. gentleman say 'Hear, hear.' Is he the reform we have been promised ? We have not been told yet whether the hon. gentleman from British Columbia has been appointed a minister. Where are the ministerial explanations ? When were they given ? When has this House been told what took place during recess ? We do not know yet whether he has a portfolio or not. Does the hon. gentleman from British Columbia expect one, or has one been promised to him ?

Hon. Mr. DANDURAND—Why do you not ask ?

Hon. Mr. LANDRY—We have a right to ask, and what answer do we get ? All the guns are silenced.

Hon. Sir MACKENZIE BOWELL—They have been spiked.

Hon. Mr. LANDRY—Ontario, British Columbia and Quebec are mute. Last year we had two members from Quebec on that committee, Senator Pelletier and Senator Bolduc. Mr. Bolduc's name is stricken out. Why ? Could the hon. Secretary of State tell us why ? He cannot say it. Mute once more. Has he any reason to strike out Hon. Mr. Bolduc ?

Hon. Mr. SCOTT—None whatever.

Hon. Mr. LANDRY—Why ?

Hon. Mr. SCOTT—Because I claimed one for ourselves.

Hon. Mr. LANDRY—Why strike out one from the province of Quebec ?

Hon. Mr. SCOTT—Because I never thought of it.

Hon. Mr. LANDRY—I hope the second thought will be a better thought, and that there will be found a way on that Striking

Committee to remove one of the members chosen by the Secretary of State and to respect the rights of the province of Quebec.

Hon. Mr. FERGUSON—I think it is very regrettable that my hon. friend the Secretary of State should have made the announcement to the House that he has just made. I am not now speaking of the motion at all, but the announcement accompanying it, that the object of the motion was to enable the government to get control of the committees of the House.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. FERGUSON—I think it is very regrettable that the government should make that statement.

Hon. Mr. SCOTT—That was the object in forming the committee.

Hon. Mr. FERGUSON—There is a good deal of candour about it, but when the hon. gentleman has occasion to reflect on the subject he may probably regret it. I hope at all events that he will, because there is no occasion whatever for the members of the government to announce any such intention as they have stated to the House on this occasion, because we all recognize the fact that with the power of nomination in the hands of the government, and with the changes which have taken place and which we may expect will take place, their powers will grow, and they will be able to assert their power without making such an announcement as the hon. gentleman has made. I regret it the more particularly, because the announcement of such a policy has never been made in this Senate before. I have the authority of my hon. friend, the Secretary of State himself, for saying it never was made before in this House. I turn to some remarks made last year when the hon. gentleman from Portage la Prairie (Hon. Mr. Watson) brought up a discussion on the formation of the committees—remarks made by my hon. friend, the Secretary of State, and I would just remind hon. gentlemen that the hon. member from Portage la Prairie and some other members took the ground that the government now proposes to take, that the political views of members should be the dominant view in the formation of the committees. In answer to that my hon. friend, the Secretary of State, who was a member of the striking committee with myself, made this remark :—

I have been in the Senate 27 years, on both sides of the House and the practice has been to make the changes as new members came in and as vacancies from time to time occurred.

Now, I was put on this striking committee last year for the first time, and I never heard a mention of politics. I never heard the claim made that a member should be put on a committee because he was a Liberal or a Conservative. The principle was to give each province as fair a representation as possible, and the view was held as a prominent one, that old members who had served for years on the committees with efficiency and advantage to the country should not be hastily and unnecessarily removed, and in the cases of removals by death or from other causes, in filling the vacancies the principle was recognized that they should be filled as far as possible out of the new members that came into the House—not absolutely that way, because there may be old members of more experience in the House, who have never been on important committees, and it might reasonably be claimed that some of those should go on the more important committees, and that the new members might be content, some of them, to take their places on committees of less importance. However, there appeared to be only two considerations before the committee. The one was, to give the provinces as nearly as possible fair representation on the different committees, and the other was not to unnecessarily remove old members, able and efficient members of the committees, and to bring new blood into the committees in consequence of removal by death of some old members, and fill their places by some new members of the House. I am not at liberty to discuss what took place in the committee more than to say politics were never mentioned there. The political views of a member were never brought up at all as a reason why one man should be put on or another man left off, and my hon. friend then when the matter came to be discussed in the House said :—

The principle which has guided the Committee of Selection since the formation of the Senate, has been that the newer members were not given as important places on the committee

as the older members, and it did seem to me that precedence by priority is the only principle that should guide, and it has been the guiding one in the past under all governments, both Liberal and Conservative ?

The hon. gentleman further stated :

While it is perfectly clear that on all questions of policy this House is pretty well divided politically, and the lines are well defined., yet I am free to say that in the committees of the House politics have not been carried.

He is not speaking now of the Striking Committee, but the committees of the House. He proceeds :

And in the formation of committees, political alliances have not been prominently regarded. As far as my recollection goes, the effort, in the formation of all those committees, has been that the different parts of the Dominion should be represented fairly.

And my hon. friend went further, referring, I think, to the hon. gentleman from Marquette, and said :

I may remind my hon. friend that if I had a few years ago raised that question the Liberals would not have been represented on any committee.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. FERGUSON—I must say that I sat here in my place and admired the manner in which my hon. friend, the Secretary of State, defended the committee last year. I knew he did nothing more than his duty, but he did it, and did it well, and it was the remark amongst our friends on this side of the House, that he was acting very well indeed ; I am sorry, as I said when I rose, that my hon. friend should make his motion in the form he did, and especially couple it with the announcement that it was made for the purpose and object of securing for the government of the day the control, politically, of the various committees of this House. My hon. friend has placed himself upon record, and nobody is so well able to give an opinion on that question as he is on his side of the House, that fair principles were applied in the selection of the committees, that proper principles had been adopted, and that there was nothing to be complained of, and that if the rule advocated by the hon. gentleman from Portage la Prairie last year had been applied years ago, the Liberal party would not have been represented in this House on any committee. If the motion had simply been made without any announcement of this kind, I would not be disposed to challenge it. I look over the names of the committee, and I have the fullest confidence in the hon. gentlemen that are named on the other side of the House, that they would be disposed to be impartial if not otherwise instructed. I do not know how my hon. friend's announcement will be understood, but if it is to be taken as an instruction to this Striking Committee that political lines are to be observed and that that is to be the only principle to be followed in the striking of the committees, I would feel that the interests of all parties in this House would not be as safe as I would feel they were if that committee were simply appointed without any instruction or announcement of this kind. It is a pity that he has made that statement, and if he is disposed to make that an instruction and the committee is to act on those lines, I feel certain that it will not be well for the peace and harmony of the House, and my hon. friend will have any reason to regret it in years to come. I hope he may live long enough, because it may not be very long when the tide will turn again as it did turn before, and my hon. friend will see that although it is well to have a giant's strength it is not well to use it as a giant.

Hon. Mr. DANDURAND—I do not think the interpretation put upon the words of the hon. Secretary of State by the hon. gentleman is the correct one. How can he make out that there is a direction given this committee to act upon certain lines ? Certainly there is none. What he meant, and what I understood was that he wanted a fairer proportion of members belonging to the Liberal party to be upon those committees.

Hon. Sir MACKENZIE BOWELL—He said more than that.

Hon. Mr. DANDURAND—And he went further and said that the government should expect to have a controlling majority in a certain number of those committees, inasmuch as it was responsible for the legislation which was brought before this House. If I am appointed on that committee—it will be quite reluctantly that I will act, because I know that it is somewhat hard to satisfy the desires of all the members of this House. Only a limited number can be

appointed upon each committee, and I know that it is not pleasant work to have to decide between contending friends. But I may say that I think that all the members of that committee, the names of whom have been mentioned, will act according to the Golden Rule, and do unto others as they would like others to do unto them. The hon. gentleman from Marshfield seems indignant at the idea that the hon. Secretary of State should have mentioned the fact that political lines should appear, or Liberal proclivities should appear, in the naming of committees. Why not be frank among ourselves? We have been observant enough, and since the present government has been in power what have we seen? Party lines, straight party lines here in this House, with one or two laudable exceptions. I am not trying to blacken the character of my colleagues opposite. I do not believe that I am any better than my colleagues sitting in front of me, but I have been a politician since I was out of college, and I have found as many solid, dyed-in-the-wool partisans in this House as could be found in the other House.

Hon. Mr. POIRIER—More sometimes.

Hon. Mr. DANDURAND—More, perhaps, sometimes, but as we grow older we grow stronger in our convictions, so that there is no need of becoming indignant at the fact that the question of politics had been mentioned. As the hon. gentleman has said, the pendulum is swinging from one side to the other. Let us recognize it, and I am quite sure that when the majority passes from one side to the other, the measure of justice that will be distributed to the opposition will be at least as large, and I hope, larger than was given to the Liberal opposition which sat in this chamber before.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is a living example of that partisanship.

Hon. Mr. LANDRY—I desire to protest on behalf of Quebec, and wish to have it noted, that this motion is carried on division.

The motion was agreed to on a division.

AN ADJOURNMENT.

NOTICE OF MOTION.

Hon. Mr. SCOTT—Several members have spoken to me about an adjournment, and I should like to be guided by the feeling of the House. Some hon. gentlemen desire a longer adjournment than others. My own idea was to adjourn to-morrow after the committees have been organized, and meet again two weeks from Tuesday next.

Hon. Mr. POIRIER—That is long enough.

Hon. Mr. SCOTT—Perhaps the House will accept this as a notice, and we can take the sense of the House to-morrow when the motion is made.

Hon. Sir MACKENZIE BOWELL—If we adjourn to-morrow it will necessitate the meeting of the committee to-morrow to strike the committees of the House, and we would have to adopt the reports to-morrow or the matter would have to remain over until after the adjournment?

Hon. Mr. SCOTT—Yes.

INTRODUCTION OF GOVERNMENT MEASURES IN THE SENATE.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. Secretary of State whether it is proposed to ignore the Senate altogether in the introduction of any government measures, or are we to be here just as recording scribes.

Hon. Mr. DANDURAND—As in the past.

Hon. Sir MACKENZIE BOWELL—I deny that most emphatically. The hon. gentleman is very apt to interject expressions and insinuations which are not correct. When I had the honour of sitting on that side of the House I introduced some of the most important measures that were presented to parliament, many of which I could refer to. Those constant imputations thrown across the floor of the House are uncalled for, particularly when they are not correct. I think I am not out of place in inquiring whether it is proposed to introduce important measures in the Senate.

There may be measures which can be introduced and calmly considered by the Senate who have plenty of time to look after them before the rush of business from the other House, and it would be well if it could be done, that the principle which was carried out while I had the honour of sitting on that side of the House should be adopted to as great and possibly a greater extent. I am quite sure hon. gentlemen will agree with me.

Hon. Mr. SCOTT—I quite approve of the suggestion made by my hon. friend. He will have noticed, however, in reading the Speech from the Throne that no mention was made of any important measure.

Hon. Mr. LANDRY—There is none.

Hon. Mr. SCOTT—There will be very few government measures this session. There is one which I have myself in view, a very important one, and if it can be got ready it will be introduced in this chamber, and I have another one in view. I cannot name them yet, because circumstances prevent my doing so. However, I shall be only too glad if my colleagues will give me the opportunity to introduce those measures here.

Hon. Mr. WOOD (Hamilton)—As to the adjournment, the hon. Secretary of State proposes to reassemble two weeks from next Tuesday. Considering the way they are going forward in the House of Commons, I do not think it is at all likely that there will be a great deal of business two weeks hence. Many of us have large businesses to look after, and I think it is important we should have at least three weeks adjournment.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. WOOD (Hamilton)—Several hon. gentlemen live long distances from Ottawa and would not care to go home if we had only two weeks. If the adjournment were for three weeks, these members would have time to go home and return, and I am quite satisfied that at the end of that time there would be business for them to do and it would be discharged promptly instead of sitting around here with nothing to do.

Hon. Mr. O'DONOHOE—The adjournment was three weeks last year, and as my hon. friend from Hamilton states, several members are at such a distance from home that two weeks would barely give them time to go and come, and probably when we did return there would be very little to do and I think it would answer all purposes if when we rise to-morrow we stand adjourned till three weeks from Tuesday.

THE SENATE DEBATES.

Hon. Mr. ELLIS—I would like to ask a question with regard to the reporting of the debates of the House. I do not intend to refer to the reporters themselves in any way, but on Monday last there was an important debate in the House. This is Thursday and there is no report of it before members, and I think it important that the debates of the Senate, if possible at all, should be got out early, because the press makes very little reference to the proceedings of this body and it is a greater reason, therefore, why the debates of the Senate should be printed promptly. I do not know what the practice is, and I think we ought to do better, particularly with the greater facilities now in existence, and by reason of the fact that we have all sorts of machinery now to spread intelligence rapidly, and therefore the House should have its debates before it early.

Hon. Mr. DANDURAND—I have found it somewhat extraordinary that no provision is made for the reporting of the speeches which are made in French in this chamber. We do not sit quite as long as the House of Commons. I may say that we do not sit more than five or six or seven weeks in this chamber and it seems to me, that without indulging in the luxury of a high paid official, such as they have in the other chamber, we might make provision for the reporting of the French speeches as they are made in that language.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, February 21, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE STANDING COMMITTEES.

REPORT OF COMMITTEE ON SELECTION PRESENTED.

Hon. Mr. SCOTT, from the Committee on Selection, presented their first report. He said: Is the House prepared to adopt the report to-day, or to have it put on the minutes and considered at a future day?

Hon. Sir MACKENZIE BOWELL—Not to-day. There has been such a radical change in all the committees that I think it is but fair to the House to have sufficient time to look at this report and study the complexion of the committees. I dare say a number of the gentlemen who have been struck off the committees would like to know the reason why, and if it meets with the approval of the House I would suggest that it stand over till after the adjournment. Nothing can be gained by adopting the report to-day.

Hon. Mr. SCOTT—I think it would be better to take it up on the second day after we meet again, because senators do not always arrive here on the first day. I move that the report be taken into consideration after the approaching recess—on the second day after the meeting of the House.

The motion was agreed to.

LEASING OF I.C.R. SIDING AT SYDNEY.

INQUIRY.

Hon. Mr. McDONALD (Cape Breton) inquired of the government:

1. Has the Minister of Railways leased a siding on the Intercolonial Railway at Sydney to any person or corporation?
2. If so, to whom, and at what price, and for what length of time?
3. What is the nameof the party?
4. For what purpose is the siding used?

Hon. Mr. SCOTT—I am advised by Mr. Schreiber, the Deputy Minister, that there is no siding on the Intercolonial Railway at Sydney leased to any person or corporation.

AN ADJOURNMENT.

MOTION.

Hon. Mr. SCOTT—I put a notice on the paper yesterday that when the Senate adjourns to-day it do stand adjourned until Tuesday, the 11th March next. Some hon. gentlemen desired that the adjournment should be extended for another week. It was urged that gentlemen living at a remote distance would not have the opportunity of going home and returning in time, and as it is not likely that any business will be pressing in the interim, the government have no objection if that is the desire of the House. I move that when the House adjourns to-day it do stand adjourned till the 18th March, at 8 p.m.

Hon. Sir MACKENZIE BOWELL—I understand that that is an adjournment for three weeks?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Does not the hon. gentleman think he is asking too much? It may be that there are several members who have business to transact, but if they have, the business of the country should not stand for their convenience. I understand there are six or seven private Bills ready to be introduced now, besides a number of divorce Bills, which will take a good deal of time, and unless it is expected that the House will sit until the middle of summer, or to furnish a reason to the people of the country for what has been reiterated thousands of times, that we are a useless body except to record what is sent to us from the other House, I think the hon. gentleman is asking too much, that is, if he is consulting the interests of the country and the interests of legislation. We know that in the other House the Bills are gone through very often with a rapidity that characterizes the political branch of parliament, and that the calm and deliberate attention which all measures should receive at the hands of legislators is not given to them in that chamber. In the Senate that does not apply. We are fewer in number and less actuated by the feelings that characterize the other House, for the reason they are subject to the will of the people and we are not. Should we give the country cause to complain of the action of the Senate by remaining away

from our duties half the time parliament is in session ? I have a very strong feeling on this question. I do not desire to see the Senate brought into further contempt than certain politicians have attempted to bring upon it in the past. We are really adding to that feeling throughout the whole country. I sympathise sincerely with those gentlemen who live a long way from the seat of government. There is only one possible reason that can be given for such a long adjournment, and that is gentlemen living in British Columbia and in the North-west Territories and Manitoba would not have time, in a short adjournment, to go to their homes; but should the business of the country be made subservient to the interests of any half dozen members of the Senate ? I think it should not. I speak warmly from a conviction that I think the hon. gentleman has been listening too much to a few members who desire a long vacation. I heard one gentleman, living in Ontario, state the other day in the House that he had business to attend to. No one objects to any member attending to his own business, but if his business conflicts with his duties in the Senate, he should give up either one or the other. The country looks to members to attend to the public business. If we absent ourselves on every occasion by which our indemnity is not interfered with half the time of every session, we are lending ourselves to a cry against this branch of parliament which it does not deserve.

Hon. Mr. FERGUSON—It is not often I disagree with my hon. friend who has spoken, but I cannot say that I altogether agree with him now. I am fully in accord with the observation that the public business ought to be paramount, and ought to prevail over all private business whatever. I have often heard such an argument as the hon. gentleman has addressed to the House before now. We have seen adjournments shortened up so that those living in the North-west Territories and the maritime provinces could not go home, and we have come back to find the slate almost clean, and had to wait a week or two for business to come up from the Lower House. If business should be ready for us when we return, and taken up regularly from that time forward, it is something I have never seen. I have seen, when adjournments were taken for the length of time proposed, we have come back and found no business ready for us. I am prepared to sacrifice my private business to be present here, but I do not think on this occasion there need be any sacrifice of the public interest.

Hon. Mr. LOUGHEED—As one of the long-distance members, I must take exception to the remark of my hon. friend from Hastings. The hon. gentleman has made some similar remarks on other occasions. I do not think it is out of consideration for members living at a distance that these adjournments take place; certainly that should not be the underlying consideration of an adjournment. None of us would invoke the sympathy of the government for a long adjournment for the simple reason that we live at a distance and it is inconvenient for us to be here. I quite agree with the expression of opinion that the public business should not be prejudiced in the slightest degree by those adjournments, but if hon. gentlemen will look at the journals of this House, they will observe that during the first half of the session for years and years, the Senate has practically never done anything. If my hon. friend will look through the journals he will find that the committees have rarely done any substantial work until the latter half of the session. It does not comport with the dignity of this House that we should meet day after day, and week after week, and simply have prayers and adjourn. That is not the way to impress the public with the importance of the functions of the Senate. If I thought for a moment we were sacrificing the public interest by the proposed adjournment, I should not be influenced in the slightest degree by my desire to go home and attend to my own affairs.

Hon. Mr. POIRIER—Were it merely to show that the hon. leader of the opposition does not stand in splendid isolation, I rise to stand by the remarks he has just uttered. I also believe that three, or three and a half weeks, is rather too much of a holiday. We are likely, as in former sessions, to have another holiday, unless the session be very short. Under these conditions, I think it is better for us to be moderate. Two weeks and a half ought to be sufficient for the first holiday. Something may happen which might require our pres-

ence. At any rate, we should be on guard here. If hon. gentlemen from a distance wish to be absent for any length of time, there is no stringent law that compels them to remain here. They are free to stay at home if they have a great deal of work. We have ten days' absence allowed us, which is equal to two weeks more.

Hon. Sir MACKENZIE BOWELL—Fifteen days ?

Hon. Mr. POIRIER—And I would suggest to the hon. Secretary of State that instead of Tuesday the 11th of March, he should make it Wednesday the 12th, which would allow those members residing a long distance from Ottawa to be here for the first day. Many of us, especially from Nova Scotia and Cape Breton, cannot be here for the opening on Tuesday, and by making it Wednesday it would enable those among us who wish to be here for the opening, to be present, and I believe that would be a sufficiently long recess to take just now.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman from Calgary misunderstood what I said. I did not say the adjournment was lengthened at the instance of senators who reside at a distance from the Capital. I said the only excuse that could possibly be given would be to allow those living at long distances to go home. Whether I am in a position of splendid isolation or not, is of little consequence on this question at least, but I have always held the view since I have been in the Senate—and I have not seen anything to cause me to depart from it—that hon. gentlemen living in Montreal and close to the Capital are always the ones who want the adjournment. It is not the members from British Columbia and Prince Edward Island, but those gentlemen who can go home every evening and return the next morning, and be in time for the session, who urge the long recess.

Hon. Mr. WOOD—(Hamilton)—I think the hon. leader of the opposition is not reasonable.

Hon. Sir MACKENZIE BOWELL—Do not say the hon. leader of the opposition. Say the member for Hastings.

Hon. Mr. WOOD (Hamilton)—He is a man of business, and ought to see that it is better to have one adjournment of three weeks than two of two weeks each, as we had last year.

Hon. Mr. POIRIER—And we will have it again this year.

Hon. Mr. WOOD (Hamilton)—Why should we not hold evening sessions, and overtake the business, and finish it in a very short time ? Up to the present, my experience in this place has been that, as a general rule, we come here and listen to prayers, and then go around the town or do something else.

Hon. Sir MACKENZIE BOWELL—That is good occupation.

Hon. Mr. WOOD (Hamilton)—I have come here to work and not to loaf around the town. If there is no work to be done, I do not see why we should be brought back here. The House of Commons, I understand, are getting along fairly well with their work, and by the time we return in three weeks we may have work for the rest of the session, but I prefer one adjournment of three weeks, instead of having another adjournment in the middle of the session on account of lack of work. I think this would suit the members who have to go almost to the ends of the Dominion. Why should they not have an opportunity of going home and remaining a week at home ? It takes some of them a week to go and a week to return.

Hon. Sir MACKENZIE BOWELL—What does the hon. leader of the House propose to do with reference to the extension of time for the presenting of petitions ? The time will have expired when we return.

Hon. Mr. SCOTT—On the recommendation of the particular committees, the House always extends the time.

Hon. Sir MACKENZIE BOWELL—That has to be done afterwards.

Hon. Mr. SCOTT—The sense of the House seems to be in favour of the longer term. I see a number of empty benches now. Some hon. gentlemen seem to have gone away in the belief that the adjournment would take place anyway.

Hon. Sir MACKENZIE BOWELL—Is that a good reason ?

Hon. Mr. SCOTT—No, I think it is a pity.

The motion was agreed to on a division.

PRESENTATION OF PETITIONS FOR PRIVATE BILLS.

The SPEAKER—Might I be allowed to say a word with respect to the matter brought up by the hon. leader of the opposition in reference to the presentation of petitions ? Rule 52 of the rules of this House reads as follows :

'No petition for any private bill, except a bill of divorce is received by the Senate after the first three weeks of each session; nor may any private bill be presented to the Senate after the first four weeks of each session ; nor may any report of any standing or special committee upon a private bill be received after the first six weeks of any session.'

It seems to me the most regular method to proceed now, would be to let the House pass an order extending the time, because otherwise the hon. gentlemen who, when we meet again, have a number of petitions to present, will not be able to present them until after the committees have met, and then it seems to me it is an irregular thing for a committee to recommend that a time which has expired should be continued. I think the more regular way would be to pass a resolution to-day extending the time.

Hon. Mr. POIRIER—Can we pass a resolution of that kind without the recommendation of the committee ?

Hon. Mr. SCOTT—The House can do anything by unanimous consent. I move that the time for receiving petitions for private bills be extended for three weeks beyond the time at which it would expire, and that a corresponding extension be granted for the presenting of private bills, I move that both these periods be extended for twenty-one days.

The motion was agreed to.

The Senate adjourned.

Hon. Mr. SCOTT.

THE SENATE.

Ottawa, Tuesday, March 18, 1902.

The SPEAKER took the Chair at eight o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (No. 10) An Act respecting the Orford Mountain Railway Company.—(Hon. Mr. Owens).

Bill (No. 12) An Act respecting the Edmonton and Slave Lake Railway Company.—(Hon. Mr. Poirier).

Bill (No. 19) An Act relating to the Regina Law Library.—(Hon. Mr. Scott).

THE ELEVATOR AT ST. JOHN.

INQUIRY.

Hon. Mr. PERLEY rose to inquire of the government :

If there is any wheat in the government elevators at the terminus of the Intercolonial Railway in St. John, N.B., and if so, about how much, and where did it come from ? And also, how much wheat has been exported through said elevator, and when ?

Hon. Mr. SCOTT—There is no wheat in the elevator at St. John at the present moment. In the year ended 31st of December, 1900, there was exported through the said elevator 135,997 bushels of wheat, and the year ended 31st of December, 1901, 146,087 bushels of wheat.

Hon. Mr. PERLEY—Where did the grain come from ?

Hon. Mr. SCOTT—This is the reply to the first question.

Hon. Sir MACKENZIE BOWELL—It is all the one question.

Hon. Mr. SCOTT—I have no information where it came from. I presume it came from the North-west.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, March 19, 1902.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

LOANING OF LOCOMOTIVES TO THE CANADIAN PACIFIC RAILWAY.

EXPLANATION.

Hon. Sir MACKENZIE BOWELL—Before the orders of the day are called I desire to draw attention to a remark that I made during the debate upon the Address, and also to the contradiction that was given by the hon. gentleman from De Lanaudière (Hon. Mr. Casgrain). I told the hon. gentleman that I intended to bring this matter before the House, so that I am not taking him by surprise in the matter, and I expected he would be here. During my speech I asked this question :

Is it correct in this connection, that they (meaning the government) have loaned to the Canadian Pacific Railway over 20 locomotives to assist in carrying their freight from the great west to the seaboard. If so, how is it that there have been so many new locomotives purchased during the past few years.

In reply to that the hon. gentleman said :

The leader of the opposition in this House, in his speech on Monday, had some fault to find with the management of the Intercolonial Railway, and one of his grievances was that while the Minister of Railways and Canals was buying locomotives for the Intercolonial Railway he was at the same time loaning locomotives to the Canadian Pacific Railway. I have not seen the report of my hon. friend's speech but I think that is the remark he made.

My answer to that was : 'The hon. gentleman is correct.'

He then went on to say :

It is a rather awkward task for me to contradict the hon. leader of the opposition, but the information I have gathered—and I say this with a great deal of diffidence—was that the Intercolonial Railway did not loan locomotives to the Canadian Pacific Railway. I am sorry to contradict the hon. gentleman, but that is the information given me.

I then made these remarks :

The hon. gentleman may have received that information. I said in my speech that I had read the statement in one of the newspapers, and had asked a prominent official of the Canadian Pacific Railway if it was correct, and he said they had borrowed both from the Grand Trunk Railway and Intercolonial Railway. Whether that is correct or not, the hon. gentleman has the authority on which I made the statement.

The hon. gentleman then continued :

Then I suppose I am obliged to give my authority also, I went this morning to the Department of Railways and Canals, and asked the secretary, Mr. Jones, about it. I may explain why I asked. I had tried myself for a railroad whose bondholders I represented, to obtain the loan of a locomotive, and they refused me, saying they had work for all their locomotives, and therefore I was surprised to hear the leader of the opposition say that they had loaned locomotives to the Canadian Pacific Railway. That is why I went myself to the department and asked Mr. Jones. Mr. Jones told me he thought they never—in fact was positive they never did loan locomotives. I said I intended to repeat his statement in the House this afternoon, and he went in and asked Mr. Schrieber, and Mr. Schrieber said they never loaned a locomotive to the Canadian Pacific Railway.

On the 13th March, in the reports of the House of Commons, I find the following question put to the hon. Minister of Railways and his answer there to :—

Mr. CLARKE—by Mr. Kemp—asked :

1. How many locomotive engines have been ordered for the Canadian government railways since the 1st July, 1896 ?
2. How many have been delivered up to date?
3. Have any locomotive engines belonging to the Canadian government railways been leased, rented or loaned to any other railway corporation or company ? If so, how many have been leased, loaned or rented ; to what company or companies, and on what terms, and for what length of time ?
4. At what dates were the engines loaned, leased or rented ?

The MINISTER OF RAILWAYS AND CANALS (Hon. A. G. Blair) replied :

1. One hundred and twenty-one locomotive engines have been ordered for the Canadian government railways since the 1st July, 1896.
2. Eighty-four have been delivered up to 1st March, 1902.
3. Eight locomotive engines were hired to the Canadian Pacific Railway at $8 per day. No stated length of time.
4. Four on February 15th, 1902; 2 on February 25th, 1902; 1 on February 26th, 1902 ; 1 on February 28th, 1902.

What I desire to have placed on record in the Senate is that when I made the statement I made it in good faith, on the authority of a newspaper report in the Montreal 'Gazette,' confirmed by an official of the Canadian Pacific Railway, and I must confess that I was somewhat surprised at the denial made by the hon. gentleman upon the authority of two of the principal officers of the Railway Department. As I pride myself on being somewhat particular in the statements that I make, I deem it but justice to myself that I should set the matter right, to show that the authority upon which I made the statement has been confirmed.

and that to by the minister himself, notwithstanding the denial by Mr. Schreiber and Mr. Jones, the Superintendent of Railways, and the Secretary of the department. That is my only apology, hon. gentlemen, for bringing this matter before the House. I wish it to be distinctly understood that I do not attribute any intentional misrepresentation on the part of the hon. gentleman (Hon. Mr. Casgrain) who has just entered the chamber. He made the statement, I have no doubt in good faith, on the authority of two of the most important officials of the Railway Department, but I think this House has a right to complain when such denials are given to those who should know better, in order to mislead the country on a subject of such importance.

THE STANDING COMMITTEES OF THE SENATE.

MOTIONS.

The Order of the Day being called,

Consideration of the Report of the Committee of Selection appointed to nominate tthe senators to serve on the several Standing Committees.

Hon. Mr. SCOTT said: The duty of the Striking Committee was to make as few changes as possible in the majority of the Standing Committees of the House. When moving for the Striking Committee, I was perfectly frank with the House, expressing the opinion that I thought, as the government of the day were charged with the responsibility of legislation, it was only reasonable that on one or two of the principal committees, that is, the committee which controlled the expenditure and the committee on railways, telegraphs and harbours, the government should have a majority. I shall now take up the formation of the committees and make such comments on the action taken by the Striking Committee as may seem to be fair and proper. The first committee is the joint committee of the library of parliament. The only changes made in that committee as it stood last year were the substitution of Senator Landerkin for the late Senator Allen; the addition of Senator Thibaudeau, of Rigaud, and the substitution of Senator Beique for the late Senator Ross. Those are the only changes on that committee. I therefore move that the joint committee on the library of parliament be composed as follows:—

The Honourable the Speaker, and the Honourable Messieurs:—Baker, Beique, Boucherville, de, C.M.G., Casgrain (de Lanaudière), Drummond, Gowan, C.M.G., Hingston, Sir Wm., Kt., Landerkin, Masson, Miller, Pelletier, Sir Alphonse, K.C.M.G., Poirier, Scott, Thibaudeau (Rigaud), Wood (Westmoreland), Young.—17.

Hon. Sir MACKENZIE BOWELL—I notice that the hon. Secretary of State proposes to consider each committee by itself and explain to the House the changes which have been made. However, he prefaced his motion by explaining the principle which guided the committee on selection in the formation of the standing committees, Since he has made those remarks I may refer to the general principle laid down in the formation of the committees of the Senate. When the committees are taken up seriatim we may refer to them in detail. Last year the Secretary of State laid down the principle, when this subject was under consideration, that the practice in the past should be followed, and as vacancies occurred in the Senate, the positions on the committees should be filled up by new members, and the political complexion of the members not considered. These were his own words. If we look at the formation of the committees as they are presented to us, we may well ask ourselves whether due consideration has been given to the principle laid down by the Secretary of State, or whether it has not been departed from or ignored. In a great many cases the oldest and most experienced members of the Senate have been dropped and replaced by some of the newer members who have just entered this chamber on the more numerous and important committees. In the past we all stood on an equality here. I think an examination of the committees will prove that statement to be correct, and I propose to show that it is correct. If you look at the formation of the committees you will find that there are a number on only one committee, some of them, no doubt, at their own request. Mr. Aikins is on one, Mr. Armand is on one, Mr. Baird, a gentleman who has had eighteen or nineteen years' experience in parliamentary life, who has been a member, if I am correctly informed, of the New Brunswick government, and who has had a seat in this House for a number of years, has been struck off

the committees, on which he was a very active and intelligent member, leaving him only upon the Private Bills Committee. Why was that done? Of course the hon. gentlemen who manipulated—I do not desire to us the term offensively—these committees may explain. The Hon. Mr. Baker is upon three committees. Mr. Béique was introduced into this House at the opening of the session. I have no doubt of his ability, from his remarks, and that he will make a very intelligent and useful member of the Senate, but I find in his case a departure from the principle laid down by the hon. Secretary of State, that the new members were to be put upon the least important committees. This gentleman has been put upon four committees, while Mr. Baird, an old member, is upon only one. Then Mr. Bernier is on three committees, Mr. Bolduc on three, Mr. Debouchervilie on two, myself upon two—I may say, however, that is at my own request. Sir John Carling, who has had about forty-five years' experience, more than half the time in official life, is left on the Printing and Standing Orders Committee only. Mr. Carmichael is left on one. Mr. Casgrain of De Lanaudière, I find, must have been considered a very important personage in this Senate, although not a very old one. He has been placed on four committees, three of them among the most important committees in the House, while my hon. friend of the same name from Windsor, who has been in the Senate some fifteen years, and has been constant in his attendance on committees, is reduced to one. I have no doubt the younger branch of the family is of much more importance if the older one will excuse me for making the statement, but why the principle as laid down by the Secretary of State should be so grossly departed from, I do not understand. Perhaps the older branch of the family (I do not mean to be disrespectful) has a much better idea of the manner in which this country should be governed than the younger one. As he is more conservatively inclined he has been reduced to one committee, while the younger member of the family, the advanced liberal of the day, has been given the honour of being appointed to four.

Mr. WOOD (Hamilton)—It is all in the family.

Hon. Sir MACKENZIE BOWELL—It may be all in the family, but it is not a family compact. That is quite evident, because while they may agree in good fellowship, one thinks one way, and the other the other way, and I would say to those gentlemen who were so solicitous of the honour of the older members, I think the hon. gentleman from Windsor should not have been forgotten, however, he may have differed from his young relative politically, or degraded to one committee while a younger member of the family is placed on four. I find Hon. Mr. Clemow is on three. I suppose that is as much as he cares for. I have no doubt that it was at his own solicitation that Senator Cox was left on only one committee. I do not think he cares much for committee work. He is on the Committee of Banking in which he has no slight interest, and is satisfied to be left there. Then, we have Mr. Cochrane, a gentleman who has been in the Senate and in public life between twenty-eight and thirty years. He made a special request that his name should be left on the Committee on Railways and Canals, and if I were permitted to repeat the proceedings of the committee, I might say that I tried to get him there, but could not. He has been reduced from the position he held ever since he has been in the Senate, except for one year, to the Committee on Printing. Senator Dandurand's modesty would not allow him to usurp many committees. He was one of the principal men—I think I am correct—with the new member of the cabinet without portfolio (Hon. Mr. Templeman)—who manipulated these committees, because, when the committee met he said: 'You can have so many on the committees.' In order to free himself from the responsibility of erasing any older names from the committees, he has confined himself to one, so we cannot accuse him of being a monopolist at any rate. Then, what has Mr. Dechene done to bring down the vengeance of his political friends? He is left off all the committees. From what little I know of the hon. gentleman, I think he would make a very good committee man. In the House of Commons, where he occupied a very prominent position, he was a useful member, and I have no doubt he would be equally useful here. It may be possible, since the hon. gentleman has reached the Upper House, he is becoming a

little more conservative in his character, and if he is punished for that, I deeply regret it, because I think he is taking a step in the right direction. However, I leave him to settle that with his friends, who have left him off all the committees of the House. My hon. friend, Mr. Dever, is all right—he has got his share. Hon. Mr. Dickey's health, I regret exceedingly to say, does not permit him to take that active and intelligent interest in the affairs of the country that he formerly did. We all know what he was in the past, a gentleman not only of high character, but above many of his fellows in intellect and ability, and as a matter of courtesy and respect to an old senator, I think he might have been left on the committees, notwithstanding his frail health, but he has been left off altogether. There seems to be no consideration for age or services rendered. Mr. Dobson is taken off a number of committees, but is left on the Printing and the Private Bills Committees. Mr. Drummond is on three. Mr. Ellis, who is not an old member, but a very intelligent member of this House, has the honour of being placed on four. Mr. Ferguson is on three. Mr. Forget has been reduced also to one committee. It is well known that the hon. senator is much interested, if not more interested than any other man occupying a seat in this House, in navigation, and that which pertains to railways and canals. Notwithstanding that, he has been deliberately put off that committee, and left upon only one. It is for the House to say whether the formation of these committees has been based either on right or on equity? My hon. friend, Mr. Fulford, is on three committees, a very good proportion for him. The Hon. Mr. Gibson is on three. Mr. Gillmor has occupied very prominent positions in the legislatures of this country, not only in the House of Commons, where he had the honour of sitting some fifteen or twenty years, but also in this House, and as a member of the cabinet in his own province, yet he is only placed on two unimportant committees. If experience and assiduity in attending to the duties of parliament are any recommendation, that gentleman ought at least to have had a little more consideration. However, I do not suppose it was politics that induced the majority of the Selecting Committee to place him in the position he occupies. Mr. Godbout, a new member, is on two committees; Mr. Gowan on three, Sir William Hingston on three; Mr. Jones on two. Mr. Jones, like myself, was quite content if he could remain on the Railways and on the Banking Committees. He is confined to those two committees. Mr. Kerr, a gentleman we all know, who has taken a great interest in legislation, and whom we all delight to hear speaking—because his remarks are always interlarded with little Shaksperian quotations—is on four committees. Mr. King is on three. Mr. Kirchhoffer, who we all know, has been a close attendant and hard worker on committees, is reduced to two, the Railways and the Divorce. The Hon. Mr. Kirchhoffer was for five years chairman of the Contingent Committee, but he was deliberately struck off for some reason or other. It was done intentionally. There was no mistake about it, and yet, being chairman of that committee and having had the responsibilities that devolve upon the chairman of that committee for five years, he was not considered worthy of being continued upon it, and was struck off. The Hon. Mr. Landerkin is on three important committees, and no doubt will do his duty upon those, as he has in the past. Mr. Landry seems to have met with the fate of some of the others. Why it is so, I do not know. Perhaps it is because he is a little pugnacious in his manner when he is attacking his opponents. He has been struck off the important committees and left upon the Private Bills Committee. Mr. Lougheed retains three committees and has been left off two. Mr. Macdonald (Prince Edward Island) is on three. I am sorry that Mr. Macdonald (Victoria) is not here, because I know he is somewhat sensitive in matters of this kind. He has been struck off the important committees in which he took a great interest. He has been struck off one of the important committees and is reduced to two committees, although he has been in parliament thirty-five years. Mr. MacKay (Alma) is on three committees. Mr. MacKeen is reduced to the Committee on Printing. I suppose they thought that would be quite enough for a Nova Scotian. He has been struck off the other committees and left on the Printing. Mr. Masson's health prevents him being here, and he is left upon the Library Committee. Whatever our political views may be, we know

him to be a man of the very highest character. Mr. McCallum is evidently a favourite, or perhaps they had his Scotch pertinacity in view, and knew he was ready, like all Highlandmen, to fight his battles against all attacks. They have left him upon four. He is highly honoured. Mr. McHugh is left upon two; Mr. McKay (Truro) upon three, Mr. McLaren on two, Mr. McMillan on three, Mr. McMullen on three, Railways, Internal Economy and Divorce; Mr. McSweeney upon three, Mr. Merner, two. Mr. Miller seems to have been the greatest favourite of them all. He is on five committees. He might, with that generosity which usually characterizes him, fairly divest himself of a little of the responsibility and throw it upon others who are not upon any committee, if he thought proper to do so. I find no fault with his being on five. He is one of the oldest members we have here.

Hon. Mr. MILLER—I acted upon the principle laid down by my hon. friend that neither himself nor any of his friends would assume any responsibility with regard to striking the committees. We would allow the work to be done by the government and allow the government to assume the responsibility, and therefore I did not interfere.

Hon. Sir MACKENZIE BOWELL—Quite right. That was the principle we laid down. When the hon. gentleman made the proposition to us that they were entitled to so many upon the committees, I denied it in the beginning. I said they were not entitled to it numerically or politically, but they happened to have a majority at the time, and having a majority they had the power, and having the power they exercised it, and they wanted the minority to take the responsibility of striking off the names of our friends from the committees, which we declined to do, and we allowed them to assume the responsibility. So that the statement made by my hon. friend was quite correct. Mr. O'Donohoe is left upon three; Mr. Owens upon two, and Sir Alphonse Pelletier and my hon. friend Mr. Miller are the favourite ones. These are the only two gentlemen in the Senate upon five committees, so that the Hon. Sir Alphonse Pelletier can go hand in hand with my hon. friend on my left.

Hon. Mr. COCHRANE—The hon. gentleman did not ask to be on any committee, so he got more; I did ask and got nothing.

Hon. Sir MACKENZIE BOWELL—He got more than he asked. I do not believe he ever asked to be put on any of those committees, but while my hon. friend to his right did ask to be put on a committee that request was refused. The Hon. Mr. Poirier is on two committees; Mr. Perley, two, and the hon. the Speaker of the Senate—and here there is a departure from the usual practice that has prevailed since I have been in the Senate—has been placed upon the Internal Economy Committee; and also upon the Library Committee. I believe that is always the case, because the two Speakers are upon that committee, and our Speaker is also upon that important Committee, the Restaurant. Mr. Primrose is upon three; Mr. James Reid, two; Mr. Robertson, two, and the Secretary of State upon two. I must give the Secretary of State credit for having declined to be placed upon some of the committees that required some little attention, some little work and some little study. He thought he had sufficient to do in his department and could not spend time looking after the committees. Mr. Shehyn is upon three. My hon. friend behind me (Hon. Mr. Sullivan) made a special request to be placed upon the Railway Committee, and was refused, although it was pointed out that it was his special request to be on that committee. It is true that during his illness he was not able to attend the meetings of the committees, but it was pointed out that during the last session of parliament, when he had recovered his health sufficiently, he was one of the most attentive members of the committees to which he was appointed. However, that did not prevail, and the consequence was that he was reduced to the Committee on Private Bills, although he has had a seat in the House no less than 18 years, while some gentlemen who have just been introduced have been placed on three or four committees. Mr. A. A. Thibaudeau is upon one committee. The hon. gentleman (Hon. Mr. Templeman), not a very old member but a very important one, I admit, is the gentleman who did more, or one of the gentlemen who did, I think, the most—I do not think I am accusing him wrongfully—in the arrangement of these committees.

He and the hon. gentleman behind him (Hon. Mr. Dandurand) had the whole matter in hand. I suppose he felt the importance of his position, and it was absolutely necessary, having just attained the position of a member of the Privy Council——

Hon. Mr. LANDRY—Not then.

Hon. Sir MACKENZIE BOWELL—Well, it was in prospect. It was coming. I think he was sworn in then.

Hon. Mr. LANDRY—He was then a minister *in petto*.

Hon. Sir MACKENZIE BOWELL—He is on four committees, and I think he will do his duty. I am not finding fault. I am pointing out the absurdity of laying down a principle for the formation of committees, and grossly violating that principle.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I am glad the hon. Secretary of State agrees with me. I am sure his 'hear, hear' was not ironically said. Hon. J. R. Thibaudeau is on two committees, Mr. Thompson two, Mr. Vidal three, Mr. Wark one, Mr. Watson three, Mr. Wood (Westmoreland) four, Mr. Wood (Hamilton) two, Mr. Yeo two, Mr. Young three. I have shown by this list exactly how the members stand in relation to the different committees, and whether they can come to the conclusion that the principle laid down by the hon. Secretary of State last year, when he was defending the Selecting Committee, has been carried out either equitably or with regard to the age and experience of the members of this House or not. The hon. gentleman will give me credit for saying that no matter what the political complexion of an hon. gentleman was, I have always deplored the principle, where health may have prevented a Senator giving the attention to committee meetings which he otherwise would, that he should be ignored and treated with contumely by striking him off committees on which he had served, as has been done by the Committee on Selection this year. If the Senate is satisfied with the new mode of conducting affairs, of course, all we have to do is submit.

Hon. Mr. MILLER—I did not feel at all called upon to make any complaint in the allusion my hon. friend has made to me, but I think, after having submitted to the ruling in regard to the striking of the committees, that he should not now blame me for having done so, or appear to attribute greediness in me in monopolizing more committees than I am entitled to. I think he should not blame me for anything of the kind. Further than that, I may state—and I think my hon. friend will justify me in the statement—that on the Selection Committee, I asked to be relieved of two committees, and he said, 'No, do not. If they leave you on, stay on.'

Hon. Mr. SCOTT—One would suppose, from the speech we have had from the hon. leader of the opposition, that this Striking Committee was of a most revolutionary character, that we had disturbed the proportions that had prevailed in the representation on these several committees. As a matter of fact, with the exception of two or three points, I might have read the remarks the hon. gentleman made last session or the previous session, because many of the names he has referred to there were not touched at all. For instance, Mr. Miller: his name was not put on or taken off, and so I might state of many other gentlemen. My hon. friend, when leader of the Senate, was furnished with a list, no doubt, of how the committees were arranged. They were never even arranged equitably or fairly or on any sound principle. That I undertake to say, and my hon. friend's arrangement is really what he has made himself. It was under his regime that Mr. Miller was put on five committees.

Hon. Sir MACKENZIE BOWELL—I did not complain of it.

Hon. Mr. SCOTT—And Sir Alphonse Pelletier's name was neither added nor taken off, and so it is with a number of hon. gentlemen whose names have been read and the House has been led to believe—I do not say wilfully—that the Striking Committee has disturbed the proportions on the Standing Committees of this House. That is absolutely contrary to the fact, as I will show hon. gentlemen as I go on. I read to the House the names on the Library Committee. The House will have seen that there was no disturbance in that committee; not a single name was taken off. Death had removed two gentlemen, and two others had been put on in their places. There is still

room for another gentleman on the committee. There are only seventeen, and any hon. gentleman who is not on a committee, who desires to be on one, may be placed on that committee. I will run over the names to show how misleading, unintentionally of course, the hon. gentleman's remarks have been. Take the Committee on Printing : not a single name was disturbed, except one of our old friends, Mr. Wark.

Hon. Mr. SULLIVAN—That committee does not amount to anything.

Hon. Mr. SCOTT—Mr. Gibson was substituted for Mr. Wark. It was thought that Mr. Wark could not attend the committee. Take the Committee on Standing Orders : the only change was to substitute Mr. Beique for the late Mr. Prowse. Was there any revolution there ? Has there been any disturbance in any of those committees I have mentioned ? Take Banking and Commerce, which is an important committee of this House. The Hon. Mr. Fulford has been appointed on that committee to take the place of the late lamented Senator Allan, who is no longer with us. One of our old friends, Mr. Carmichael, who, it was thought, would not be able to attend very often, was struck off and Mr. Thompson's name was added. Mr. Jones was anxious to go on the committee, and I, being a member of the committee, withdrew. I did not strike off any of my hon. friend's followers, but took my own name off and put Mr. Jones' in its place. The only other change was to substitute for another gentleman now deceased (Hon. Mr. Villeneuve, the name of Mr. Thibaudeau (de la Vallière). That is the whole change in the Banking and Commerce Committee. I have gone over the Library Committee, Printing Committee, Standing Orders Committee, and the Committee on Banking and Commerce. The changes there no hon. gentleman can criticise. If there has been a disturbance or difference in the members of the comtees that individual senators were on, it was entirely due to the arrangements that had been made. That is quite clear, so far as those committees are concerned. I will make some remarks later on as I come to the next committee, where there were material changes, in which I said changes would have to be made at the time I struck the committee.

Hon. Mr. LANDRY—The motion put a few minutes ago has not been carried and I wish to speak to it. The hon. Secretary of State was under the impression that the motion was carried. He thinks that all the changes that have been made, have been made in that innocent way of which he gives us an illustration. But if we take the report made by the Striking Committee, we find that there are more changes, and more material changes than those he mentions. Take, for instance the next to the one committee where prudence forced him to stop. In that committee there are forty members, and if I am not mistaken, thirteen new members have replaced either deceased senators or the persons that were struck out. The Hon. Mr. Cochrane was a member of that committee. Where is he now ? The Hon. Mr. Dickey was on that committee. He was struck off. Hon. Mr. Forget was on that committee ; he was struck out. Your humble servant was on that committee ; struck out, undoubtedly. Mr. MacKeen was on that committee ; struck out.

Hon. Mr. SCOTT—I did not discuss that committee. I was waiting until I came to it.

Hon. Mr. LANDRY—I thought the hon. gentleman was discussing the general principle laid down by the leader of the opposition.

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—On those committees we see there are very marked changes which destroy the whole argument set forth by my hon. friend. But I will take it from another point of view. When the Striking Committee was proposed and adopted by this House, I pointed out that the selection of this committee was not doing justice to the province of Quebec, and my argument was this : the province of Quebec has 24 members in this chamber, the same as the province of Ontario and the maritime provinces. The other provinces of the Dominion have nine, making up the eighty-one membrs. I claimed that the province of Quebec had the same right in the composition of the Striking Committee as far as number goes as the province of Ontario, or as the maritime provinces. But what did we see ? We saw that the province of Quebec was represented by my hon. friend from DeLorimier alone. With all his talents, he

counts but one in a committee when his vote is taken. We see now the consequence of that nomination. I will take it by committees, and we will ascertain if the rights of our province have received the attention of the hon. gentleman and the other members of the committee, and especially of those who took the responsibility of naming those committees. If we take the province of Quebec, in the first Committee on the Library—a very unimportant committee—you have these figures : there are 17 members in that committeee altogether. Now, what is the proportion of representation ? Quebec should have five members and a fraction. On that committee Quebec is given nine, there are three from Ontario, four from the maritime provinces, and one from the west—that is, including British Columbia, Manitoba and the North-west Territories. This large proportion for the province of Quebec on an unimportant committee works to her detriment, because it acts as a compensation for the low number given the province of Quebec in the important committees. Take the second committee, the Joint Committee on Printing. On that committee there are 21 members, the proportion given to Ontario should be six, Quebec six, the maritime provinces six, and the west three. What are the numbers ? Quebec is given five.

Hon. Mr. DANDURAND—How many had Quebec last year ?

Hon. Mr. LANDRY—I do not know.

Hon. Mr. DANDURAND—The same number.

Hon. Mr. LANDRY—That may be, but you must not forget the cardinal principle that if the hon. gentlemen obtained power they were to do better. Ontario has five, the maritime provinces seven, and the west four. Then take the Standing Orders Committee. On that committee there are nine members. Of these Ontario should have three and Quebec three.

Hon. Mr. DANDURAND—No, our share should be two.

Hon. Mr. LANDRY—Well, two to Quebec, two to Ontario, and two to the maritime provinces. That would leave three for the west.

Hon. Mr. TEMPLEMAN—Make it two and a half.

Hon. Mr. LANDRY—No, it is two and eighteen-twenty-sevenths.

Hon. Mr. TEMPLEMAN—You cannot divide up a Quebecer that way.

Hon. Mr. LANDRY—You give only one to Quebec, two to Ontario, four to the maritime provinces, and two to the west. Then take the Committee on Banking and Commerce. That committee has thirty members. Each of the eastern divisions should have nearly nine members.

Hon. Mr. DANDURAND—We have eight, and there were eight last year.

Hon. Mr. LANDRY—There are seven now.

Hon. Mr. DANDURAND—Eight :—Dandurand, Drummond, Forget, Hingston, Shehyn, Thibaudeau, MacKay (Alma) and O'Brien.

Hon. Mr. LANDRY—That makes eight for Quebec, eleven for Ontario, eight for the maritime provinces, and three from the west. Then take the Committee on Railways and Canals. It has forty members. Quebec should have twelve members.

Hon. Mr. SCOTT—Quebec has more now than it had any time in ten years.

Hon. Mr. LANDRY—That is not the question. Quebec has ten, Ontario fifteen, the maritime provinces nine, and the west six. Are we of the province of Quebec on the same footing as Ontario ? Are the maritime provinces on the same footing as Ontario ? Now, take the Private Bills Committee. On that committee we should have between seven and eight. We have ten now. You take the trouble of striking a new committee to do good work. Where is the good work ? Quebec ten, Ontario seven, maritime provinces seven, and the west one. Take the Committee on Internal Economy and Contingent Accounts ; it has 25 members. That would give at least seven members to Quebec. We have that number. Debates and Reporting: now, this is a committee not altogether the same as the others, and I will tell you why. In the Debates Committee the principal matter brought up is the reports, in which the French language is put on the same footing as the English language, and I suppose on a committee of that sort, due consideration should be given to that fact, and a few members of the French nationality should be added to the committee. But what has been done?

Hon. Mr. DANDURAND—It has the same proportion as it had last year.

Hon. Mr. LANDRY—A very poor argument. I was struck off because I happened to speak a little French and understand something of translation. In what position do we stand now? Out of nine we should have from the province of Quebec four speaking the French language on that Committee. We have but one from the province of Quebec, three from Ontario, four from the maritime provinces, and one from the west.

Hon. Mr. DANDURAND—Did the hon. gentleman think that last year?

Hon. Mr. LANDRY—I am not saying what I thought last year. I am saying what I think now. I will say nothing of the Divorce Committee. We have one member; we should have two at least, and I suppose that number from Quebec province could be found to serve on the committee. On the Restaurant Committee the province of Quebec is well represented. It is is a very unimportant committee, but I think we should have placed men there who knew something of club management and in the ranks of the government to-day the hon. gentleman who has taken such an active part in preparing this list of committees should have had a position, and that would have given us five instead of four. On the whole, the province of Quebec has not the fair share that she would have received if the Striking Committee, of which the hon. gentleman from Delorimier was so prominent a member, had done justice to his province. I hope when those different committees where our province is not fairly represented comes up that the sober second thought of my hon. friend will induce him to move the proper amendments and do us justice. I speak earnestly, and I hope he will really do so, and take in hand the interests of his province, especially when he is the only member of that province on the Striking Committee. I think his weakness should be his strength in this instance, and that he should appeal to the fair-play of the other members of the committee to give the province which he represents fair representation in the committees of this House, and especially on a committee in which the French-speaking members are directly interested.

Hon. Sir MACKENZIE BOWELL—I wish to make an explanation. I am sorry my hon. friend on my left (Hon. Mr. Miller) should have misunderstood what I desired to express to the House. I found no fault with him nor with the hon. gentleman opposite (Hon. Sir Alphonse Pelletier) when I called attention to the fact they were on five committees. My hon. friend to my left stated the case exactly as it was. I did say to him 'No, because we, when we had a majority, laid down the principle not to interfere with the committees as they stood, except to fill up vacancies by appointing new senators.' Consequently, when my hon. friend said 'Relieve me of two committees,' I may have said 'No, you had better remain where you are.' I understood the hon. gentleman (Hon. Sir Alphonse Pelletier) to say he was on the same committee as last year, when the majority was with the Conservatives.

Hon. Sir ALPHONSE PELLETIER—Yes.

Hon. Sir MACKENZIE BOWELL—It only shows that that committee, when we had the power, selected those men in the Senate they thought best fitted for their position, irrespective of their politics or leanings in any way. If he (Sir Alphonse) occupied a position on five committees, it was by the wish of the Conservative majority. We affirmed the principle that there should be no changes in the committees except to fill vacancies. What I said was this—if they intended to reorganize and form the committees on what they considered an equitable basis, they did not do it.

Hon. Mr. SULLIVAN—I would not rise to speak but I wish to make an explanation, as my name has been mentioned by Sir Mackenzie Bowell, with reference to the committees. As hon. gentlemen are aware, there is a vast difference between the committees, in the number of meetings, and in the quantity and quality of work submitted to them. Therefore, the idea of putting the Private Bills or the Printing Committee in comparison with Railways or Banking is perfectly absurd. I think my hon. friend, Mr. Gibson, will bear me out, as he was on the Committee of Printing when in the House of Commons. The Chairman, I think, with the printer, did all that

was required. Gentlemen were appointed to that committee for the purpose of allowing them to go home occasionally. I used to go on Friday mornings, but that any one could learn anything about legislation there was ridiculous. I look upon the Private Bills as the cockpit of the committee, because all the sick, all the defective in mind, or part of their economy, are placed on that committee. I presume it is this way—when the other committees are formed, those who are left are put on the Private Bills Committee, and a few others (to give it a colour of life) are thrown in. I served a long time on those committees, and because I went home at times, I did not interfere. Moreover, gentlemen on the others were older than I, and I was always taught to respect my seniors. However, I did not look for anything until I was able to give more attention to the work of the important committees. When I had all my time at my disposal here, I asked Sir Mackenzie Bowell to place me on some committee which had a good deal of work to do, in order to keep in touch with the legislation. He did so, and selecting the Railway Committee, I attended every meeting, as I promised, and solely to keep in touch with the legislation of the country. I had no other object. It certainly never entered my head to connect it with politics or anything of that kind. Therefore, when I was cut down to this Private Bills Committee, which I look upon as the very lowest position it is possible to appoint a man to—in fact you could not put me on anything else but Divorce—I felt that I was not fairly treated. I am very glad that these gentlemen who come here with all the vigour of youth are occupying the highest positions. The Secretary of State, who has the honour of leading the House now—and whom I congratulate, is richly deserving of it, and well fitted to fill it—might have been disposed to have some consideration for older members of the Senate. But contrary to the chivalry of those gentlemen who ought to have that quality, the Secretary of State was forced, to use a military term, to rush the position, and he did.

I thought these gentlemen would meet and negotiate for the improvement of the Senate. A great deal was heard about Senate reform some time ago. The Senate might have been reformed from without, although the means by which it could be is likely to be invoked, no matter how bad it may be, but it might be reformed from within. It might institute many reforms, viz., as to its duration—as to the eligibility of different persons to enter it for other reasons than for political services or support of party, and various other conditions that might be discussed. However, that was ignored, and now there can be no doubt about the political nature of the Senate. I never before felt that it was decidedly political, because there was not the element of party in it. In the first place that Boston born institution, the caucus, never existed here to my knowledge. I never was at one. That other institution belonging to party government, the whip, I never heard of in this House. I never was asked, directly or indirectly, to vote for any measure. I was an humble member who might have to be looked after, yet I never was asked to vote. There may have been others who were; I was not. Perhaps they regarded me as the Striking Committee have done on this occasion, but I never took any political side in this House except on that affair of the Yukon, which I did not think was right. I voted as I did on that occasion for patriotic reasons, and in the interest of the country, and not for the purpose of interfering in any way with, or embarrassing the government. Therefore, I think that, taking it all into consideration, I was not treated fairly, and that I had a right to be placed in some better position than I was, not for any other purpose than to obtain knowledge of legislation. I should like to know from the Secretary of State, or some member of the committee, on what principle the committees are formed? They do not seem to be formed on the basis of provincial representation, and certainly not on the principle of seniority. I do not know that they are based on the education or experience of the members. I do not know of any basis on which to put it but politics. If that is so, and that is announced, it ends the matter. People can then understand that the Senate takes its rank on the same level as the House of Commons.

Hon. Mr. SCOTT—It was in the past.

Hon. Mr. SULLIVAN—Not with me. I never voted that way. It ought not to be,

because this Senate should occupy a high position in the country. The unfavourable opinion that people outside entertain of this Senate, is due to ignorance. They do not look intelligently into it. They look upon it that we are here as Conservatives or Liberals, and that we vote with our party. That is an erroneous idea, and I do not think the House is constituted on that principle.

The Fathers of Confederation in establishing the Senate thought there would be enough men in this country of sufficiently high tone and patriotic views to sink their personal and political feelings, just as a lawyer does when he ascends the bench—that the gentlemen coming in here would feel they were entering a temple of justice to vote in the best interests of the country, and that each would try to fit himself as an impartial judge ready to devote his time and attention to what would promote the interests of the people in general, not to elevate any particular party, which would criticise legislation in such a way as would commend itself to those who were criticised as well as to the critics themselves. I should like the Secretary of State to say if there be any other grounds than the one I have suggested for the formation of these committees. I say it without any idea of hampering him in any way. If there be any other I should like to know it. I was under the impression it was different, and therefore I feel a great deal more keenly the position I have been placed in, knowing as I do the constitution of those committees.

Hon. Mr. KERR—The gallant knight who leads the opposition in this House, has this afternoon, in his speech, given one further proof of his untiring industry. He has shown by his close analysis of the personnel of the proposed committee, that he has expended a great deal of time and thought upon this question, and he thought fit in the course of his address, with which I find no fault, to mention my name. It so happens that I have been proposed for four committees. I wish to say that I am not responsible for that. Since I entered this chamber I have never spoken to any member of the government, or any one out of the government, requesting to be placed on any committee. I simply have tried to do my duty, as I shall in the future try to do my duty on any committee on which I am placed, not inquiring why I am there. But it does so happen that I am just on the same four committees that I have been on for the last two or three sessions——

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. KERR—And I would fain hope that I shall not prove a useless member of any of these committees. I should like to remind the gallant knight, if he has forgotten—and I think it only due to myself, although I do not like to imitate a bad example and blow my own trumpet—that I served on important committees for several years in the other branch of the legislature. He knows that for the last thirty years I have served on important municipal committees, on university committees, and on other important bodies, so that although an unworthy member, perhaps, of these several committees, I hope I shall be of some use to them ; but as I said before, on whatever committee I serve, whether it be on one committee, on two committees, on three committees, or on four committees, I shall always have before me the polar star of duty, striving to do my duty to my King and to my country. I should like to throw out a suggestion which might be slightly comforting to any member of this august body who has been chagrined or disappointed at being left from some committee, and commend to such that comforting text of Scripture, which says, 'In whatsoever state you are, learn therewith to be content.'

The motion was agreed to.

THE PRINTING COMMITTEE.

Hon. Mr. SCOTT moved that the following be added to the Joint Committee on Printing :

The Honourable Messieurs :—Bernier, Carling, Sir John, K.C.M.G., Cochrane, Dever, Dobson, Ellis, Ferguson, Fiset, Gibson, King, Macdonald (P.E.I.), MacKay (Alma), MacKeen, Mernier, O'Donohoe, Pelletier, Sir Alphonse, K.C.M.G., Primrose, Reid, Shehyn, Templeman, Watson.—21.

The motion was agreed to.

Hon. Sir MACKENZIE BOWELL—I should like to call the attention of the House to the fact that the House of Commons have 24 members on this committee. I have always understood this was a joint com-

mittee of equal numbers. We have only 21. That is in accordance with our rule, but the Commons have twenty-four, and I think that is also in accord with their rule, or if not their rule, it is in accordance with the motion made by them last year.

Hon. Mr. LANDRY—They had twenty-four last year.

Hon. Sir MACKENZIE BOWELL—In the journals of last year they have the names of twenty-four members. Why should we not have an additional three in order to have an equal number with the Commons? And if so, it will be necessary to change our rule which restricts the number to twenty-one. I call attention to this fact in order that the Senate may have its true proportion on the committee. It is simply a matter of principle. I do not know that it makes much difference, but I think that it should not be allowed to continue as it is. The hon. gentleman should place a notice upon the motion paper to change the rule which governs this House, and make the number for the Senate twenty-four, the same as the Commons.

Hon. Mr. LANDRY—I should like to call attention to the Joint Committee on the Library. It stands in the same position. We have seventeen for this House, and they have eighteen in the House of Commons.

Hon. Mr. SCOTT—I thought I would leave it till later on, and if some hon. gentleman should express a desire to be on the committee, we could put him on.

Hon. Mr. LANDRY—But the hon. gentleman does not accede to our wishes.

Hon. Mr. SCOTT—I did not make any change since last year.

Hon. Sir MACKENZIE BOWELL—That is no reason why we should continue the inequality.

Hon. Mr. SCOTT—No.

The motion was agreed to.

STANDING ORDERS COMMITTEE.

Hon. Mr. SCOTT moved that the following gentlemen be the committee on Standing Orders:

The Honourable Messieurs:—Beique, Carling, Sir J., K.C.M.G., Clemow, Gillmor, Macdonald (P.E.I.), Macdonald (Victoria), McKay (Truro), Yeo, Young.—9.

The motion was agreed to.

BANKING AND COMMERCE COMMITTEE.

Hon. Mr. SCOTT moved that the following members constitute the committee on Banking and Commerce:

The Honourable Messieurs:—Aikins, Bowell, Sir Mackenzie, K.C.M.G., Casgrain (Windsor), Clemow, Cox, Dandurand, Drummond, Ferguson, Forget, Fulford, Hingston, Sir Wm., Jones, Kerr, Lougheed, Mackay (Alma), McDonald (C.B.), McCallum, McMillan, McSweeney, Miller, O'Brien, Perley, Primrose, Thibaudeau (de la Vallière), Thompson, Sheyhn, Wark, Wood, (Westmoreland), Wood (Hamilton), Yeo.—30.

The motion was agreed to.

COMMITTEE ON RAILWAYS, TELEGRAPHS AND HARBOURS.

Hon. Mr. SCOTT moved that the following gentlemen be appointed a committee on Railways, Telegraphs and Harbours:

The Honourable Messieurs:—Beique, Baker, Bolduc, Bowell, Sir Mackenzie, K.C.M.G., Clemow, Casgrain (de Lanaudière), Dever, Drummond, Ellis, Ferguson, Fisot, Gibson, Godbout, Jones, Kerr, King, Kirchhoffer, Landerkin, Lougheed, Lovitt, Macdonald (Victoria), Mackay (Alma), McCallum, McDonald (C.B.), MacKay (Truro), McLaren, McHugh, McMillan, McMullen, Miller, O'Donohue, Owens, Pelletier, Sir Alphonse, K.C.M.G., Poirier, Scott, Templeman, Vidal, Wood (Hamilton), Watson, Young, —10.

He said: In moving the appointment of this committee I shall endeavour to say a word or two in answer to the hon. gentleman from Kingston, who called my attention to the absence of any principle—or rather, in explanation of the principle that guided the Striking Committee. Unfortunately, in the past, and I may say it has prevailed in the House since I have been a member of this chamber for the last thirty-four years, the committees have never been settled on any principle. No fixed principle has prevailed. It has been practically a matter of caprice, qualified somewhat by the desire of particular gentlemen to go on committees. Each gentleman, no doubt, has a preference, and if one could so arrange it as to suit every one, it would be extremely desirable. It would certainly be most acceptable to myself if the wishes of every hon. gentleman were gratified in that particular. But with a pretty accurate knowledge of the formation of committees in the past, I venture to say they have been formed simply on the—perhaps caprice is too arbitrary a word—but on no principle whatever, neither as regards provinces nor the politi-

cal aspect, though the political aspect is one that has naturally crept in from time to time. I have under my hand here, compiled by the clerk, the formation of the several committees. Take, for instance, the Library Committee, the first one to which I alluded. You will find there that Ontario is represented by three hon. members, while Quebec was represented by eight in the past. It is quite evident that there was no attention paid to the province from which the gentleman came. One would naturally say, to do what is fair we should have regard both to the provinces from which senators come, and also to the political aspect of the senators, because I think both those elements are of very great importance on these committees, and that the province and the political aspect of the province ought to be fairly represented. It will be seen, however, by a reference to the actual figures in past years that neither of those principles has in any way furnished a guide in the creation of the committees. Take the committee we have just dealt with, the Committee on Banking and Commerce: while in 1894 Ontario had eleven members on the committee, Quebec had only eight. In 1898 Ontario had eleven and Quebec only seven. Quebec's number went down. In 1900 Ontario went up again to twelve and Quebec still remained at seven. So that hon. gentlemen will see that there was a very great discrepancy between the two larger provinces. In the present list one has been taken off Ontario and the number reduced to eleven, and one has been added to Quebec, making the number eight. So that, so far as that committee is concerned, there has not been an adherence strictly to the old principle which prevailed giving Quebec a very much less number than Ontario. I think, as far as practicable, one ought to give to each province an average representation on each committee; that principle should guide the committee. In reference to the political complexion of the committees, the plan adopted in the House of Commons might be adopted here, notwithstanding what the hon. gentleman from Kingston says. With an experience of thirty-eight years in this House, I am obliged to say that the House has divided politically on very many occasions. I have had charge of government bills which have been defeated, and in one case particularly, when a change of government took place, the same Bill was passed by the Senate. I refer to the Esquimalt and Nanaimo bill. I do not propose to go over the ground to show the very many cases in which the Senate have thrown out certain bills, and where the lines of division were practically political, and on no other basis. It was quite natural when gentlemen came up from the other chamber——

Hon. Sir MACKENZIE BOWELL—When the Esquimalt and Nanaimo bill was thrown out it was done by the votes of a number of Liberals.

Hon. Mr. SCOTT—The number of Liberals in the Senate was very small at the time.

Hon. Sir MACKENZIE BOWELL—That does not alter the fact which I have stated.

Hon. Mr. SCOTT—I have an indistinct idea of one or two Liberals voting that way, but I would not be positive.

Hon. Sir MACKENZIE BOWELL—I have a positive idea.

Hon. Mr. SCOTT—What are the names?

Hon. Sir MACKENZIE BOWELL—I have the names somewhere. I think there were more than one or two.

Hon. Mr. McCALLUM—It can be proved by the Journals of the House.

Hon. Mr. SCOTT—Then, again, coming to the Committee on Railways, Telegraphs and Harbours, in 1894 the province of Ontario was represented by thirteen, and in 1896 it had thirteen, Quebec having in the former year only seven, and in 1896 only eight. In 1898 Ontario had fourteen on the Committee on Railways, Telegraphs and Harbours, and Quebec had eight. In 1900 Ontario had fourteen and Quebec nine. On the present list Quebec has ten, one more than it had before, and Ontario has fifteen. Then, taking the political view of it, in 1894 on the Banking and Commerce Committee, there was not a single Liberal from Ontario. In 1896 there was one, in 1898 there were two, in 1900 there were four. In 1894 there was not a single Quebec Liberal on the Banking and Commerce Committee. In 1896 there was one out of nine. In 1898 Quebec had seven members in the Banking and Commerce Committee, but not a Lib-

eral among the number. Then coming to the Committee on Railways, Telegraphs and Harbours, in 1896 there were thirteen members from Ontario, ten Conservatives and three Liberals. In 1898 out of fourteen from Ontario, eleven were Conservatives and three Liberals. In 1900 there were four Liberals to ten Conservatives. I find that proportion runs through all the years.

Hon. Mr. LANDRY—How many Liberals were there in the House at that time ?

Hon. Mr. SCOTT—A good many more in proportion to the number represented there.

Hon. Mr. LANDRY—How many ? Let us judge of the proportions ourselves.

Hon. Sir MACKENZIE BOWELL—If hon. gentlemen look at the Governor General's reasons advanced for not appointing Mr. Desjardins and one or two others after the elections of 1896, it will be found that he stated that there were only six. I wish it to be distinctly understood that I do not hold Lord Aberdeen responsible for that statement. It must have been done at the instance of the hon. gentleman's colleagues, because it was not strictly correct.

Hon. Mr. SCOTT—Then on an important committee in this chamber, the Contingent Accounts Committee, the Liberals were left off year after year. To my certain knowledge there were gentlemen acting in political unison with myself who were anxious to serve, and were not permitted to be on that committee, and I maintain that they were entitled to a fair representation on any just principle that should have guided the selection.

Hon. Mr. LANDRY—Is the hon. gentleman answering the speech he made last year ?

Hon. Mr. SCOTT—Hon. gentlemen know that, as a rule, in this chamber, I have endeavoured to throw oil on the troubled waters, and to smooth over matters as much as I could, and during the very long years I have made an endeavour to get the committees to work as smoothly as possible. If I could not get all I wanted I was content to take the best I could, and I think it was good policy or I would not have had as much as I got. On the Contingent Accounts Committee, out of seven members from Ontario, in 1900 and in the previous year, there was only one Liberal. In Quebec in 1900 out of six members there was only one Liberal. In New Brunswick they had only two, and there was one Liberal. So that hon. gentlemen will see it was only reasonable, when the Liberals came to any strength in this chamber, that they should certainly—and they would be wrong if they had not demanded it—secured proper representation on the committees. They had not a representation before. The figures prove that fact, and I maintain that that is one of the items.

Hon. Mr. LANDRY—I rise to a point of order. The hon. gentleman is quoting from a document. I should like to have it laid on the Table.

Hon. Mr. SCOTT—Certainly, I will lay it on the Table when I have finished. In reference to the formation of those committees in the first place, my view—which has not prevailed in the past—is that the fair and proper way to form committees would be to consider first, how are the provinces represented as to their numbers, and the next would be to give the political representation in the province a fair representation in the committees. It is exceedingly difficult to do that in all cases, because there are many gentlemen who desire to be on particular committees. The Railways, Telegraphs and Harbours Committee and the Contingent Accounts Committee, are the committees that attract senators more than any other, and it is very difficult, indeed, to make the proper arrangement and gratify the wishes of those who desire to be on the committee. Except in regard to those two committees, I state—and I think the facts bear me out as I have given the evidence to the House—that as little disturbance as possible was made with the existing committees. The facts are there to speak for themselves. No changes were made practically except on two committees, the Contingent Accounts and the Railways. I did claim that the Liberals were entitled to a larger representation on the Contingent Accounts Committee. I stated so from the beginning. I stated that the government ought to have a majority on that committee. That is my conviction, on the principle that as the government is responsible

for the expenditure, they ought to have control of that committee. I have time and again commented on the extravagance of that committee. I do not propose now to go into the figures, but it is quite notorious that in past years there has been an absence of responsibility, and there has been a good deal of log rolling, I do not mean to say that the Liberals have not been quite as responsible for that as the Conservatives, but the government could not be charged with responsibility so long as they had not a proper representation on the committee.

Hon. Mr. LANDRY—Could the Hon. Secretary of State tell me why, in that case, he, as a member of the government, consented to be left off that committee ?

Hon. Mr. SCOTT—Mr. Templeman was put on the committee in my place.

Hon. Mr. LANDRY—But he has not had the hon. gentleman's experience.

Hon. Mr. SCOTT—It was not necessary to put two members of the government on the committee.

Hon. Mr. LANDRY—Then the hon. gentleman might have remained on the committee and let Mr. Templeman go elsewhere.

Hon. Mr. SCOTT—I found there were several gentlemen who wanted to be on that committee, and I have no particular love for the committee. So long as the government had a majority on the committee, I thought it would be perfectly safe. The majority would accept the instructions they would receive, and the expenditure would be kept down.

Hon. Mr. PERLEY—Does the hon. gentleman mean that it would be conducted on party lines ?

Hon. Mr. LANDRY—They wanted control over it, in order that the government could check the expenditure, and for that reason, the Hon. Secretary of State leaves his name off the committee.

Hon. Mr. SCOTT—But I left a representative on the committee, Mr. Templeman, who has plenty of time to look after it.

Hon. Mr. LANDRY—But at that time he was not a member of the government.

Hon. Sir MACKENZIE BOWELL—The Hon. Secretary of State has discussed the Contingent Accounts Committee as well as the Railways Committee. Does he propose to discuss the Contingent Accounts Committee again, because otherwise the remarks must have left a wrong impression upon the minds of those who have listened to them. When he spoke of the extravagance and the necessity for the government controlling it, we must infer that in the future they are to have the consciences of all the Liberal members in their pockets, and are going to control them as they please on the committee. I can tell him that in the past the Conservative members of that committee were no more responsible than the Liberal members who support the government for the extravagance to which he refers. In fact, the leaders in what he terms extravagance—I am not prepared to say it was extravagance, but what he designated as extravagance—were members of his own party. In fact, are we to understand that whatever the government decree the majority of that committee will do ? I have a little better opinion of the members of this House than to suppose that the government are going to twist them in their hands in any way they please. I believe the members will think for themselves in the future, and all I desire to say is, it was not the Conservative members more than the others who were responsible for the increases of salary to which he refers.

Hon. Mr. FORGET—I did not hear the Hon. Secretary of State mention the changes in that committee. In reference to the other committees, the hon. gentleman mentioned the names and the changes, and by whom these gentleman were replaced, but he has not done so in this case. I think the Banking and Commerce Committee should be taken up first. The motion for the adoption of the Banking and Commerce Committee has not been carried yet.

The SPEAKER—Yes, it has been carried.

Hon. Mr. FORGET—I should like to know why the hon. gentleman has not mentioned the changes in the Railways and Canals, before putting the motion to this House. I see my name has been taken off, and I should like to know the reason why. It is a very delicate question for me to speak about. I am perhaps not well known here by a great many hon. gentlemen, and es-

pecially those who have been manipulating the committee—that is, one of them. The other (Hon. Mr. Dandurand) should have known me. He has known me a great many years, and he knows the interests I represent in Montreal in railways and navigation. Of course I do not like to say anything about it, but I do not know why the hon. gentleman is trying to humiliate me before the whole country by taking my name off the committee, where I should be before even the Committee on Banking. I am a banker and a broker, and I may be of some service to the House on that committee, but if I am useful there, I would be ten times more useful on the Committee on Railways and Canals. I owe it to the different companies I represent in the city of Montreal. There are three companies of which I am president, representing a capital of five millions of dollars. I have always made it a point to attend the meetings of the Railway Committee. I have sometimes been absent, but very seldom, especially when there was important business before them. I daresay I have not attended in the House as steadily as I should have, but whenever there was anything before the Senate that I thought required my presence, I made it my duty to be here, and than a great many hon. members of this House who come here to attend for half an hour and go away. When I was here I was here for the whole sitting of the House.

Hon. Mr. DANDURAND—I can answer the hon. gentleman's inquiry. As the Hon. Secretary of State has said, the Liberal members of this chamber thought they were entitled to a fair share of representation on some of the most important committees. They thought they were entitled to a majority of one or two on the Railway Committee.

Hon. Mr. LANDRY—They have four.

Hon. Mr. DANDURAND—They came to the meeting, and quite naturally—and I think the hon. gentlemen on the other side will appreciate the motives which dictated their conduct—they thought it did not pertain to them to declare who should represent the regularly constituted opposition in this chamber upon the divers committee. We offered to the hon. gentleman opposite to allow them to choose nineteen representatives on the Railway Committee, provided we got twenty-one. As the hon. the leader of the opposition declared in this chamber a moment ago he and his friends declined to make that selection, because it entailed the sacrifice of a number of his own friends. We were not prepared at that moment to make as careful a selection for my hon. friend as I think we could have done, if we had known that that would be the attitude the minority in that committee would take. We tried to do for the best, and why my hon. friend who has just preceded me has been left out, and some others of his own friends in the province of Quebec preferred, was simply because he was on the Banking Committee, a committee where I think he has more experience, where it appeared at all events to the majority, his own qualifications and his own calling gave him a greater right to be, and when it came to examining his own right to be on that committee, compared with the right of some of his friends to be there, I know that the principal motive that dictated the conduct of the majority was that those who remained of the province of Quebec of his own party were more faithful attendants of this chamber than himself. I know that the hon. gentleman is one of the busiest Montrealers that we have and one whose achievements we are the proudest, but when we came to sacrificing some of his friends, we thought he could not very well attend a number of committees in the morning, as he—with myself—usually came on the morning train to attend the afternoon sessions, and as some names had to be sacrificed, his was left off, but the principal reason for his being left off was the fact of his own friends declining to point out who could most often attend, and who desired most to be on the committee. My own conviction was that the hon. gentleman was fairly indifferent as to the committees on which he would have served, because of the numerous affairs which he has to look after in Montreal, and which detain him forcibly at his home. There was a general desire to do for the best on that committee, and the hon. gentleman will see that this is the only committee where some of my hon. friends opposite were sacrificed. The Hon. Mr. Cox was also relieved from serving

on the Railway Committee. It was for the same reason that he, with the hon. gentleman opposite, was struck off—his numerous duties demanding his presence in Toronto. He was left on the Banking Committee. As I say, we were taken by surprise by the attitude of the leader of the opposition when he said: 'We will not select our nineteen; you can do it yourself.' We tried to do the best for all. As a matter of fact, we should have preferred to leave the hon. gentleman from Montreal on that committee, and if his assertion is right—I am not a member of that committee, and cannot speak of his past attendance—there are members of that committee who would gladly make way for him if he can give the time he says he could give, because he actually did not attend often last year at the meetings of the committees. But there was absolutely no bias in the mind of any one in the majority of that committee against any particular colleague of ours in this Chamber. We thought we were entitled to a majority of one on that committee, and some had to give way to the new blood we were infusing into that committee.

Hon. Mr. FORGET—I have been accused of not being here last year. I had to go away for my health to pass the winter in Europe. The hon. gentleman says I do not attend the Railway Committee meetings because I take the morning train to come to the capital. The hon. gentleman is wrong. If he refers to the record of the Railway Committee he will see that my attendance there compares very well with the attendance of half the members of that committee. He also says that my business being so large in Montreal, I cannot very well attend to the committee. I think I am the best judge of that. The Banking Committee does not require my attendance very often. I do not believe that committee meets more than half a dozen times during a session. The Railway Committee is a very important committee, and meets twice a week. I have attended to meetings twice a week often, and I think I have done my duty, and I defy the hon. gentleman to prove the contrary to this House. As far as my own affairs are concerned, if I was not able to give the time that I should give to that committee, I am the best judge of it, and I would not accept the positon if I could not discharge the duties, because if a man cannot give time to the work of a committee, it is only fair he should give way to others.

Hon. Mr. BAKER—Whatever may have been the cause for the omission of the name of the hon. gentleman from the Railway Committee, I am sure that all agree it was a mistake and a misfortune that it should be omitted. To rectify that mistake and to remove the effect of that misfortune, I ask this House, with perfect sincerity and all earnestness, to substitute the name of my hon. friend for mine on that committee, and I hope the House will not hesitate to do so.

Hon. Mr. FORGET—The thing has been done. I have been slighted, and I am willing to remain as I am. I shall not take the seat of any of my friends on the committee.

Hon. Mr. COCHRANE—It is very rarely I address the House, but I think the Senate would like the explanation I am going to ask for. The Secretary of State, in two or three of the first committees that he moved, seemed to go into detail as to why some members were left off. Now, he wants to spring the most important committee on the House without a proper explanation. I want to know, for instance, why I was struck off altogether. I have been a member of this House I think twenty-eight years or more. For a great many years I have been on the Railway Committee. I probably, in a political sense, have never interfered much with the House, but if I had any ordinary intelligence, I have always tried to use it for the betterment of my country and people, as my past record during the last thirty years will show, the interest I have taken in the North-west and British Columbia. The risk I ran, to begin with, in trying to open up and show we have a country there, history will prove, and it is not necessary for me to explain that now. I felt that if there was any committee I wanted to be on—I have been on only two for the last three years—it is the Railway Committee. I could not very well come up here at the opening of parliament. As it has turned out, it would not have amounted to anything if I had. I wrote to my friend, the leader of the opposition, to try and see that my name was continued on this committee. He has explained that

he did try, but without avail. My name was struck off and I was put on the Printing Committee, which is practically no committee at all. I feel very keenly that I was left out altogether. There might have been courtesy enough not to snub and kick an old man out of a committee to make room for those who have just come in. I should like the Secretary of State, before he gets through with this Railway Committee, to make an explanation why such and such names were left off and for what reason my own, amongst others, was left off.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has based his claim on the principle laid down by the Secretary of State, that in the House of Commons the committees are formed upon the basis of the political complexion of the house, and he claims that the same principle should prevail in the Senate. The hon. gentleman from Delorimier (Hon. Mr. Dandurand) said that they were entitled to a majority on the Railway Committee. That I deny. The Conservative majority, if we are to discuss the question of politics, is five in this Senate, but you had the opportunity, unfortunately, of having a majority at the time you formed the Committee on Selection. The government took advantage of it, and have sacrificed such gentlemen as those who have just spoken, the Hon. Mr. Sullivan, the Hon. Mr. Cochrane and the Hon. Mr. Forget. I desire also to say that the hon. gentleman's language was not strictly correct in reference to the position I took on the committee myself. We are all violating the rules in referring to what took place in the committee, and I shall move that the proceedings of that Committee on Selection be laid before the House. Then we will know better how these selections were made, and who voted to put these gentlemen off and who to keep them on. The position I took was this, that as you propose having a majority by putting off a number of old members of the committee, which was not in accordance with the former practice, we declined to take the responsibility of putting any of our friends off. Your said 'select your friends.' We said no. The Secretary of State will remember to put this question to me: 'You desire to have all your friends remain on the committee.' I said 'precisely, and fill up the vacancies with your friends as was done in the past. If you have six new members, fill the vacancies with them.' We were not prepared to assume the responsibility of saying to men who are more interested than many of us in the business pertaining to the different committees, put them off. The hon. gentleman took that responsibility, and when the proceedings are laid before the House they will show how it was manipulated. You have taken advantage of a temporary accidental majority at the time, and I suppose we may judge by this little act what we may expect when hon. gentlemen opposite have a real majority. I have not had an opportunity of analysing the statement made by the Secretary of State as to the past. It may be strictly correct. I am not going to dispute it; but he should remember that many of the years to which he refers were years in which the Liberal element in this House was very small, and as I called the attention of the House to the fact, they put in the mouth of the Governor General of this Dominion a statement that there were only six or seven Liberals in the House at the time, and he gave that as a reason for his refusal to reappoint to the Senate those who had resigned to contest elections in 1896. How is it possible if that statement were correct, that the Liberals could have many on the committees. In the face of the fact that Liberal members, when they were numerically very weak in the Senate, were put on four and five committees, and some more, how can the charge be made of political bias at the time? One would suppose, to hear the Secretary of State make his statement, that the House was full of Liberals at the time, and consequently they were not properly represented on the committees. I have called the attention of the House over and over again to the fact that the Liberals were on more committees than Conservatives were—necessarily so, because they were less in number than the Conservatives, and for the reason that I have given that they should have representation. They were put on four or five committees for two reasons. First, that the Liberals were weak, and were entitled to be on more committees than Conservatives were, and second for their ability and their adaptibility to the

particular committees on which they were appointed ; but when you say you have the right to a majority on the committees you have none except the right that a temporary majority gives.

Hon. Mr. LANDRY—The reasons given by the Secretary of State for refusing to leave the——

Hon. Mr. SCOTT—I did not make any explanation.

Hon. Mr. LANDRY—I beg the hon. gentleman's pardon. It was not the Minister that answered, but the prospective minister. The reason given by the hon. gentleman from De Lorimier for removing the name of my hon. friend, the member for Sorel, from the Committee on Railways and Canals does not apply to me. I am not interested in Banking and Commerce. I am not living in Montreal. I do not go down every day to Montreal. I am always in Ottawa during the sesison. I was not in Europe last year, so all those reasons which my hon. friend found to justify his actions in regard to my hon. friend for Sorel do not apply to me. I want to know, for my own sake, what are the reasons for removing my name from the Committee on Railways and Canals. I want to know from the Secretary of State and from him alone what are the reasons ?

Hon. Mr. SCOTT—There was no special reason. A gentleman from the province, a friend of the government (Hon. Mr. Fiset) was put on in place of the hon. gentleman.

Hon. Mr. LANDRY—There are no reasons at all ?

Hon. Mr. SCOTT—No reasons whatever.

The motion was agreed to.

COMMITTEE ON PRIVATE BILLS.

Hon. Mr. SCOTT moved that the following hon. gentlemen compose the Committee on Private Bills :

The Honourable Messieurs :—Armand, Baird, Boucherville, de, C.M.G., Carmichael, Casgrain (de Lanaudière), Church, Devor, Dobson, Fulford, Gillmor, Godbout, Gowan, C.M.G., Hingston, Sir Wm., Kt., Landry, McHugh, McSweeney, Merner, Montplaisir, O'Brien, O'Donohoe, Reid, Robertson, Shehyn, Sullivan, Thibaudeau (Rigaud).—25.

The motion was agreed to.

CONTINGENT ACCOUNTS COMMITTEE.

Hon. Mr. SCOTT moved that the following hon. gentlemen compose the Committee on Contingent Accounts :

The Honourable Messieurs :—Bernier, Bolduc, Casgrain (de Lanaudière), Ellis, Fulford, Fiset, Gibson, King, Landerkin, Landry, Lovitt, McCallum, McDonald (C.B.), McLaren, McMullen, Miller, Montplaisir, Owens, Pelletier, Sir A., K.C.M.G., Perley, Power (Speaker), Templeman, Vidal, Watson, Wood (Westmoreland).—25.

The motion was agreed to.

DEBATES COMMITTEE.

Hon. Mr. SCOTT moved the following hon. gentlemen as a committee on Debates and Reporting :

The Honourable Messieurs :—Beique, Bernier, Ellis, Kerr, Macdonald (P.E.I.) McCallum, Robertson, Thompson, Vidal.—9.

Hon. Mr. LANDRY—I would ask the hon. gentleman if he could not revise that list. I do not care which side it is on, but I should like the French element to be more represented on that committee. It deals with the reporting and translation in the French language.

Hon. Mr. SCOTT—I should be glad to consider the suggestion. What hon. gentleman would like to serve on the committee ?

Hon. Mr. LANDRY—I propose that Hon. Mr. Poirier take the place of one of those. Hon. Mr. Beique was named in my place, was he not ?

Hon. Mr. SCOTT—Yes, he was.

Hon. Mr. POIRIER—Could not Hon. Mr. Landry himself be placed on that committee ?

Hon. Mr. SCOTT—I move that Hon. Mr. Poirier's name take the place of Hon. Mr. Kerr's on the committee.

The amendment was agreed to, and the motion as amended was adopted.

DIVORCE COMMITTEE.

Hon. Mr. SCOTT moved the following hon. gentlemen as the Committee on Divorce :

The Honourable Messieurs :—Baker, Gowan, C.M.G., Kerr, Kirchhoffer, Loughead, McMullen, Primrose, Templeman, Wood (Westmoreland).—9.

The motion was agreed to.

THE RESTAURANT COMMITTEE.

Hon. Mr. SCOTT moved that the committee on the Restaurant be composed of the following hon. gentlemen :

The Honourable Messieurs :—The Honourable the Speaker, Bolduc, McKay (Truro), McMillan, McSweeney, Miller, Pelletier, Sir Alphonse, K. C.M.G.—7.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, March 20, 1902.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (A) An Act respecting Applications for Railway Charters.—(Hon. Mr. Casgrain, De Lanaudière.)

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. gentleman if that is a copy of the Bill as introduced last year, or has it been amended in any way ?

Hon. Mr. CASGRAIN—The Bill now introduced is, I think, the same as the one presented to the Railway Committee last session.

REGINA LAW LIBRARY BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (19) An Act relating to the Regina Law Library. He said : This Bill is embraced in four lines, authorizing the Governor in Council to transfer to the law society of the North-west Territories the law library now at Regina. It was purchased by the country some years ago, and from time to time has been added to, and it was thought better to transfer it to the law society at Regina, on such terms as may be arranged with the Department of Justice.

Hon. Sir MACKENZIE BOWELL—Do I understand that this is transferring property belonging to the Dominion to the law society of the North-west Territories ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Is that intended to relieve the country in the future of any further expenditure in adding to that library, or is that placed in the same position as the old libraries in the other provinces, sustained and supported and added to by the funds of the society, the fees paid in by the lawyers ?

Hon. Mr. SCOTT—I understand we free ourselves of any further responsibility in transferring this library to the law society, that they are to take charge of it hereafter, and that we are no longer expected to contribute towards it.

Hon. Sir MACKENZIE BOWELL—They are to maintain it at their own expense ?

Hon. Mr. SCOTT—Yes, at their own expense. We get rid of it.

Hon. Mr. FERGUSON—It would seem to me that the proper way to do would be to transfer that library to the Governor of the North-west Territories, and let him make any arrangement with the law society they think proper. We are transferring a public asset to a law society of which we know nothing. We do not know its status, or position, or its ability to take care of these books, or do the work of managing that library. It seems to me the better way would be to transfer the library to the government of the North-west Territories and let them transfer it to the law society in existence there, or in any way they choose.

Hon. Mr. SCOTT—The library was originally formed for the benefit of the profession there, and the judges thought the better way, in order to relieve the government of the entire responsibility in the future, would be to transfer it to the law society, which was an organized institution there, so that hereafter, in the purchase of the books that require to be bought from time to time, the law society should defray that expense. There are, I may say, through all parts of Ontario, in the various counties, law libraries which are maintained by the profession, and I assume it is intended that

the profession shall keep up this library in the future. They probably would be better custodians of it than the government.

Hon. Mr. SULLIVAN—I suppose all the judges agree with that?

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. FERGUSON—I should like to ask my hon. friend if he can give us some information about the law society? How many professional men reside in Regina? It may be there are no more than two or three there altogether.

Hon. Mr. SCOTT—I am unable to give the number, nor can I tell the number distributed over the Territories. I will endeavour to furnish that information at the next stage of the Bill when we go into committee.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, March 21, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (B) An Act relating to the Ottawa Northern and Western Railway Company.—(Hon. Mr. Lougheed.)

Bill (No. 7) An Act respecting the Canada Southern Railway Company.—(Hon. Mr. McCallum.)

Bill (No. 13) An Act respecting the Canada and Michigan Bridge and Tunnel Company.—(Hon. Mr. McCallum.)

Bill (No. 15) An Act respecting the River St. Clair Railway Bridge and Tunnel Company.—(Hon. Sir Mackenzie Bowell.)

Bill (No. 18) An Act to incorporate the Velvet (Rossland) Mine Railway Company.—(Hon. Mr. Macdonald, B.C.

Bill (No. 20) An Act to incorporate the Battleford and Lake Lenore Railway Company.—(Hon. Mr. Perley.)

Bill (C) An Act for the relief of John Hamilton Ewart.—(Hon. Mr. Primrose.)

Bill (D) An Act for the relief of James Brown.—(Hon. Mr. Landerkin.)

Bill (E) An Act for the relief of Thomas Henry Radford.—(Hon. Mr. Watson.)

PROVINCIAL AUTONOMY FOR NORTH-WEST TERRITORIES.

INQUIRY.

Hon. Mr. PERLEY rose to ask the government:

If the government of the North-west Territories have made application to enter confederation under full provincial autonomy, and if so, what are the terms and conditions proposed by them?

Hon. Mr. SCOTT—The government of the North-west Territories have made an application to the government of Canada for recognition of portions of the territory as provinces. No action has been taken upon it, nor is likely to be in the near future, and unless with the consent of the government of the North-west Territories, it would not be proper to bring down the papers, or give any information. At present they are confidential and liable to be changed at any moment.

Hon. Mr. LOUGHEED—Do I understand from the hon. Secretary of State that there is no prospect of anything being done at an early day with reference to this matter?

Hon. Mr. SCOTT—It would require parliamentary action, and I do not think anything could be consummated during the present session.

Hon. Mr. LOUGHEED—Might I ask the hon. Secretary of State if the matter is under the consideration of the government?

Hon. Mr. SCOTT—Yes, it is of course under the consideration of the government.

Hon. Mr. LOUGHEED—Might I further ask why the delay? I understand the executive of the North-west Territories have been in Ottawa on two or three occasions discussing the subject with this government, and I might say that public sentiment throughout the whole of the territories has asserted itself very strongly in favour of immediate action being taken with reference to this important matter, and this government hitherto has expressed its willingness to give provincial auto-

nomy to the Territories upon the same being asked. Therefore, in view of those circumstances, it seems to me very strange that some action has not been taken during the present session. Certainly, the public of the North-west anticipated that this government would bring down some measure along those lines.

Hon. Mr. SCOTT—I think there are some matters that will have to be further considered before final action can be taken. The areas of the provinces, whether it shall be one or several, the centres, the capitals of the provinces, and a variety of questions of that kind have not really yet been discussed sufficiently to arrive at any fair conclusion.

Hon. Mr. PERLEY—I understand that the great difficulty in the way—and I imagine that to be the case from the fact that the hon. gentleman says there is no action to be taken in the very near future—is that they do not wish to do anything until after the next federal election on account of some difficulty that may arise in connection with the school question in that country. Is that so?

Hon. Mr. SCOTT—No, I have not heard that mentioned. I have not heard any mention of it in that connection.

SECOND READING.

Bill (No. 10) An Act respecting the Orford Mountain Railway Company.—(Hon. Mr. Owens.)

REGINA LAW LIBRARY BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (No. 19) An Act relating to the Regina Law Library.

(In the Committee.)

Hon. Mr. SCOTT—The hon. senator from Queen's desired some information which I promised to give at this stage of the Bill. He inquired as to the number of the profession in Regina. I find there are eight or nine lawyers practising there, and that there are between eighty and ninety practising altogether in the North-west Territories. This library is for the use of the profession throughout the North-west, the court sitting en banc in Regina. The law association itself has already purchased a number of books, outside of the contributions made by the government.

Hon. Mr. FERGUSON—I have been looking into the matter, and find that there is a law society in the North-west Territories and that it is thoroughly equipped for taking care of the law library. I am quite satisfied on that point. Is it essentially a law library or is it also a parliamentary library?

Hon. Mr. LOUGHEED—It is altogether a law library.

Hon. Mr. FERGUSON—Where is that library housed at present?

Hon. Mr. LOUGHEED—In the Regina court-house.

Hon. Mr. FERGUSON—Which belongs to the territorial government?

Hon. Mr. LOUGHEED—No, to the federal government.

Hon. Mr. FERGUSON—We are only passing over the books? The library building in which they are housed at present has not been disposed of, I suppose?

Hon. Mr. LOUGHEED—No, it belongs to the Dominion government. The court en banc sits in Regina twice a year.

Hon. Mr. FERGUSON—It seems to me it would have been as well to have conveyed the books to the government of the Territories and let them make arrangements with the law society. That would be the proper course to pursue, because there may be details in the transaction with which we are not at all conversant.

Hon. Mr. LOUGHEED—This is done at the request of the law society and with the concurrence of the government.

Hon. Mr. FERGUSON—We know that the lawyers would take the earth if they could get it, but if this library is transferred with the consent of the government, I suppose it is all right.

Hon. Mr. LOUGHEED—The government have no use for the law library and the lawyers have.

Hon. Mr. LOUGHEED, from the committee, reported the bill without amendment.

The bill was then read a third time and passed.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, March 24, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

MINUTES OF THE STRIKING COMMITTEE.

MOTION.

Hon. Mr. LANDRY moved :

That an Order of the Senate do issue ordering that the minutes of the meeting of the Special Committee appointed to strike the Standing Committees, held on the 21st February last, be laid upon the Table of the Senate.

Hon. Mr. SCOTT—This is very unusual. I do not remember in many years a similar motion having been placed on the Order paper of the Senate. No good purpose can possibly be served by it. The report of that committee was accepted and adopted by the Chamber. It was perfectly competent for the Chamber to have thrown out the report, or to have referred it back to make certain changes—any changes that the House indicated. The hon. gentleman is very well aware of the changes that have been made, and I have no doubt has examined the report, and I cannot conceive that any good purpose can be served by having recorded in our journals how individual members of the committee voted in the selection of committees. It was a very delicate duty the committee had to perform. There were introduced into the Chamber this session, no less than six new members. A number of new senators were introduced the latter part of last session, and it became necessary to make provision for these senators. In doing so changes had to be made in committees, many of them very much to be regretted. I regret myself having had to make certain changes, but the conditions had altered, and the new state of affairs had to be considered, and the House very properly recognized the situation and adopted the report. Gentlemen on the committee were anxious to meet the views of those who desired their friends to be placed on certain committees. My hon. friend, the leader of the opposition, withdrew from one or two committees in order that some more aspiring gentlemen should be permitted to occupy seats on these particular committees. The hon. gentleman from Calgary, also a member of the Striking Committee, did the same. I myself dropped out of two committees in order to give place to gentlemen who desired to be on special committees. It was not possible to meet the views and objects of all, and therefore there necessarily was some disappointment. Possibly at a later date those disappointments may be corrected. My hon. friend surely does not want to have placed on record that I substituted Hon. Mr. Fiset's name for his. He is already aware of that fact. I think he was told of it before. I ask the hon. gentleman, therefore, to withdraw his motion, and if he does not, I ask the House not to introduce a precedent of that kind, because it somewhat disturbs the fair and candid action of a committee, if their course has to be individually canvassed and criticised after the report comes to be laid on the Table. I should hope, therefore, if the hon. gentleman will not withdraw his motion, that the House will see the propriety of not having the report recorded in the journals of the Chamber.

Hon. Mr. SULLIVAN—You promise to do better next time ?

Hon. Mr. SCOTT—We will make some changes.

Hon. Sir MACKENZIE BOWELL—There is a good deal of force in the remarks which have been made by the hon. Secretary of State, but while, as he says, this is a singular motion, unprecedented in the history of the Senate, he should also have added that the action of that special committee was also unprecedented in the history of this body. Were it not so, I am quite sure that the hon. gentleman (Hon. Mr. Landry) would not have put this motion upon the Notice Paper. For myself, I very much regret that the hon. Secretary of State, as leader of the government, has adopted the policy of the majority in another branch of this legislature, of suppressing information when it is asked for in parliament. No harm can possibly arise from laying the proceedings of that committee before the Senate, if the statement of the hon. Secretary of State be strictly accurate—that is, if everybody knows who were left off the committees and who were substituted therefor. I can see no reason why the proceedings should not be laid on the Table. It is quite true

that my hon. friend for Prince Edward Island, and also my hon. friend from Calgary and myself asked to be relieved of one or two committees for the purpose of allowing gentlemen who have been in the Senate a longer period than either of us to remain on those committees. Had we accepted the proposition made by the manipulators of that committee, then some others who are just as much entitled—I would say more entitled—to positions on the committee, than either of the three gentlemen I have mentioned, would have been struck off, and the Secretary of State would not, of course, have made the motion because he was chairman, and with his friends would have had the disagreeable duty, as they consider it to be their duty, to strike off certain other gentlemen, one of whom sits on my left, and who has been in the Senate since confederation, and has been one of our most attentive members. Not being particularly anxious to serve on the committee, he would have been relieved of the grave responsibility of deciding who should be appointed a charwoman at 80 cents a day. We relieved ourselves from that responsibility, and for the reasons which I have given. I repeat, there can be no harm in having this report laid before the Senate. I desired individually to be relieved of the responsibility of having voted for striking off members of committees, who had been chairmen for four or five years, and without any rhyme or reason other than that some new member who had never been in the Senate before this year, and who had no experience whatever on committees, should take their place. I wish to be relieved of that responsibility for one, and I hope the Secretary of State will not divide the House upon this question: if he does, we will have to record our votes, and the country will know who it is that suppresses information from the House and from the public when it is asked.

Hon. Mr. ELLIS—I was a member of the committee, and I can say for myself that, as far as I gave votes, I voted without any personal animus, and am indifferent as to whether the facts become public or not, but I view the matter this way: the Striking Committee made a report to this House, the matter was discussed on the report of the committee, and this question, to come up properly, should have come up before the House adopted the report. The leader of the opposition, in his very moderate observations, says he sees no harm in it; I see no good in it.

Hon. Sir MACKENZIE BOWELL—I was repeating what was said by the Secretary of State. He said that everybody knew what was done, and if everybody knew, there could be no harm in making it public.

Hon. Mr. ELLIS—The hon. gentleman did not advise the House to vote for it, but took the view there was no harm in so doing. Now, I say the matter has passed over. No good whatever will result from disclosing the proceedings of the committee to the people, because I presume the members of the Senate can inform themselves if they want to. I am satisfied they should be informed, as far as I am concerned, but what is the use of going back on a matter of this kind when it is passed?

Hon. Sir MACKENZIE BOWELL—The hon. gentleman referred to the debate and what took place when the consideration of the report was before the House. He may remember that I stated then that in order that the Senate and the people should know how the proceedings of the committee were conducted, if no one else would move that the proceedings of the committee should be laid before the Senate, I would do so.

Hon. Mr. ELLIS—I was not present when the hon. gentleman made that announcement.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman looks at the reports, he will see that I gave notice to that effect; but the hon. gentleman from Stadacona has taken it up, otherwise I should have done it myself.

Hon. Mr. SULLIVAN—All this shows there should be some rule either written or verbal, having some regard for territory, seniority and, above all for regular attendance, which I place above any other. In that way many of those difficulties could be avoided, and it would prevent those injustices, I call them, because it is a flagrant injustice for an old member to be excluded from any committee no matter what side of the House he happens to be on. I say members who have been here for years,

should have an opportunity, to keep in touch with the legislation, by being on one of the important committees. As I said before, the Printing Committee and the Private Bills Committee are of no account. There are only two committees that any senator would care to be on. The blue ribbon is the Railways and Canals, and next is the Banking and Commerce. The element of politics has been brought in, and must be reckoned with for the future, and if the party in power should have a majority on the committee, the same men would remain on indefinitely. If that is to be the rule, how can I obtain a position ? Am I to canvass the members of the Striking Committee ? It is obnoxious to one's sense of independence and the position he should assume when he enters this House. I am not particularly careful whether this motion is carried or not. I do not see what masonry there is about it. I suppose any one could obtain a copy of it if desired. I am certain all irritation could be avoided in future if some system were adopted. I hold that regular attendance should be the first qualification, because I know there are men on committees who come here only when an important subject is discussed. It is not fair that the hard working, careful man who is always in attendance should be passed over. There are other things which are unfair. It is painful to be mentioning grievances, after all when you analyse it philosophically, it reminds one what Cromwell said of the mace. I hope the result of this debate will be some system of fair-play—some system which will give satisfaction to all the members of this House, one they shall feel content with no matter how humble they are, one under which they will be treated with justice and fair-play.

Hon. Mr. WATSON—It is rather refreshing to hear some hon. gentlemen opposite addressing the House in the language they use at the present time. About a year ago I took exception to the report of the Striking Committee, and I ask hon. gentlemen to look over the debates of last session and see what their attitude was then. Talk about fair-play in the present session—there are some three or four committees on which the Liberals have majority. I think they have four of a majority on the Railway Committee, and one on the Contingent Accounts Committtee, and some Reform chairmen have been elected. Mr. Drummond, however, a very worthy gentleman, is chairman of the Committee on Banking and Commerce, and the government have not taken undue advantage of the opposition as they might have done, and as the opposition did of the government at the commencement of last session. Last year out of forty I think the Liberals were allowed twelve members. It was very unfair and unjust. On the Contingent Accounts Committee, they only had six out of twenty-five members. That was the justice we got from them. I suggested at that time that some rules might be laid down to give the hon. gentlemen, who represented one party or the other a fair representation on those committees. I am satisfied that rule is carried out in the House of Commons, and the gentlemen representing each side, ought to select their own men for the different committees. I think it is but right and fair. Gentlemen have complained in the House of being left off committees they wished to be on. They have to look to the leader on their side of the House for their appointment. I think that is the proper place to look. It appears to me to be very unfair and, in fact, childish for members of that Striking Committee, when they fail to get their own way, to say they won't play at all. That is what the hon. leader of the opposition said in connection with this committee—because he could not have his own way he would not nominate anybody, and therefore he was not responsible for the committees. The gentlemen on this side of the House nominated those they thought best fitted for the committee. If we were to listen to the arguments of some hon. gentlemen here, that in order to have a new man appointed to a committee some senator must die, we would have to wait a long time for some appointments. I agree with the hon. gentleman from Kingston (Hon. Mr. Sullivan) that the membrs who are best fitted ought to be selected to serve on those committees, and men who attend the work of the session regularly, and only by doing that can you secure the most efficient work on the committees in the interests of the country at large. I simply wish to call attention to the fact that last session, when I objected to the composition

of those committees, very strong grounds were taken in maintaining the position, and adopting the report they adopted last year, though it was manifestly unfair, only six members representing the popular side of the House in the country, on the Contingent Accounts Committee, and only twelve on the Railway Committee. It was certainly unfair. Hon. gentlemen were laying down a precedent at that time which they thought was right and just, and now they complain because they happen to be in a minority. I am inclined to think that it would be in the interests of the Senate generally not to lay down a precedent that reports of select committees should be brought before the House. Most of the members of the Senate know fairly well what the Minutes of the Striking Committee were, because it is a Select Committee, and being a Select Committee, the proceedings are supposed to be of a private character, as I should understand from its being a Select Committee for that particular purpose. If this motion is adopted, it will hamper men who are selected for that purpose, if the Minutes of the committee are to be brought before the House when they exercise their best judgment. I think it is a bad precedent to adopt, and I do not know that it has ever been done before. It seems to me it would be well to carry out the suggestion of the Secretary of State, that the hon. gentleman should withdraw his motion.

Hon. Mr. MACDONALD (B.C.)—It is very unfortunate that party politics should enter into matters of this kind. I sat on that committee for the first time it was organized until last year with the Secretary of State, and I think he cannot say to the contrary—that the question of politics never arose in appointing members to those committees. There are certain men who have been for years on committees, and the trouble has been to find room for new members without putting old members off. Every request the hon. Secretary of State made was granted. We pulled harmoniously, and the question of politics never entered into our heads. It may have occurred to others, but it was never acted upon, and the committees were formed in the best way possible. I was put off the Internal Economy committee this year. I think nothing of that. You cannot find room for everybody. If a man is on two committees, it is all he can expect. I wished to get off that committee the second year I was on, but the committee would not consent. I was not present at the debate on this question the other day, but if there was a complaint that injustice had been done to any of the Liberal members that they were not made chairmen of the committees, it was a very poor and very small thing. By the practice of the Senate old members were chairmen of the committees, and there was a feeling not to depose them. They were elected by Liberals and Conservatives, year after year, and there has been the greatest harmony in the committees, no very important political questions came before us in which one party claims precedence or a majority over the other. I hope that, as far as we can, we will drop those feelings, because there is on our part only a desire to do the right and proper thing.

Hon. Mr. FERGUSON—The hon. gentleman from Marquette has no right to say that a serious injustice was done last year to the Liberal party in the appointment of the committees of the Senate. A statement was made on another occasion that for a great many years the Liberal party were not allowed a single chairman of a committee of this House.

Hon. Mr. SCOTT—An important chairman.

Hon. Mr. FERGUSON—The Striking Committee last year put the Liberal party in this House in a position to elect chairmen on two committees, Private Bills and Printing. On both those committees a majority of Liberals were placed last year. It is quite true that there were a great many changes made last year, and those changes were in the direction of giving the government side a larger voice in the committees. They were not as great as some gentlemen on the other side would have liked, but they were brought about in a natural way, on account of the deaths or resignations of old members of the House, and they were brought about to such an extent as would give gentlemen on the other side of the House a very certain assurance, seeing the way that death had passed through our ranks during the last year, that if this gov-

ernment should remain in power at all events it would not be long until they would get all the representation on the committees to which they were entitled according to their numbers. The principle had always been respected in the Striking Committees, as far as I know, of not making changes except such as would come in a natural way. What has happened this year? The hon. gentleman from Sherbrooke, who has been on the Railway Committee for many years, disappeared from that committee. His place is taken by a man only appointed recently to this House. One hon. gentleman from Montreal, a gentleman more thoroughly identified with the transportation question and the harbours in Canada than perhaps any other representative in this House, has disappeared from the Railway Committee. The hon. gentleman from Kingston, an old member, and a good attendant at the meeting of the committee, has been removed from the Railway Committee. I might mention two or three other gentlemen as well. There were many vacancies, many deaths occurred in the ranks of senators during the last year, there were many natural vacancies to fill, and my hon. friend the Secretary of State tells us truly that there was a disposition shown on the part of members of the Striking Committee on this side to make it easy by dropping out ourselves and making way for others. But I am not going to discuss what took place in committee. That will come up if this motion carries. What I refer to happened, that old, experienced and valuable members of committees were ruthlessly removed and new members put in their places. A good deal of feeling has been the result. It is a pity it should have occurred. I do not think it was at all necessary. I exonerate my hon. friend, the Secretary of State, from very serious responsibility in connection with this matter, both in the House last year and otherwise. I have watched my hon. friend and I feel that whatever he did in the matter, he did with the very greatest possible reluctance, and I believe if he had not been pressed by others he would not have displaced old friends, although political opponents of his, on those committees where there were no questions of political importance coming up. I believe it is due to the hon. gentleman to say that his was not the moving hand that has brought about the changes. I believe some comparatively new members of the House have not been satisfied to wait, as others of us have done, for vacancies coming in the natural way, in order to be put on the more important committees, that they have pressed my hon. friend too severely in the matter, and the consequence is that we have had these changes made which I think are regrettable, and regrettable more especially on account of the feeling which they have occasioned in the House. Seeing that, it is evident that harm has been done, that a wrong has been done, it is quite right that the minutes of the committee should come out in order that it may be seen who is responsible for it.

Hon. Mr. LANDRY—I was not a member of the Striking Committee, so I ignored entirely what took place at its meetings. I came here and heard the discussion going on, and was told of certain facts which occurred in the committee, in one way by one side of the House, and in another way by the other side. So that I do not know really what took place. I want to know. Who will deny my right to ascertain what took place, if I proceed in the regular way? I have made a motion to have these minutes brought before this House and who opposes the motion?

Hon. Mr. SCOTT—I do.

Hon. Mr. LANDRY—The leader of the House. In the name of liberty!

Hon. Mr. SCOTT—In the name of the good feeling and harmony in this House.

Hon. Mr. LANDRY—Good feeling and harmony! It is a pity that in the name of good feeling and harmony he did not take another course when he proposed the formation of those committees. Who is the cause of the bad feeling and the lack of harmony that exists now? There is no precedent, says another member, for this motion. Why, it is a select committee, and select committees' reports and minutes are brought before the House. We had a select committee last year on the Cook charges, and the minutes of that select committee were brought before the House. No one complained. I am just doing in the case of this special committee what was done in connec-

tion with other special committees at the time, and yet, in the name of harmony, in the name of I do not know what else, the hon. member rises and opposes the motion. We will see what the pulse of the House is on the question. We will see if liberty has anything to do here, or what he calls harmony.

Hon. Mr. SCOTT—The political aspect will come out, I suppose.

Hon. Mr. LANDRY—The hon. gentleman is leaving it out in the name of harmony. That is what he calls it. In accordance with the precedents that I have cited, I will not withdraw my motion. But I would not like to take my hon. friend (Hon. Mr. Gillmour) by surprise in having him second it. I thought the motion would be carried unanimously, and as I was not showing any political animus—

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. LANDRY—I just asked my hon. friend to second the motion. It appears now there is a political aspect to the motion.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. LANDRY—I should not like to put my hon. friend in a bad position before this House, and if he will allow me I ask permission to withdraw his name and substitute that of Mr. Bernier. I suppose that will be harmony.

Hon. Mr. PERLEY—I intended to vote against the motion, but I have changed my mind and I will vote for it.

Hon. Mr. GILLMOR—I do not regret that I have seconded the motion. I am not quite satisfied with this arrangement. I have been here three sessions and have been on two very inconsequential committees, and had a desire to be put on a committee of rather more importance. I made a request in reference to that, but was refused. However, I do not think it is worth while to leave my friends on this vote.

Hon. Mr. YOUNG—Speaking as a new member of this House, it strikes me that hon. gentlemen will have some difficulty in finding a precedent for this motion. The precedent referred to does not apply, because the Cook committee was a special committee, and specially instructed to report the evidence and findings to this House. The facts are, to my mind, that at the beginning of the session a Striking Committee was formed by this hon. body to select members to serve on the various committees during the session. That committee met and reported. That report was accepted by the House. Therefore the whole trend of the discussion to-day has been to re-debate the action that has been taken by this House.

Hon. Mr. LANDRY—No, no.

Hon. Mr. YOUNG—The report of that committee was accepted and acted upon. Therefore it is business that has been passed upon, and the decision of the House has been given. The motion before the House is to produce the minutes of that committee. We have already before this House the customary record of the committee, the report, and on that report we judge of the committee's work. I am not going to say that the action of the committee was entirely satisfactory or was not satisfactory—that is past and settled; but let us look at the proposition of my hon. friend from Stadacona in the bearing it will have upon our procedure in the House. While I may be wrong, it strikes me that the usefulness of our committees depends very largely upon the fact that there is freedom of discussion and action in the committee, and we know by practice that the rules of the House properly debar reference to what has taken place in the committee. That practice gives to our committees a free hand which might not otherwise prevail, and they act on measures and the business submitted to them in a way best calculated to promote the public interests. My hon. friend suggests to-day that these minutes should be produced before the House. We have the report, which should be enough, but he wants the details. If we establish that precedent to-day, where are we going to stop? Any hon. member who is dissatisfied with the work of any committee, will feel that he has a right to rise in this House and move that all the details of what occurred in that committee should be laid before the Senate. I do not think that the Senate should place itself in that position. Therefore it is not fair to the committee or to the House, and I do not think it is in accord with practice to produce such proceedings. I have not had time to look this matter up. I thought the motion

would very likely be withdrawn, but I ran into the library for the moment, and from what I could see in a cursory glance at the authorities it is a practice which has not been approved of, at least in the English House of Commons, and I fancy that a rule that is good there would be good here. I do not question the generosity of the leader of the opposition on that committee. We know he is a generous man, and we know he has nothing to hide. I do not question the generosity of the Secretary of State or of any other member of the committee. I fancy the Striking Committee has nothing to hide. I am not asking the House to consider it in that light at all, but to consider it in the light of the future course of events. I think we should take the report of the committee, and do with it as the wisdom of the the House sees fit; but when we ask for the details of what took place before the committee, unless the committee has acted irregularly, or exceeded its powers, or done something which the House did not instruct it to do—unless it had met without a quorum —unless there was some charge made which would at least awaken in us a desire to see that the committee was properly constituted and the work properly carried out—failing these charges being made—and my hon. friend has not suggested anything of the kind—I do not see what good it can do to bring before this House the details of the deliberations of that committee, when the House has already taken action on the report. The precedent, in my opinion, is not a good one, and I would ask the House to consider it. I ask my hon. friend to look at it in that light and withdraw his motion. After the discussion we have had, he will probably have accomplished all he had in view in bringing it before the House. Failing that, I ask, Mr. Speaker, if in your opinion, it is a proper motion. But I would prefer the hon. gentleman to withdraw the motion and not place on record such a precedent.

Hon. Mr. LANDRY—If my motion was to be followed by another one affecting the debates and proceedings of this House, and the decision of this House on the report of the Committee of Selection, it might be objected to, but I have nothing of the kind in view. Taking the motion as it is, have I not a right to ask for these details? Every member of this House has a right to ask for the correspondence between any department and a stranger; yet we are told that we have no right to know the details of the proceedings of any of our committees. I think the proposition is absurd.

Hon. Mr. TEMPLEMAN—I wish to call the attention of the House to the opinion of Sir John Bourinot on a question of this kind, page 516:—

> Though it is the practice, whenever necessary, to report the minutes of proceedings of the select committees of the House of Commons, it seems that the same usage does not obtain in the Senate. In the case of a bill respecting the G.T.R., reported in 1883 from the Committee on Railways, Canals and Harbours, some of the members of the committee requested the chairman to submit the minutes of proceedings to the House. No such course, however, was taken, as there was no special motion made in the committee, and the chairman on inquiry found that it had been the practice of the sessional committees on private bills to report not their minutes of proceedings in full, but only the general results arrived at, though it was admitted a different practice prevailed with respect to divorce bills, and certain matters referred to select or special committees, in which cases evidence was taken and the facts brought out that it was advisable to lay before the House.

Hon. Mr. McCALLUM—Was not this a special committee?

Hon. Mr. TEMPLEMAN—This is a select committee.

> The difficulty in the case in question appears to have been the absence of a motion regularly proposed and put in the committee. As clearly stated by one of the members at the time of the discussion in the Senate, if it was considered desirable on any occasion to depart from the general practice of the House, it could be done in two ways: first, by instruction to the committee from the Senate; and secondly, by the action of the committee itself.

The committee has not taken that action, so that, while it undoubtedly is in the power of this House to order that these minutes shall be produced, I think it is contrary to practice and all precedents. It would be, in my opinion, establishing a rather dangerous precedent, but I am free to confess, as a member of that select committee, I have no personal objections to the production of all the minutes of proceedings. The leader of the opposition suggested the other day, when this report was being adopted, that I took an offensive, or rather an active, part in the proceedings of that committee, an imputation that I disavow altogether. It is un-

necessary, perhaps, to discuss what takes place in the committee. If the report is brought down it can be seen, and I am prepared to defend any action I took with respect to what I did in the naming of these committees. I think my hon. friend who has moved this motion would best serve that harmony which he wishes to preserve at all times in this House, by letting this matter drop after the discussion we have had. I have no desire to continue debating this question, because it is only adding fuel to the flames, and continuing a little feeling of dissension which, in my opinion, should not exist in this chamber.

Hon. Sir MACKENZIE BOWELL—What the hon. gentleman has read from Bourinot justifies the course we have taken. It says no report should be made unless by instruction from the House. In the Cook case, and many others, when it was thought an investigation should take place, the committee were instructed to report from time to time to the House. Bourinot says: 'First by instruction to the committee from the Senate'—that is precisely what was done in the Cook case.

Hon. Mr. TEMPLEMAN—But not in this case.

Hon. Sir MACKENZIE BOWELL—'First, by instruction to the committee from the Senate, and secondly, by the action of the committee itself'—that is, the committee can instruct the proceedings to be reported to the House. Then the rule of the House of Lords provides for the reporting of the minutes of proceedings—that is, of committees. It does not restrict it to one committee or to any committee, and in any case what is not provided for in our rules we are guided by the rules which govern the House of Lords. Now, to adopt the suggestion of the hon. gentleman would simply mean this, that the Senate should divest itself of the power of asking for information which the members of the Senate think should be given to the public, or to the House itself.. No one, not even my hon. friend, who has had a very long parliamentary experience, having been Speaker of a legislative assembly in Manitoba for a number of years has even indicated or insinuated that we had not the power to do it. He only deprecates it because he thinks some bad result is to follow. If I put it in another way I hope it will not be offensive. They object to the production of these proceedings simply because they do not want the Senate or the public to know what they did in the committee, or who it was that committed what my hon. friend very justly says was a wrong to certain members. I cannot conceive it possible that any one could take what my hon. friend has read and draw the deduction from it that he does. When I said he took an active part on the committee I did not mean to say it offensively. It would be the last thing I would say, because we both belong to a profession which is never offensive to any one.

Hon. Mr. TEMPLEMAN—How does the hon. gentleman interpret that last sentence of the quotation from Bourinot?

Hon. Sir MACKENZIE BOWELL—'The rules of the House of Lords provide for the report of minutes of proceedings,' says Bourinot.

Hon. Mr. TEMPLEMAN—That has nothing to do with this case.

Hon. Sir MACKENZIE BOWELL—I think it has, otherwise I should not have quoted it, and I do not think the hon. gentleman should have read it if he did not think so too.

Hon. Mr. ELLIS—All that has been read, and, indeed, all that has been said, has reference to the question whether the action of the Senate would be influenced or could be influenced by the production of the minutes, the object of getting the information which is sought. In this case it is absolutely impossible to alter the proceedings, or do anything further in connection with the matter. The hon. gentleman admits that, and therefore what is the good of it? I add my request to have the motion dropped. No good can be served by the production of the minutes. It is better not to proceed any further, and set a precedent which at some future time may come up in an awkward sway.

The Senate divided on the motion, which was adopted on the following vote:—

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The Hon. Messieurs

Bernier,	McCallum,
Bowell (Sir Mackenzie).	McKay (Truro),
Carling (Sir John),	McMillan,
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Cochrane,	Owens,
Dobson,	Perley,
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Macdonald (P.E.I.),	—24.
Macdonald (Victoria),	

Non-Contents :

The Hon. Messieurs

Church,	Robertson,
Déchêne,	Scott,
Dever,	Shehyn,
Ellis,	Templeman,
Lovitt,	Thibaudeau (Rigaud),
McMullen,	Thompson,
McSweeney,	Wark,
O'Donohoe,	Watson,
Pelletier (Sir Alphonse)	Wood (Hamilton),
Power, (Speaker),	Young.—20.

SUBSIDIES TO THE NORTH-WEST TERRITORIES.

INQUIRY.

Hon. Mr. PERLEY inquired of the government :—

If they have provided for or are going to give the government of the North-west Territories a larger grant of money to carry on the government of the North-west Territories than they did last year, and if so, about what amount ?

Hon. Mr. SCOTT—The main estimates are on the Table. I am not aware that there is any largely increased amount. The supplementary estimates, however, have not yet been considered. The hon. gentleman will get his information when they are brought down and laid on the Table.

Hon. Mr. PERLEY—I anticipated that that would be the reply. It is hardly fair or reasonable to expect the government of the North-west Territories to carry on the government of the country in view of the large increase of immigration—which is the result of the government immigration policy—it is hard to expect them to maintain schools and provide for such a rapidly increasing population without funds. Last year there was a large shortage to meet the requirements of the government. I think they were short about $150,000. This year the deficiency will be still greater, and I am sure it would be very unfair to the people of the Territories if the Dominion government, out of the large revenues they have, do not provide a sum to meet the requirements of the people there, and not force them to resort to higher taxation than they have at present. Mr. Haultain on one occasion said if there was not a larger grant we would have to get provincial autonomy and look after ourselves. I understood the hon. gentleman to say it was not the intention of the government to grant provincial autonomy. What are they to do ? They can not raise the money themselves, and the government here will not give them enough money to carry on the government of the Territories, In no part of this Dominion of Canada do the people contribute, in proportion to their numbers, so much to the revenue of the country as the people of the North-west Territories. We contribute on all the articles we have to use. We have to buy the manufactured goods of eastern Canada or imported goods, and have to contribute largely to the revenue, and if the government fold their hands now and refuse to give us money for the schools, roads and bridges of that country, it is most unfair. I hope when the government will see the matter in its true light and in the supplementary estimates appropriate a sufficient amount to enable the government of the Territories to carry on the administration of affairs in the way it should be done.

A FRENCH SENATOR IN THE CABINET.

INQUIRY.

Hon. Mr. LANDRY inquired of the government :

Whether it is the intention of the government to give the French element a representative in the Federal Executive in the Senate, by appointing a French Canadian Senator to this position ?

Hon. Mr. SCOTT—It is not intended at present to make any change in the personnel of the government, either in this chamber or the other.

Hon. Mr. LANDRY—What is the scope of 'at present' ?

THE RAILWAY COMMITTEE ROOM.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are called, I should

like to ask the Secretary of State whether any arrangements have been made for the occupation of the old Railway Committee room that was formerly occupied by the Railway Committee of the House of Commons? That room really belongs to the Senate part of the building. At confederation, I understood, on account of the greater number of members in the other House, the Senate consented that that room should be occupied by the Commons for railway purposes. Since last session the government have constructed a very large addition to the House of Commons accommodation purposely for the Railway Committee. Our Railway Committee room is too small, as hon. gentlemen all know, for the purpose for which it has been used. On a hot day when it is full, with forty members and all the people who are interested in railway legislation, it becomes almost intolerable for any one to remain there any length of time. The Secretary of State will remember we had a conversation with reference to this matter some time ago, and he undertook to bring it to the notice of his colleague and ascertain whether the Minister of Public Works, without our taking any action or making a demand, would surrender their use of it to us for railway purposes. I do not think it is a matter of any consequence for any other committee. I have understood since that, from the hon. Secretary of State, that the Commons would willingly allow the Senate to resume control of that room for railway committee purposes. It has occurred to me, having received a notice for the meeting of the Railway Committee, that I should call the attention of the Secreatry of State to what has taken place, and ask if any arrangements can be made by which the Senate can use that room for the Railway Committee. I think all will recognize the necessity for it, particularly as the warm weather is coming on and we should not be jammed into a small room, where we have to raise the windows and create draughts, or suffocate.

Hon. Mr. SCOTT—Immediately after the conversation to which the hon. leader of the opposition has alluded, I saw Mr. Tarte and suggested to him the propriety of placing the old Railway Committee room at the disposal of the Senate for the use of the Railway Committee, and he acquiesced. I presume nothing more will be necessary. I did intend to bring the matter to the notice of the Speaker of the other House, although he would have no control, but Mr. Tarte readily approved of the proposition, and I would suggest to the committee, as they are to meet to-morrow, they should meet there.

Hon. Sir MACKENZIE BOWELL—The meeting to-morrow, of course, will be a very informal one. There is not much to be done. There is only one Bill, and the chairman of that committee, no doubt, will take steps to see that we have the use of the committee room.

THE STRIKE AT VALLEYFIELD.

INQUIRY.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to ascertain from the Secretary of State if he intends to give an answer to my second question relating to the strike at Valleyfield?

Hon. Mr. SCOTT—To-morrow.

Hon. Mr. LANDRY—Why does the delay occur?

Hon. Mr. SCOTT—It is not easy to get answers to questions immediately.

Hon. Mr. LANDRY—Am I to understand that as a matter of principle, the government is never prepared to answer a question the first day? I understand an election is going on in Beauharnois. Is it for that reason I am unable to obtain an answer?

Hon. Mr. SCOTT—I will get the answer to-morrow.

Hon. Sir MACKENZIE BOWELL—Perhaps the Secretary of State has not been informed of the facts, yet I do not see how the money could be paid without an order in council, and the Secretary of State should know all about that. It is simply a question to be answered, yes or no. No, unless, as my hon. friend from Stadacona insinuates, the reply might affect the election which is to take place on Wednesday.

Hon. Mr. SCOTT—I do not think it will affect the election one way or the other.

Hon. Sir MACKENZIE BOWELL—If the government have paid the money and not demanded a refund from the municipality,

it is an unprecedented thing. The responsibility rests upon the municipalities where the difficulties take place and not upon the government.

Hon. Mr. TEMPLEMAN—Had not the hon. gentleman better wait until he gets the answer ?

Hon. Sir MACKENZIE BOWELL—I am drawing an inference. I think the hon. gentleman is right, we had better wait.

APPLICATIONS FOR RAILWAY CHARTERS BILL.

SECOND READING.

Hon. Mr. ELLIS moved (in the absence of Hon. Mr. Casgrain, de Lanaudiere), the second reading of Bill (A) An Act respecting applications for Railway Charters.

Hon. Mr. SULLIVAN—That Bill requires a long explanation.

Hon. Mr. ELLIS—The Bill is similar to the one which was before the House last session, when it was referred to the Railway Committee. The object of the Bill is to prevent railway charters being issued when there are not railways behind them. This is a mere formal motion.

Hon. Mr. SULLIVAN—What innovations are made by this Bill ?

Hon. Mr. ELLIS—This is a project of a new law.

Hon. Sir MACKENZIE BOWELL—I would call the attention of the House to the fact that there has been no representation from the Committee on Standing Orders with reference to any of these Bills.

The SPEAKER—That rule does not apply to this Bill.

Hon. Mr. FERGUSON—This is a very important Bill, and the gentleman who has it in charge, who has no doubt studied it more closely than my hon. friend has had an opportunity of doing, ought to make a full explanation to the House before the Bill goes to committee.

Hon. Sir MACKENZIE BOWELL—The Bill is not printed.

Hon. Mr. LOUGHEED—I would further point out to my hon. friend that this Bill is peculiarly applicable to the Railway Act. In fact, it should be incorporated into the General Railway Act, if passed at all, and as the promoter of the Bill is not present, and as the House will be regarded as acceding to the principle of the Bill, if it is allowed to pass the second reading without discussion, it possibly might be to the advantage of the Bill that it should stand over for further consideration. It seems to me the government of the day should accept the responsibility of departing from a well-established procedure with reference to applications for railway charters. The principle of the Bill, if passed, involves a very large expenditure with reference to railways, and it seems to me that it would handicap, to a very serious extent, applications which might otherwise be made in good faith with reference to enterprises which might be carried out. I might instance the case of applicants for a railway charter in the Yukon or North-west Territories, or in any part of Canadian territory where very costly surveys would have to be carried out before it became possible to make an application for a railway charter. Parliament has granted applicants at the present time upon giving a general description of the character of work to be carried out, namely, by the production of plans before the Railway Committee, or something of that nature, to proceed with their application, but this Bill purposes that applicants shall make costly surveys, that they shall send engineers over the route, that they shall prepare plans and profiles and assume very heavy expenditure before taking the initial step of making application to parliament for the granting of a charter. It seems to be that it is entirely superfluous. It calls upon applicants to expend a very large amount of money without there being any necessity for so doing. I know there has been a considerable opposition to the granting of railway charters in the manner which obtains at the present time, but hon. gentlemen who have been protesting against the passage of railway legislation, have not been able to point out any great grievance which exists, or any abuse of the charters granted by parliament, by reason of the present procedure. If an applicant comes before the Railway Committee seeking a railway charter, he is compelled, under the rules—of course the committee can dispense with it if necessary— to

produce a plan showing in a very general way the merits of the application which he has in view. He is further called upon to advertise in the public press, and in the 'Canada Gazette.' It seems to me the public interests are served by the regulations which obtain with reference to railway charters, and particularly as they obtain in their application to a new country, district or territory which it would be very costly to traverse by engineers. Therefore, I opposed this Bill when it was submitted to the Railway Committee last session or the session before. The principle of the Bill seems to me to be unsound or uncalled for. If it is a principle which is sound, which the public demand, the government of the day who are charged with such legislation, should bring down a Bill and amend the Railway Act and take the responsibility for it. I do not think it should be introduced by a private member.

Hon. Mr. WOOD (Hamilton)—I do think the Bill introduced last year by the hon. gentleman from de Lanaudière was one which the House should have accepted. Those who have appeared before the Railway Committee in the House of Commons have frequently made applications for charters covering almost the whole country, and without any definite plan laid down, except that it goes from one point to another. As hon. gentlemen who have attended that committee know, these charters are very frequently obtained, and put on the market for sale, and all the interest the parties had in them was what they could make in selling them to parties who would build the road some time afterwards. It is unfair that a section of the country should be covered with a charter for a railway when there is really no intention on the part of the parties obtaining the charter to construct the road, and the bona fides of the parties applying for the charter would certainly be best manifested by their making a survey of the country through which the road was to pass, and then it would come before the committee with some degree of assurance they would be prepared to explain how they were going from point to point, and what surveys they had made—it would show they intended to build the railway. But as it stands to-day, any man can apply for a charter, particularly in the north-western country, which the members of our committee know very little about, and to them it makes very little difference where the line is to run. The Bill introduced by the hon. gentleman is one that should be carefully looked into by the Railway Committee, and if, as I believe, it is in the interests of the community at large, it should be passed. To continue the present system of granting charters for railways from point to point without any idea of giving to the Railway Committee the exact location of the railway, I think is very unfair to the country, and I do hope this Bill will be allowed to go to the Railway Committee, where it can be thoroughly discussed.

Hon. Sir MACKENZIE BOWELL—An objection has been raised that it has not been printed in both languages.

Some hon. MEMBERS—The Bill is printed.

Hon. Sir MACKENZIE BOWELL—The notice paper does not indicate that it is printed. I do not desire to discuss the measure. It is very drastic in its character, and should be fully explained. I am not exactly in accord with my two hon. friends beside me who have spoken in regard to this Bill. For a wonder, I am inclined to join with the hon. gentleman from Hamilton to a certain extent, and I am of opinion that it is of such an important character that the government should assume the responsibility of dealing with it. When it comes up for discussion properly, we can treat it on its merits. Some may think, on looking at it, that it is a measure to encourage the employment of surveyors and engineers.

The SPEAKER—The objection having been taken that it is not printed in both languages, the Bill will have to stand over till to-morrow.

Hon. Mr. ELLIS—This Bill is printed in English and in French, and I would ask that it be made an Order of the Day for to-morrow.

Hon. Mr. WOOD (Westmoreland)—I think a day should be fixed for the consideration of this Bill when the gentleman who introduced it will be present.

The SPEAKER—It can be postponed if he is not here to-morrow.

Hon. Mr. WOOD (Westmoreland)—That is quite true. It appears to me—and I mention it now so that the gentleman who has charge of it can consider it—that it is not a proper Bill to be sent to the Railway Committee, that it should be committed to a committee of the whole House. The Bill itself embodies an important principle which it is proposed to incorporate in regard to the railway legislation of the country. This is the proper place to discuss the principle of the Bill and settle it. The object in sending bills to the Railway Committee is to enable the details of the Bill to be disscussed, and allow the committee to bring before them persons from outside who can give information for or against the Bill. I do not know that it is necessary to make provision for that at this stage. I do not know what the discussion will develop. The hon. gentleman in charge of the Bill should be prepared to explain it.

Hon. Mr. ELLIS—I trust the House will make due allowances for my youth and inexperience, but I have an excellent precedent for the course I am proposing. I am doing this for my next-door neighbour at his request. The hon. gentleman who moved the Bill is reported in last year's debates of this House as having stated in four lines what the Bill meant. I could not do it in that space. My hon. friend opposite made a good speech against it, but the House then decided to send it to committee. To-morrow the House can discuss it again or postpone it, but I will make a motion to keep it alive, if my hon. friend is not here.

The order was allowed to stand.

BILL INTRODUCED.

Bill (F) An Act to incorporate the Bishop of Moosonee.—(Hon. Mr. Lougheed.)

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, March 25, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE VALLEYFIELD STRIKE.

INQUIRY.

Hon. Mr. LANDRY rose to inquire:

If the government has paid the forces called to help the civil authorities in the late strike at Valleyfield, or has it promised to pay the amount, or part of the amount, to which they were entitled?

To whom and when was such payment made, and what is the amount thereof?

Hon. Mr. SCOTT—The answer to the first question is yes. The payments were made on the 17th October, 1901. The amount paid was $4,481.01.

Hon. Sir MACKENZIE BOWELL—Could the hon. Secretary of State inform the House upon what principle an exception was made in the case of the riot in Valleyfield? In all other cases where there have been difficulties arising from strikes, the municipalities have been compelled to pay the expenses of calling out the militia or the volunteers to suppress the riots. This is setting a precedent that may lead to claims by other municipalities and other corporations. I remember a very severe strike on the Grand Trunk Railway upon one occasion which cost a good deal of money. The troops had to be brought from Toronto in order to put a stop to it, but the parties interested had to pay the whole expense. I know of no case where the government has paid it. I know also of a case which arose a year or two ago in the county just across the river where the municipality refused to pay, but they were obliged to. Could the hon. Secretary of State tell us whether the case at Valleyfield has been made an exception to the rule?

Hon. Mr. SCOTT—I am not familiar with the facts other than having a general knowledge of them. The Militia Act provides that the Militia Department may pay the troops and may afterwards force the municipalities to pay. There is a special provision made for that arrangement.

Hon. Sir MACKENZIE BOWELL—Is the hon. gentleman sure of that?

Hon. Mr. LANDRY—Will the hon. gentleman tell us if the government paid the amount subject to reimbursement by the municipality?

Hon. Mr. SCOTT—I am only furnished with the information I have given—specific

answers to the questions put. I have not looked into it myself. I did not think it was necessary.

Hon. Sir MACKENZIE BOWELL—If my recollection serves me, the government denied all responsibility in the matter, declaring that they did not call out the militia, that they had nothing to do with sending the volunteers to Valleyfield, and consequently were not responsible. The hon. gentleman says he has given all the information he is possessed of. Perhaps it would be as well if he would furnish the House with a little further information, because it is an important question. It is laying down a precedent which may be applied to all difficulties of that character in future, and if the responsibility to put down strikes in municipalities is to rest with the government, it will be claimed that they should all be treated alike in the different provinces.

Hon. Mr. SCOTT—I am only speaking from memory, because I have not looked into it for a great many years, but my impression is, the municipality is liable. If the troops go unpaid through a dispute with the municipality, I think the Crown is authorized to pay, and then seek payment from the municipality.

Hon. Mr. FERGUSON—My impression is altogether different—that the municipality has to pay, that a claim may be made afterwards to reimburse the municipality. That was the case in the county of Ottawa ; the municipality had to pay, but they had a claim on the government of Canada to reimburse them.

Hon. Mr. SCOTT—I have sent for the Statutes of Canada, and I find in the Militia and Defence Act, cap. 41, sec. 5, it is provided :

When the active militia, or any corps thereof, is so called out in aid of the civil power, the municipality in which their services are required shall pay them, when so employed, the rates authorized to be paid for actual service to officers and men, and one dollar per diem for each horse actually and necessarily used by them, together with an allowance of one dollar to each officer, fifty cents to each man per diem, in lieu of subsistence, and fifty cents per diem in lieu of forage for each horse, and in addition shall provide them with proper lodging, and with stabling for their horses; and the said pay and allowances for subsistence and forage, as also the value of lodging and stabling, unless furnished in kind by the municipality, may be recovered from it by the officer commanding the corps, in his own name, and when so recovered shall be paid over to the persons entitled thereto.

6. Such pay and allowances of the force called out together, with the reasonable cost of transport may, pending payment by the municipality, be advanced in the first instance, out of the consolidatd revenue fund of Canada, by authority of the Governor in Council; but such advance shall not interfere with the liability of the municipality, and the commanding officer shall at once, in his own name, proceed against the municipality for the recovery of such pay, allowances and cost of transport, and shall, on receipt thereof, pay over the amount to Her Majesty.

Hon. Sir MACKENZIE BOWELL—That confirms the hon. gentleman's views, but has that action been taken ?

Hon. Mr. SCOTT—I only inquired as to the facts called for in the notice.

Hon. Mr. McCALLUM—As I understand the question, the government have paid the men, and as the matter stands now, there is an election going on in that constituency.

Hon. Mr. SCOTT—Is there ?

Hon. Mr. McCALLUM—It looks to me that it depends altogether on who is elected, whether the government will collect the money from the municipality. This will be held as a club over the electors. (Cries of Oh, Oh). It looks that way to me, from the expression of the hon. gentleman—that they may afterwards collect it.

Hon. Mr. SCOTT—I read the law.

Hon. Mr. McCALLUM—If they do not pay, what then ? They may or they may not. There comes the question, to my mind.

Hon. Mr. SCOTT—I do not know the facts. They may have paid already.

Hon. Mr. LANDRY—Could the hon. minister tell me if the government intends to enforce the law ?

Hon. Mr. SCOTT—I cannot answer any more questions. I have given all the information I had in my possession.

Hon. Mr. LANDRY—Does the government intend to enforce the law ? I give notice of an inquiry ?

BILLS INTRODUCED.

Bill (G) An Act respecting the Bell Telephone Company of Canada.—(Hon. Mr. Kirchhoffer.)

Bill (H) An Act for the relief of Samuel Nelson Chipman.—(Hon. Mr. Kirchhoffer.)

Bill (I) An Act respecting the Montreal, Ottawa, and Georgian Bay Canal Company.—(Hon. Mr. Clemow.)

AN ADJOURNMENT.

MOTION.

Hon. Mr. SCOTT moved that when the Senate adjourns to-morrow, it do stand adjourned until Wednesday, the 2nd of April next, at 3 o'clock in the afternoon. He said: To meet the convenience of hon. gentlemen, I wish to substitute eight for three o'clock.

Hon. Mr. MILLER—I object to meeting at eight o'clock. These adjournments until eight o'clock are inconvenient to many of the older senators, who do not care to come out after night unless it is absolutely necessary. When there is no reason why we should be called upon to meet at any other than the regular hour, I object to it. I hope my hon. friend will not press it, because if he does, I shall be obliged to take the objection that there is no sufficient notice of motion.

Hon. Mr. SCOTT—Objection having been taken, I cannot press it.

Hon. Mr. SULLIVAN—The hon. gentleman takes exception to meeting at eight o'clock on account of elderly gentlemen finding it inconvenient to come out at that hour; but if that amendment is adopted, there will be no difficulty about the elderly gentlemen coming in. Living in the district I do, it is very difficult to get here at three o'clock. However, it does not affect me, because I intend to be here anyway. I mention it to show that these gentlemen could not be present at three without losing a day.

Hon. Mr. FERGUSON—There is no necessity for meeting at eight o'clock.

Hon. Mr. WOOD (Hamilton)—I think, in deference to people who have to travel the whole day, that eight o'clock should be fixed rather than three in the afternoon. There is nothing really to be done, and no necessity for very old gentlemen coming out.

Hon. Mr. MILLER—Then adjourn until the next day at three o'clock. On the former occasion there was a long adjournment and several of the members had to remain here. We were invited to Government House on the night on which the Senate met at eight o'clock. We went to Government House and lost our day. Gentlemen came in here who had been two or three weeks away, sat five minutes and made their day. I made up my mind that afterwards I would never consent to an eight o'clock adjournment. Had I been here on the former occasion I would not have consented, and I will not consent now. I press the point of order.

Hon. Mr. WATSON—I suggest that the motion for adjournment be made until three o'clock on Thursday.

Hon. Mr. SCOTT—Of course, exception having been taken to eight o'clock, the objection must prevail, but if hon. gentlemen prefer three o'clock on Thursday, I have no objection.

Hon. Mr. MACDONALD (P.E.I.)—I object to Thursday. A number of us have to remain here, and there is no necessity for a long adjournment.

The motion as amended, to adjourn to Thursday at 3 o'clock, was agreed to.

THE STANDING COMMITTEES.

Hon. Mr. LANDRY—Before the House adjourns I should like to call attention to what I think is a very grave irregularity. I see by a document that has been printed and distributed to the members of this House, entitled the 'Senators of Canada'—I think it is published by this House, or by some authority—a list of all the different committees with the names of the persons acting as members of those committees, and in one of these lists I find—

Hon. Mr. SCOTT—I noticed an error in the Debates Committee.

Hon. Mr. LANDRY—It is something more serious than that. I see that the Hon. Mr. Gibson has been made Chairman of the Joint Committee on Printing. It will be found on page 12 of the list of Senators and of the committees formed this year. It is a document which has been given to every member of this House. I should like to know where the report of that committee is.

Hon. Sir MACKENZIE BOWELL—The committee has never met.

Hon. Mr. SCOTT—I know nothing about it. The clerk informs me that he understands that that has been printed by the other House. Some gross irregularity has taken place. I will have an inquiry made into it.

Hon. Mr. LANDRY—Is it the other House that elects our chairman ?

Hon. Mr. SCOTT—No, certainly not. It is an error.

Hon. Mr. LANDRY—Was there a meeting of the committee ?

Hon. Mr. SCOTT—I am not aware of it. I am not a member of the committee.

Hon. Mr. LANDRY—How does it happen?

Hon. Mr. SCOTT—I cannot tell the hon. gentleman.

Hon. Mr. GIBSON—The committee has not been called. No chairman from either House has been elected, but I received the notice, the same as the other members of the committee, from the clerk calling a meeting of the Joint Committee of both Houses on the Printing of Parliament at the tower room at eleven in the forenoon. That is an error. This is the first meeting.

Hon. Mr. FERGUSON—I presume it was the result of some caucus.

Hon. Mr. SCOTT—No, nothing of the kind. I never heard of it.

Hon. Mr. LANDRY—I am not quite satisfied with the explanations the hon. gentleman has given. That list has been distributed. The manuscript must have been given to the printer. Is it the printer who did it ?

Hon. Mr. SCOTT—I do not know anything about it. I do not suppose any gentleman in the chamber noticed it until the hon. member called attention to it.

Hon. Sir MACKENZIE BOWELL—My attention was called to it.

The Senate adjourned.

Hon. Mr. LANDRY.

THE SENATE.

Ottawa, March 26, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

PETITIONS FOR PRIVATE BILLS.

Hon. Mr. McKAY (Truro)—I should like to call the attention of members interested in private bills to the fact that the committee on Standing Orders had before them over thirty petitions in which the parties interested have not complied with the rules and unless an attempt is made to do so, these petitions will not be returned to the House, and consequently the bills will be delayed or endangered. I make this statement with the view of getting the people interested in them to see that they are attended to. The principal difficulty is under rule forty-nine, where the promoters of these bills are supposed to comply and should comply with the order that compels them to send newspapers to the Clerk of the Senate. The committee at this moment are unable to tell whether the advertisements are complete or not, for the want of these newspapers. Most of the people who attend to these matters think if they send their notices to the House of Commons that they have done their duty. The Clerk of the committee has on two occasions sent out two different circulars to these people notifying them that if they did not send in the newspapers the matter would be delayed. They paid no attention to them whatever and, of course, as soon as the House meets again, there will have to be some action taken either to suspend them altogether, or to report them to the House. I make this statement with the view of giving the parties interested a chance of making matters right, and avoiding delay.

THE TREADGOLD CONCESSION.

INQUIRY POSTPONED.

The Order of the Day having been called.

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House copies of all Orders in Council, applications, agreements and communications in writing relating to the grant or concession to A. & C. Treadgold, or to the Hydraulic Mining Syndicate, of any claims or privileges to water

rights, mining lands, and timber limits in the Yukon territory, or in any part of the Northwest Territories. Also, a description or plan showing the location and area of such claims, privileges and concession to the aforesaid parties or syndicate.

Hon. Mr. MACDONALD (B. C.) said: Since I placed this notice on the order paper, delegates have come down from Dawson to interview the government on the Treadgold matter, I do not suppose they have come to thank the government for the concession. What they have come for I do not know. I intend to ask the House to postpone this motion. Several members wish to speak on it at a future day, and we may hear what the delegates have to say to the government. The question may assume a better aspect than it does now. I ask that the motion be allowed to stand until Friday, the 4th.

I wish now, to perform a pleasing duty. It is to congratulate the hon. gentleman from Victoria (Hon. Mr. Templeman) on his elevation to a seat in the Dominion Council. It is a very high and responsible position, and to him the people of the country will look for their rights and for justice. They will look to him to endeavour to obtain what they should have to open and develop the country. I know my hon. friend has convictions as to what should be done and what is required, and I only hope he will have the full courage of those convictions and fight the battle for us, and give us not more or less than we are justly entitled to. The position occupied by the hon. gentleman relieves me of a duty which I considered myself bound to perform periodically, and that was, to place before parliament and the country the financial position of British Columbia and its large contribution to the public revenue, and the disadvantages under which we have been labouring for a number of years. I now hope, however, with the elevation of my hon. friend to a position in the Cabinet that a new era will begin and that we will hear no more complaints and shall have ample justice in our province. I congratulate my hon. friend.

PRINCE EDWARD ISLAND SUBSIDY.

INQUIRY.

Hon. Mr. FERGUSON inquired:

1. Whether the subsidy due by the government of Canada to Prince Edward Island at the beginning of the present year was computed and paid on the census returns of 1901?

2. If so, was a readjustment then made of the preceding semi-annual payment putting the subsidy due on the first of July last on the same basis of population?

3. And, further, whether subsequent to the payment of the subsidy to Prince Edward Island for the current half year, a correction has been made of the account by replacing the said subsidy on the basis of the population as shown by the census of 1891?

4. If such correction was made, has the government of Prince Edward Island been notified thereof?

5. Did the government of Prince Edward Island, at the falling due or payment of the subsidy at the beginning of the present year object to said subsidy being computed on the decreased population as shown by the census of 1901?

Hon. Mr. SCOTT—In answer to the first and second questions of my hon. friend, the subsidy to the province of Prince Edward Island, which became due and payable by the Dominion on the 1st July, 1901, and 1st January, 1902, was paid on the basis of population as ascertained by the census of 1891.

In answer to questions 3, 4 and 5. Subsequently to the payment of the subsidy payable on 1st January, 1902, the Auditor General called the attention of the Department of Finance to the fact that the census of 1901 showed a decrease in the population of the province, and held that consequently there had been an over-payment for the current fiscal year of$4,655.20, being the equivalent of 80 cents on the amount of the decrease, and he asked what steps were proposed to be taken to have this sum refunded. The attention of the Provincial Secretary of the province was accordingly called to the Auditor General's contention. No written reply was received from the Provincial Secretary, but Mr. D. A. Mackinnon, M.P. for East Queen's, on behalf of the Prince Edward Island government, called on the Minister of Finance and discussed the subject. Mr. Mackinnon claimed that the terms of union made no provision for any reduction of the subsidy to Prince Edward Island. The question was referred by the Minister of Finance to the Minister of Justice, who advised that while provision was made in the terms of union for the augmenting of the subsidy when the population increased, there was no provision for a reduction. This conclusion has been accepted by the Finance Department and Mr. Mackinnon has been authorized to so inform the Prince Edward Island government. So it is all serene.

BILLS INTRODUCED.

Bill (J) An Act to incorporate the Institute of Chartered Accountants.—(Hon. Mr. McHugh, in the absence of Hon. Mr. Kerr).

Bill (K) An Act to confer on the Commissioner of Patents certain powers for the relief of George M. Depew—(Hon. Mr. Kirchhoffer).

Bill (26) An Act respecting the Quebec and Lake Huron Railway Company.—(Hon. Mr. Landry).

Bill (14) An Act to Incorporate the Indian River Railway Company.—(Hon. Mr. Godbout).

Bill (21) An Act respecting the Port Dover, Brantford and Berlin, and Goderich Railway Company, and to change its name to the Grand Valley Railway Company.—(Hon. Mr. McCallum, in the absence of Hon. Mr. Merner).

Bill (24) An Act respecting the Windsor and Detroit Union Bridge Company.—(Hon. Mr. McCallum, in the absence of Hon. Sir Mackenzie Bowell).

Bill (31) An Act respecting the Buffalo Railway Company and the International Railway Company.—(Hon. Mr. Gibson).

Bill (L) An Act to incorporate the Molson's Bank Pension Fund. —(Hon. Mr. Macdonald, Victoria.)

THIRD READING.

Bill (10) An Act respecting the Orford Mountain Railway Company.—(Hon. Mr. Owens).

SECOND READINGS.

Bill (B) An Act to amend the Acts relating to the Ottawa, Northern and Western Railway Company.—(Hon. Mr. Lougheed).

Bill (12) An Act respecting the Edmonton and Slave Lake Railway Company. —(Hon. Mr. Poirier).

Bill (7) An Act respecting the Canada Southern Railway Company.—(Hon. Mr. McCallum).

Bill (13) An Act respecting the Canada and Michigan Bridge and Tunnel Company.—(Hon. Mr. McCallum).

Bill (15) An Act respecting the River St. Clair Railway, Bridge and Tunnel Company.—(Hon. Sir Mackenzie Bowell).

Bill (18) An Act to incorporate the Velvet (Rossland) Mine Railway Company. —(Hon. Mr. Macdonald, B.C.)

Bill (20) An Act to incorporate the Battleford and Lake Lenore Railway Company.—(Hon. Mr. Perley).

Bill (F) An Act to incorporate the Bishop of Moosonee.—(Hon. Mr. Lougheed).

APPLICATIONS FOR RAILWAY CHARTERS BILL.

SECOND READING POSTPONED.

The Order of the Day being called.

Second reading, Bill (A) An Act respecting applications for railway charters (Hon. Mr. Casgrain, de Lanaudiere).

Hon. Mr. SCOTT—Better let this stand.

Hon. Mr. CASGRAIN (de Lanaudiere)—If it is the desire of the House I have no objection.

Hon. Mr. McCALLUM—Let it stand forever.

Hon. Mr. FERGUSON—It is an important Bill.

Hon. Mr. SCOTT—It is rather an important Bill.

Hon. Mr. CASGRAIN (de Lanaudiere—I am quite willing to let it stand. Last year it was unanimously referred by this House to the Railway Committee, and I thought it might go there again this year, but if it is the desire of the House that the Bill should stand till we meet again, I am quite willing.

The order was allowed to stand.

MONTREAL, OTTAWA AND GEORGIAN BAY CANAL COMPANY BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second second reading of Bill (I)—An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company. He said: This is a short Bill, merely asking for an extension of time for the construction of that great undertaking, the Montreal, Ottawa and Georgian Bay Canal. It is true this Bill has not been circulated, but I presume there is no objection to it. I do not want to lose any time in getting it before the Railway Committee. This is an important Bill, as we all know,

in the interests of the country. The company have taken this matter in hand, and spent a large amount of money in making the necessary explorations and are prepared now to show that this scheme is practicable and feasible, and that it should be proceeded with as early as possible. Hon. gentlemen are all aware of the nature of the project. It has been before the House on several occasions, and I do not think it is necessary now to make any extended remarks; but I will say, that it is important in the interests of this country, both as a national and a commercial undertaking, that the work should be completed as early as possible. A company has been in existence in England for some time with a capital sufficient to meet all the requisite expenditure, and is only awaiting the decision of the government to assist the work by sanctioning portions of the bond issue and securing the bond issue of the undertaking as it now stands. A large amount has been expended in explorations and hon. gentlemen will find, when this matter is referred to the committee, that most elaborate plans and profiles will be submitted which will show in all cases that this route is the best available for carrying the western produce of this country to tide water. Seeing the very great increase in the North-west during the last year—which no doubt will be correspondingly great this year—it is of vital importance that no further time should be lost in the construction of this great work. I think no other route, and no other means, will accommodate the transportation of the great amount of produce raised in the North-west. It is true we have canals in this country. It is true we have railways, but they are totally insufficient to meet the requirements of transportation. Nature designed this Ottawa canal to be the route above all others, for the transportation of the wheat of that western country. Therefore, I think it is of the greatest importance that this undertaking should be commenced as soon as possible. I have been in this country for a great many years, and have been engaged in the transportation business, and have seen the business of the country marvellously increased by the canal system between the west and Montreal. I believe that there will be a very much greater increase from the construction of this canal. Without this canal we cannot meet the requirements of that great trade. Therefore, on that account, it is also necessary. As a matter of defence it is also important. It is now intended to be a twenty foot canal, enabling shippers to send their produce to the seaboard at a very low rate, saving a large amount of insurance and an immense amount of time in transportation. The United States people are doing everything in their power to obstruct what they think will be a great competitor to their transportation system in the future. They may spend money and may do a great many things which ingenuity can suggest, but at the same time they cannot by any means reduce the mileage to the extent of 700 miles which is the difference between this route and any other route known. That cannot be overcome by anything the United States people can do. Therefore, it is highly important that we should undertake this great work either by this company or through some other means by which this country will be benefited to an unlimited extent. I believe this project is much greater in importance than the building of the Canadian Pacific Railway. That railway was a marvellous work for the benefit of the country, but this canal will provide transportation of produce at the lowest price and with the least possible delay. Hon. gentlemen will see, by the papers filed before the Railway Committee, that it is an uninterrupted mode of conveyance, and it is a wonderful thing to think that every twenty or thirty miles, you have the advantages of power that will also benefit the country. In a variety of ways this canal will develop our mineral resources to a greater extent than would be possible otherwise. This route will not interfere with the operations of any railway. It has been established clearly in the past that railways are benefited by having a canal alongside of them. Canals carry produce at a very much cheaper rate than railways. Therefore, on that account it is also necessary that this undertaking should be gone into with as little delay as possible. I do not know what the intention of the government is at the present time, but I have no doubt they will intimate before long the course that they intend to

pursue—whether they intend to build it themselves or allow this company to do the work. The company have also spent $150,000 in explorations. These facts will be laid before the committee, and hon. gentlemen can see the position of matters. It has been found impossible to complete the work within the time, and this Bill merely asks for additional time to carry out the project.

Hon. Mr. McCALLUM—There cannot be any objection to allowing the second reading to pass granting the company an extension of time, but when the hon. gentleman talks about twenty feet of water for the canal, I would like to know how he is going to get it. Canals are a very good thing, but they have seen their day. So far as we can lower the freights of the people living in Western Canada, it is a benefit to them and to this country, but we do not want a canal to carry the trade of the United States through this country, because we do not charge enough to pay the wages of the lock tenders. I am only speaking of that because my hon. friend talked about a canal of twenty feet depth. How is the traffic going to get into the French river. Then, again, it has to come past Detroit. How else is he going to get in ? I do not wish to oppose the Bill. We can discuss it in committee, but there is a difficulty about it. We cannot get twenty feet of water, as far as I can see at the present time. Let us think this matter out, and not jump into an expenditure, and let us consider who will be benefited by a work of this kind.

Hon. Mr. OWENS—Canada.

Hon. Mr. McCALLUM—Supposing the Canadian Pacific Railway was to have a railway of six tracks in place of one, which they have now ? They could do that easily. There is no better paying railway in America to-day than the Canadian Pacific Railway. They have done wonders.

Hon. Mr. OWENS—And we are going to help them by this.

Hon. Mr. McCALLUM—They have done wonders and will do more. I have been in favour of canals all my life. I am in favour of them now, if we can build them at a reasonable expenditure and benefit the people of this country. I do not rise with a view of opposing the motion. I rise to say that we should give them every chance to prove to the people of this country that this enterprise is practical and that it is necessary. That is my only object in speaking. Take the River St. Lawrence, for example. Does it make any difference to Canada whether the trade of the United States passes down the St. Lawrence or not ? We do not make anything out of it. The United States bleed us on every possible occasion and I am not willing that we should spend our money to accommodate them. I am willing that we should make any reasonable expenditure for the benefit of the people of this country, but not for the United States.

Hon. Mr. CLEMOW—When this matter comes before the Railway Committee, plans and profiles will be submitted and the hon. gentleman for Monck will then see how 20 feet of water can be obtained. I cannot give him the information. These plans will fully illustrate the matter, and I think the hon. gentleman will see that the project is perfectly feasible, because it is supported by the most practical men in this country. When the Bill comes before the committee we will see whether these statements are correct or not. If it is possible to obtain 20 feet of water, there will be an end to my hon. friend's argument.

Hon. Mr. McCALLUM—At any reasonable expenditure.

Hon. Mr. CLEMOW—I am told—I do not know whether it is true or not—that the most eminent authorities, both in England and in this country, have expressed the opinion that this undertaking is perfectly feasible and practical in every sense, and that there is no difficulty in obtaining 20 feet of water, and more if necessary. I believe they intend to have a width of not less than 300 feet of water. The company is organized and is perfectly willing to build the canal without any assistance from this country until it is fully completed and in running order, when they will expect merely a small advantage in their bond issue. They estimate the expenditure at $80,000,000, and at that figure they are perfectly willing to undertake the work. It is very important that the money should be expended in this country, particularly when it comes from England. The company is willing to go

ahead. We will see when the plans come down whether they are right or not. I am told on reliable authority that the route is perfectly feasible.

Hon. Mr. WOOD (Westmoreland)—I do not know that there is any objection on the part of members of this House to this Bill. I merely rise to call attention to the fact that the Bill has only just been printed, and has not been distributed. I have a copy in my hand which the promoter of the measure kindly sent to me a few minutes ago. I have not had an opportunity of considering what the effect of it is. So far as appears on the face of it, the Bill merely, as the hon. gentleman says, asks for a further extension of time for the company. I have not examined the original Act, and I do not recollect what the powers of the company are, and consequently have given it no consideration. However, though it appears an innocent Bill, it affects a work of very great importance, and I do not think should be proceeded with too hastily. I am free to say, so far as I am personally concerned, I am heartily in sympathy with those who wish to see this work constructed. We must recollect, however, that there is a Bill now on the order paper, introduced by the hon. gentleman from de Lanaudière, requiring, before the construction of any important work is proceeded with, or even before any legislation is introduced in this House regarding the construction of any important work, or an extension of time, or any additions to the work, that certain more stringent conditions be complied with than have hitherto existed. As I understand, this House generally favours the principle of that Bill. But it would appear to me if we hasten this Bill through to-day, before it has been distributed, we are not going in the direction which the hon. gentleman from de Lanaudiere desires that this House should take, but are going in a directly opposite direction. We are hastening legislation of this important character without giving it the consideration which, in my opinion, it merits. There is another point that I think should be considered. This work is proposed to be undertaken by a private company. I am not raising any objection to that, but we know, from the discussions which have taken place in the House of Commons, and from what we have seen in the press, that the government have had this matter under consideration for some time; that the Minister of Public Works has made some very important proposals which affect this work materially, and it would appear to me that before we went on with the consideration of this Bill, we should have, from the government of the day, some declaration of their policy in regard to this important project. It appears to me that parliament and the country have a right to demand from the government some declaration as to their policy in the future in regard to this matter. As I have said, I am fully in sympathy with those who wish to see this work constructed, and I would not place any obstacle in the way of the hon. gentleman, or the company which he represents. Under all these circumstances, it is desirable, considering how few members are present to-day, that the further consideration of the Bill should stand over until after the recess, and that we should then hear from the government on the subject. If the hon. gentleman reflects on the matter, he will find that, in allowing it to stand over he will not prejudice the passage of the Bill or even delay it. The House will meet a week from to-morrow. If the second reading is taken on that day, the Bill will be referred to the Railway Committee, and there will be no meeting of that committee until Tuesday or Wednesday of the following week, so that the measure would come before the Railway Committee on its first meeting after the recess. I do not see that the interests of the Bill would be at all prejudiced by allowing it to stand over.

Hon. Mr. SCOTT—I should hope the House will accede to the request made by the hon. gentleman from Rideau. His Bill simply asks an extension of time of the existing Act, which has been for some years on our statute-books, and which deals with one of the most important subjects that parliament could give its attention to. In reference to the observation made by my hon. friend about requiring additional surveys, I may inform the hon. gentleman that effective surveys were made of this very route more than half a century ago; that the work was commenced, and that, had

Canada at that time been in a better financial condition, it would have been proceeded with. It is the most important national work Canada could embark in. My hon. friend from Monck has, I am afraid, not gone over the route, because he is not familiar with the topography or geography of the line. It does not go near Detroit.

Hon. Mr. McCALLUM—Where do you go out? Is it not at the mouth of French river?

Hon. Mr. SCOTT—Yes, and skirting the Manitoulin Islands.

Hon. Mr. McCALLUM—Where do you get to the mouth of French river?

Hon. Mr. SCOTT—From Sault Ste. Marie.

Hon. Mr. McCALLUM—You have to go to St. Mary's river?

Hon. Mr. SCOTT—Yes, from that particular point. In justice to the promoters who have undertaken the examination of the route, it is only fair to say they have, at their own risk, spent a large sum of money, making elaborate preparatory surveys. They did apply two years ago to the government of this country to endorse their bonds to a limited extent. With the numerous public works on hand, and the large fixed charges now on the exchequer of this country, the government did not feel justified at the time in supporting it, and the consideration of the matter stands just as it did before. It would be a work of very great importance, not only to the North-west, but to the whole trade of Canada, because it would give the shipping of all the products of the great west to the ports of Montreal and Quebec, as no other route possibly can, and it necessarily becomes a work of the very first magnitude. The only drawback to it is the very large cost. That, of course, is a consideration of the highest importance under the present conditions, and with the responsibilities that Canada has already entered upon. I trust the House will allow the Bill to go to its second reading and be referred to committee. It is only a matter of form asking an extension of time.

Hon. Mr. WOOD (Hamilton)—Are we to understand by the speech of the hon. Secretary of State that the government are prepared to guarantee the bonds of this company?

Hon. Mr. SCOTT—Oh, no, I said nothing about the government being prepared.

Hon. Mr. WOOD (Hamilton)—I understand this is a company?

Hon. Mr. SCOTT—Yes. This is a private Bill.

Hon. Mr. WOOD (Hamilton)—And that these people are prepared to build this canal out of their own resources without any guarantee from the government?

Hon. Mr. McCALLUM—No.

Hon. Mr. WOOD (Hamilton)—Then it becomes a question whether we are prepared to guarantee, even at 2 per cent, the enormous cost that this canal would involve to build it. I have heard various estimates of it; some go as high as $100,000,000 in order to complete it, to make it an efficient waterway. There is no question that it would be, for two or three months of the year, of very great advantage to the North-west, but every one knows that, from its location, it would close up so early in the fall, and open so late in the spring, that it would not be for the advantage of the country, to as great an extent as it would be if located further south. I suppose if it were located further south, the people who are urging it now would not be pushing it as they are pushing it to-day. My impression is, if they were to build a railway for what this would cost, they could run twelve months of the year, and would do far greater service to the North-west than by building this canal. I think we should have it thoroughly understood that this country is not going to be called upon to guarantee, even at 2 per cent, the bonds of this company.

Hon. Mr. SCOTT—The government has never consented to pay 2 per cent. What I said was the application had been made, but it was not acquiesced in.

Hon. Mr. WOOD (Hamilton)—I understand that unless the government would guarantee the bonds, no private company would undertake to spend that enormous amount of money in the work. I think it is out of all question to expect the country to guarantee even 2 per cent on the enormous cost of that canal.

Hon. Mr. BERNIER—Some hon. gentlemen speak of this canal as if it was only to help the North-west. That is a mistake altogether. This canal would be in the best interests of the whole country. It would develop the industrial resources of a large tract of country. Besides, it has been declared by the highest military experts that it would be a military route of very great value, so we must look at this undertaking as one of the best before the country, and I hope the Bill will go through.

Hon. Mr. OWENS—I am sure any hon. gentleman who has given this matter fair consideration will realize that it is one of the most important questions that could be brought before this House and country. The opening up of the Ottawa route has been too long delayed. If the matter had been properly considered in the past, no doubt this route would have been opened up long ago. Surveys were made years ago—as the hon. Secretary of State has mentioned, half a century ago. The most eminent engineer of that day, Mr. Walter Shanley, made surveys and estimates of the route. His estimate of the cost was twenty-five millions of dollars. No doubt the canal he proposed building at that time was not of the magnitude of the canal proposed to be built to-day. At the same time, works can be carried on so much more cheaply now than at that time that a canal of much greater capacity could be built for the money. Submarine blasting and dredging can be done much more cheaply now. The system of locks would be altogether different, and my hon. friend from Monck need not be at all alarmed that the amount of water required cannot be obtained. There is no difficulty in obtaining a twenty-foot channel, or more if necessary. Many of the senators who a few sessions ago listened to one of the most eminent engineers in the United States giving his evidence before the Railway Committee of the Senate in reference to this subject, will remember that he stated on that occasion, and showed most clearly, after having studied the surveys of the route, that there was no difficulty whatever in obtaining a supply of water—that with the locks proposed to be built to-day, instead of drawing water from the head waters, as under the old system, there would be more water going up than down, from the fact that vessels coming from the west would be heavily laden and would displace more water than vessels going up light. So far as the question of water is concerned, therefore, there will be no difficulty in obtaining sufficient for the canal, and my hon. friends, who take a lively interest in the Canadian Pacific Railway, need not be alarmed, because the fact has been demonstrated that canals alongside of railways are actually feeders for them. This canal would be so especially. Offering facilities for carrying bulky freights, many mines would be developed that are not touched to-day, owing to the high rates of freight. Those mines would be worked in winter as well as summer, and would furnish freight to the Canadian Pacific Railway or other railways that might be built through that country. As to the utility of the canal there is no question, and as to the advantage to be derived from it, as my hon. friend from St. Boniface has stated, it is not only to serve the North-west of Canada, but it will serve the provinces of Ontario and Quebec also. It will be of the greatest advantage to Canada throughout, and I trust when hon. gentlemen give to this subject the consideration it is entitled to, they will see the advisability of it and not be alarmed by any question as to engineering difficulties. As to the cost, it is a matter for the consideration of the government as to whether it shall be carried on as a government work or by private capital. If they decide it shall be built by private capital, the money will be brought into the country and expended here.

Hon. Mr. WOOD—Have the government the power to acquire it?

Hon. Mr. OWENS—Yes, under the charter they have that power. If the government decide to carry it on as a public work they can do so. If, on the other hand, the government consider it would not be advisable to expend that amount of public money, why not allow foreign capital to come in, and if the canal should cost one hundred millions of dollars, it will be all the better for this country. All the company ask for is that the government guarantee 2 per cent on the cost of the work, not a cent to be paid until the work is completed and in operation, and they went further before the Railway Committee, and

stated if you have any hesitation as to whether the canal will be operated after it is completed, you need not pay a cent until the canal is operated five years. No doubt this subject will be thoroughly threshed out when the Bill goes before committee, and I trust the House will accept the suggestion made by the hon. Secretary of State and allow the Bill to take its stage to-day.

Hon. Mr. FERGUSON—I have not seen the Bill. As my hon. friend from Westmoreland says, it has not been distributed. However, I learn from the remarks of the hon. gentleman who has the Bill in charge that it is merely to extend the time for proceeding with the work. I am sure there is no disposition on the part of this House to refuse a second reading to this Bill, but the very argument and powerful reasons put before the Senate by the introducer of the Bill, and my hon. friend from Argenteuil (Hon. Mr. Owens), furnish the best possible reason that even this small measure for extending the time of constructing the work should not go lightly through the House without provoking discussion. I think the time is opportune for eliciting explicitly from the government their policy with regard to this great public work. We know, as has been remarked already, the Minister of Public Works, who is regarded as an influential member of the administration, has been committing himself very emphatically in favour of the construction, as I have understood by the government, of the French river section of this canal—that he has taken many opportunities to give his views before the public, and therefore we might expect that my hon. friend the Secretary of State would give us some clear expression of what the policy of the government is with regard to this important project. Though residing in a part of the Dominion that would not have any local interest in it, a glance at the map shows the wonderful possibilities that it presents for solving in a great measure the internal transportation question in Canada. That being the case, this Bill should not be sent lightly to the Railway Committee, until we have further discussion of it in this House, and until the government have more explicitly stated what their attitude is with respect to it. This is more particularly called for in view of the utterances of the Minister of Public Works on the question in different parts of the country. I am prepared to vote for the Bill, but I put in a plea for a fuller and more ample discussion of this great and important question while the Bill is proceeding through the House.

Hon. Mr. POIRIER—If it is a question of passing on the principle of the Bill at its second reading, I am under the impression that the question of principle was decided when the original Bill was before this House. At that time it was discussed at length, and the principle was affirmed as a good one, so far as it extended. That question is not before us to-day. The Bill before us does not deal with the proposition at large, but simply with the propriety of extending the time for the beginning of the building of the canal. If we have a principle to discuss to-day it is that, and not the other one, which has already been pronounced upon. This Bill deals with a work of enormous magnitude affecting the welfare not only of the North-west Territories, but of the whole Dominion, and the company should be granted the extension of time asked for. Therefore, I see no occasion to discuss the principle of the Bill now. The question is whether we are prepared to give the company such an extension of time as is given to almost all, and perhaps to too many Bills that come before this House. I therefore, for one, agree with the promoter of the Bill and the leader of the government, that it should get its second reading now, and the details of the Bill should be further discussed, as they will certainly be very exhaustively, before the Railway Committee, where it can be considered more thoroughly than it can at this stage.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, April 3, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

PRIMITIVE METHODIST LAND GRANT IN N.W.T.

INQUIRY.

Hon. Mr. PERLEY inquired:

What quantity of land first comprised the grant to the Primitive Methodist colony in the North-west Territories; also, in what townships and ranges was said land located; also, has there been a change in the grant, and if so, what lands were exchanged, and what lands given by the government in the exchange?

Hon. Mr. SCOTT—The quantity of land first granted to the Primitive Methodist Colonization Company was 63,389 acres. This area consisted of townships 22 and 23, in ranges 8 and 9, fractional township 22 in range 10, and those parts of townships 21, in ranges 8, 9 and 10 lying north of the Canadian Pacific Railway, all west of the 2nd meridian. In the final settlement, made under the general Order in Council of 30th June, 1886, with the colonization companies which desired to have their agreements cancelled, and their accounts with the government closed, the Primitive Methodist Colonization Company received patents for 37,354·02 acres of land, and $26 in scrip. The following are the lands which were surrendered to the Crown by the company, under duplicate certificate of title No. 144G, dated 13th December, 1898:

	Sec.	Tp.	Rge.	Mer.
All	7	21	8	W. 2nd.
All	9	21	8	W. 2nd.
All	17	21	8	W. 2nd.
All	27	21	8	W. 2nd.
E½	19	21	8	W. 2nd.
S.W¼	19	21	8	W. 2nd.
W½	23	21	8	W. 2nd.
N.W¼	25	21	8	W. 2nd.
L.S. 5 & 6	33	21	8	W. 2nd.

The following lands have been selected by the company in exchange for those surrendered to the Crown, but have not yet been patented to them pending the receipt of reports from the agents of Dominion lands at Yorkton and Regina, as to how the several parcels stand in the records of the agencies:

	Sec.	Tp.	Rge.	Mer.
N.W¼	6	22	8	W. 2nd. M.
N.E¼	18	22	8	W. 2nd. M.
N.W¼	14	22	9	W. 2nd. M.
N.W¼	16	22	9	W. 2nd. M.
N.E¼	18	22	9	W. 2nd. M.
N.E¼	32	22	9	W. 2nd. M.
N.W¼	34	22	9	W. 2nd. M.
S½	34	22	9	W. 2nd. M.
S½	36	22	9	W. 2nd.
L.S 12 & 13	20	22	9	W. 2nd.
All	2	23	9	W. 2nd.
All	4	23	9	W. 2nd.
S½	19	21	8	W. 2nd.
N.E¼	19	21	8	W. 2nd.

THE FISHING LAKE POST OFFICE.

INQUIRY.

Hon. Mr. PERLEY inquired:

If the government have changed the location of the Fishing Lake post office in the North-west Territories, and if so, how far distant have they located it, what was the object of the change, and who petitioned for the change, and who advised it?

Hon. Mr. SCOTT—The postmaster at Fishing Lake was removed at the request of a numerously signed petition of the patrons of the office, representing that he was obnoxious to the entire surrounding settlement, and that the proposed site would be more central. The department does not know the precise distance between the new and the old site, but understands it is a few miles.

BELL TELEPHONE COMPANY'S BILL.

SECOND READING.

Hon. Mr. KIRCHHOFFER moved the second reading of Bill (G) An Act respecting the Bell Telephone Company of Canada.

He said: I should like to point out that this Bill varies in a very important detail from the Bill which was introduced last year, and which was practically defeated in the Senate. That Bill contained, besides the initial clause, several other clauses, and the main opposition which arose was upon one of those subsequent clauses, and it was upon an adverse vote upon that clause that the bill was withdrawn. Now, the first and the main clause in the Bill last year was to authorize an increase of capital. That clause passed, as I recollect it, without any opposition, and therefore I suppose that the House, to a certain extent, would be committed, having allowed that clause to pass, and would not be prepared to refuse it this year. The present Bill contains but that one clause for

an increase of capital, and in consequence of that I think a good deal of the opposition which took place last year will not be invoked against it this session. We ask for an increase of capital, a request which has been made almost every session since I have been here by companies, mercantile and financial institutions, and I do not recollect one single instance in which the request was denied. It is a necessary thing, in advancing the business of the country, that companies should be allowed to increase their capital. One of the outcries which has always been made in Canada since I remember it, has been to bring capital into the country to push forward important works, and it is our duty, and has always been recognized as such, to assist financial transactions when the increase is asked for in this way. But besides that, there is another reason why I think a good deal of the opposition which took place last year to this Bill has been withdrawn or will not be invoked. The government this year introduced a Bill whereby they were taking into their hands the power to arrange and deal with all matters in connection with telephones and telegraphs, and to regulate rates, and in other ways exercise a control, in the interest of the country at large, over these companies. Another Bill was introduced by Mr. Maclean, which, to a certain extent, covered the same ground, although it contained clauses to which the government did not agree and which were opposed by the municipalities. Any gentlemen who were present at the Railway Committee yesterday when the Minister of Justice announced his policy with regard to the Bill, will back me up in what I state, that the Minister of Justice announced that in consequence of conflicting opinions which had been expressed with regard to the necessity of further considering some of the clauses in his Bill, he has decided to postpone the consideration of it until next session, and during the recess would take the advice of experts and hear what the different municipalities, who considered themselves interested in this legislation, had to say, so that by the time the House met again a well considered and well digested Bill would be introduced, whereby the government would meet the needs, the requirements and the wishes, not only of individuals and municipalities, but of the country at large. This suggestion of the Minister of Justice was opposed by Mr. Maclean, who was extremely anxious that his Bill should be at once pushed on. He thought that this being a sort of by-session as he termed it, and that the parties who were down here were all anxious to earn their sessional allowance, they should take up his Bill and if there was anything in it which needed emendation, it could be amended and pushed through, but opposition was made to that by the municipal organizations through the mayor of Toronto, who spoke on behalf of the municipal councils throughout the country and asked very definitely that the Bill of the Minister of Justice should be postponed until next session. They wanted to have an opportunity themselves of seeing, not only whether the judgment which Justice Street had given in the Toronto case, was going to be sustained, or if in the appeal it was to become a law that would be incontrovertible, and they also wished to consult the municipalities and ascertain more largely from them what were the points in which they were principally interested, and he, on behalf of that organization, backed up the request that the Bill should stand over until next session. Therefore, after considerable discussion, a motion to that effect was agreed to by the committee, but although the Bill has been withdrawn for the present session, the government is pledged, as much and as faithfully as they can be pledged, to introduce that Bill next session, and to make it, as far as possible, a Bill which will be satisfactory to the parties interested and to the country at large. Therefore, we ask now for an increase of capital, and that is the only object of the present Bill, and the Bell Telephone Company is perfectly prepared to meet the provisions which are made in any government Bill to be introduced next year. It has even been said, against the introduction of this Bill for an increase of capital, that there is no necessity for the company to have such a large amount of money at their control. What first made me have anything to do in connection with this Bill last year, was the fact that the Bell Telephone Company had promised to extend throughout the North-west their system of long distance telephones which to us is of the very greatest importance. We are situated in a

country which is sparsely settled, in which the settlements are largely scattered, and to such an extent that it is quite impossible to get telegraphic communication. It is too expensive to use the telegraphs and to keep operators who would be necessary at small points, and our people find themselves denied the benefits and advantages which those in a large settled community have, of free communication with telephone stations, and this system of long distance telephones would be of incalculable use to us. Farmers in the country, ranchers situated long distances from their base of supplies, and small towns distant from railways, but still important centres, all have an interest in being connected with the places with which they deal. The result of the defeat of the Bill last year was that capital could not be raised for the purpose of extending this service, and we have been denied that great boon. This year we are in the same position. The North-west is crying out for this, which is such an advantage to them, and we are entirely within our rights, and ought to have the sympathy of this House, when we ask them not to deny us any longer such a very great boon. The fact is that there has to be also a very large amount of capital laid out even in the older provinces in extensions and repairs. Take, for instance, the city of Toronto, which has opposed this Bill so very strenuously from the beginning. The president gives me a statement that there will be a sum of $305,000 expended this year in Toronto—on main building in Toronto, $50,000 on new switches and new switchboards $170,000, and on outside work $85,000, making altogether a total of $305,000 to be expended in the city of Toronto alone out of capital in order to give the service which a city like Toronto is entitled to have. They cry out for a better service, they say the present service does not satisfy them, and yet they deny the company the capital necessary to make it more up to date than it is now. For outside work at other points, in the cities of Hamilton and Quebec, the expenditure is estimated this year at $115,000. There is to be expended in miscellaneous works in Montreal and in smaller places, $110,000, and there is estimated for long distance telephone lines $250,000, amounting altogether to $930,000, to be expended this year, and for which a portion of this capital is required. Last year the company expended on capital account in extensions, repairs and improvements on their lines, $457,000, and the president assures me not less than half a million dollars a year will have to be expended in the next five years, in that way alone. So if our work is to go on at all, and the country is to possess the advantages which such a company as this can afford, we must have this increased capital. It is not necessary for me to say on behalf of this corporation that instead of meeting with hostility, this company should be looked upon as one of the great institutions of this country. It is all very well for people to talk about monopolies, and about large fortunes that are being made out of monopolies, or of large rates of interest that are being paid upon capital, but we must always recollect the danger that threatens these monopolies by possible discoveries of new inventions whereby almost the whole of their capital might be wiped out by a single blow, whereby all their intricate, difficult and expensive machinery and plant may be rendered almost useless for anything else but to be thrown into the scrap heap. We have seen instances of this kind occurring frequently, and it is not too much to say that a great deal of difficulty has been and still is, experienced in getting capital interested in enterprises—large amounts locked up which might by a slight invention different from the one they have prove almost useless. Capital is proverbially timid. It is only necessary to have a suggestion that such a thing may occur to have people withdraw the subscription of funds for a purpose of the kind. But if people do succeed in making a satisfactory investment and get a proper return for their money, they take great risks when they go into it, and it is not fair to cut them down when they ask for power to increase their business by having more money to lay out in improvements and extensions. This House, after the explanation I have given as to the necessity for the money and the distribution of it, and knowing that it is all necessary to extend the company's works, will, I am sure, be prepared to allow this Bill to go through without any alteration.

Hon. Mr. MILLER—I do not rise so much to oppose the second reading of this Bill as

to ask my hon. friend from Brandon who has charge of it, to allow the measure to stand over till next session. It is well known to hon. gentlemen, as has been stated by my hon. friend himself, that the government during the present session introduced a general measure respecting telegraphy and telephony. Although that Bill has been dropped this session, the government is pledged to introduce a measure aiming at giving full satisfaction to all parties interested in this legislation. I do not agree with my hon. friend's assertion that the Bill which has just been introduced occupies a different position from the Bill of last session. The main object of that Bill was to increase the capital of the company and the Bill of this session has only one clause, and its sole object is also to increase the capital, so that the Bill of last session and the measure now before us, so far as the promoters are concerned, are similar Bills. The controversial subjects which were brought forward in the Bill of last session, were introduced for reasons which my hon. friend has not referred to. His speech has been a very skilful effort to avoid bringing before the House this session the actual points in controversy between the promoters and the opponents of the Bill of last year. I said just now that my object in rising to speak at this stage of the Bill was chiefly to ask my hon. friend if he would not consent to postpone the consideration of this measure until next session. In view of the fact that we are going to have general legislation by the government then, is it wise to evoke a repetition of bad feeling and bitterness that the discussion of this measure excited last session from one end of the country to the other, and perhaps interfere with the calm and judicial settlement of the question a year hence? I think my hon. friend would be acting in the interests of the promoters of this Bill if he allowed the question to stand over without any further agitation, either in parliament or in the country with regard to it, because I believe that if this Bill is pressed it will create an agitation which will result injuriously and disadvantageously to the Bell Telephone Company. My hon. friend has stated that the sole object of this Bill is to obtain capital for the extension of the company's works. We know last session when the Bill was before the committee and before this House, the company positively refused to give us any information as to what they intended to do with the increased capital. We could not get them to give the slightest scintilla of information on that important subject. The information furnished to-day I have no doubt, is in my hon. friend's estimation, very important and reliable, but we should like to hear it supported by official statements and documents that would carry greater conviction to the minds of those who hear it. The Bill, if pressed this session will meet with the same opposition that was given to the Bill of last session; the same amendments will be moved. If the Bill were dropped for this session and the general Bill to be submitted by the government next year met the objections of the opponents of this measure, then it would be a walkover for this Bill in parliament. I presume there would be no objection to give the company the increased capital required, but we cannot tell until we have the government measure before us whether the special case of the Bell Telephone Company in relation to the municipalities will be met by that Bill or not. If not met by that Bill, certainly all the opposition will be given to the Bell Telephone Company, legislation either this session or next session with a view to securing the honourable carrying out of the compact which that company entered into with some of the municipalities of Ontario, the city of Toronto, especially, and which they have, I think, dishonourably broken, repudiated and evaded. Now, what is the real position of this question? This company was incorporated in 1880 with a capital of $500,000. Subsequently its capital was increased to $2,000,000. When in 1892, the company applied to parliament to have its capital increased to five million dollars there was a very strong opposition to that increase in this House, and, strange to say, the gentleman who was the strongest opponent of it was from the same part of the Dominion as my hon. friend from Brandon, the late Hon. Mr. Boulton. In the discussion on the report of the committee, after a long debate, the Bill was referred back to be amended, and while there, the amount of capital asked by the company was conceded by the committee, but a clause preventing an increase of rates be-

yond those stipulated in the prior agreement between the city of Toronto and the company in 1891 was inserted—that the rates should not be increased except by the consent of the Governor in Council. That legislation, occupied a good deal of time in this House. It was debated by the leading men in the Senate and attracted a good deal of attention throughout the country. Afterwards when the Bill was referred and came back amended, it was also a matter of public discussion in this House and was well understood by everybody. I was surprised to hear last year, when the amendments was under discussion, the circumstances under which the amendment in the Bill of the hon. gentleman had passed the committee and the House—I was surprised to hear my hon. friend the Secretary of State, take the ground that the amendment in the Act of 1892 was got through the House and the committee surreptitiously and unknown to every one interested in it, and therefore it had not the force it otherwise would have and that the company had good ground for repudiating the obligation under which it placed them in regard to the increase of their rates.

Hon. Mr. SCOTT—I beg my hon. friend's pardon; I never made use of the word 'repudiated,' I never justified the company in repudiating anything. The amendment went through after the Bill had been read the third time. It was referred back to the committee, and it was an afterthought.

Hon. Mr. MILLER—My hon. friend had charge of the Bill in 1892.

Hon. Mr. SCOTT—I had charge of it in the absence of Mr. Gowan.

Hon. Mr. MILLER—It was referred back to the committee for further consideration and amended on two different points. With regard to the one I am now discussing, the Chairman, the Hon. Mr. Dickey, made these remarks :

With regard to the other amendment referring to the rates, it is not a clause which places the rates entirely under the control of the Governor in Council, but it is a clause, which after the rates were explained to us, was introduced to limit the power of the company to change those rates in the direction of an increase without the consent of the Governor in Council, so as to afford a protection, as far as we could to the public, that no exorbitant rates would be the result of this increased capital, and the wording of the clause shows that the rates charged are not hereafter to be increased without the consent of the Governor in Council. These are the two points, and they received very general assent in the committee.

Then the hon. Secretary of State in moving the adoption of the report said :

The chairman of the committee has explained fully the purport of the amendments, and the House thoroughly understands and will probably approve of them. I therefore move that the report of the committee be concurred in.

Hon. Mr. CLEMOW. To-morrow.

Hon. Mr. SCOTT. There is no necessity to postpone the third reading, the House understands the subject now.

Therefore I was very much surprised when my hon. friend last session took the ground that really there was no notice of the amendment, that it was got in surreptitiously, that the promoters did not understand what the effect of it was going to be, &c. Now, with regard to the promoters being hoodwinked in connection with the amendment of 1892, that portion is answered fully by the fact that in 1897, the Bell Telephone Company invoked the aid of the Act of 1892, and of this amending clause to have an increase of their rates. In 1897, they applied by petition to the Governor in Council for an increase of their rates, although at that time they were paying a dividend of 8 per cent, and had nearly a million dollars rest. So it cannot be argued for a moment that this amendment was got into the Bill in any unfair way to the company, but on the contrary they had full knowledge of it, and were themselves the first to invoke its use. The matter stood, up to 1897, in this way, both parties looked upon the law of 1892 as perfectly binding, but subsequently the Minister of Justice gave an opinion that the clause did not cover new subscribers, that 'existing rates' in the amended clause, only referred to parties who had contracts with the company before the passing of the Act of 1892, and that therefore they were at liberty to charge what they pleased to all new subscribers, not only in Toronto, but in other municipalities of the Dominion where their lines extend. Here is what the Minister of Justice said in a letter to the Minister of Railways with regard to the legal effect of the amended clause :

In reply to your letter I may state that I am strongly of opinion that the clause in the Act of 1892, providing that the existing rates shall not be increased without the consent of the Governor in Council, is legally ineffective so far as

subscribers are concerned, and that proceedings to restrain the company from increasing the rent charged to subscribers, would be unsuccessful.

As soon as the company was in possession of this legal opinion, from so high an authority, they at once began to raise the rates, not only to new subscribers, but to old subscribers, and to do just as they pleased. Learning that the law which they had accepted in good faith, which parliament and the public had accepted in good faith, as guaranteeing that there would be no increase in the rates of this company without the consent of the Governor in Council, contained a flaw, they took immediate advantage of that flaw and raised the rates all round. The contention last year, when the Bell Telephone Company's Bill was before the House, was not against the substance of the Bill—that is the clause for the increase of the capital—but its opponents were desirous of amending the Bill to remove the ambiguity of the Act of 1892 and make it what parliament thought it was and ought to be—we were all prepared to give the company what they wanted if they would consent to act fairly with the public and with their subscribers and allow the amendment to the Act of 1892 to be couched in language free from any ambiguity or vagueness. That they would not do, and on that has arisen any objection which has been made to granting an increase of capital to this company. Because the municipalities feel that if they lose this opportunity created by the needs of the company of additional capital, of getting justice in accordance with their contract of 1891 with the Bell Telephone Company, which was that rates should not be charged on domestic telephones over $25, and on business telephones over $45—a contract which was intended to be ratified by the Act of 1892, they may never have so good an opportunity of doing so. All they ask is that the contract which the company had made with them should be carried out in good faith. This the company has refused to do so far, and of course, while they take that stand, the municipalities will continue to oppose any further concessions by parliament to this company. We have had our Table loaded this year with petitions from over eighty municipalities including every part of the Dominion. I daresay not within the recollection of any of us have petitions been so largely presented to this House in connection with any subject as in connection with this Bell Telephone Bill. What do these petitions ask? They prayed for the 'passing of such legislation as will prevent the Bell Telephone Company of Canada from increasing its rates as they existed in 1892, and requiring them to supply telephones to persons willing to pay for the same whose premises are upon or adjacent to, a main line or branch of their system.' That is all that these petitioners seek of us. They ask parliament to remove the ambiguity of the law of 1892, and to declare that the rates shall not be either increased or diminished except with the consent of the Governor in Council. It is not very often that a company asking favours appears before parliament under such very great disadvantage as this company does in having repudiated a solemn compact made with the city of Toronto, and then, worse still, in not having kept faith with parliament or the public or its subscribers with regard to the legislation of 1892. I think the best course my hon. friend could pursue with regard to this Bill is to withdraw it and not to arouse any further agitation, until the general measure of the governement is submitted to parliament. I think it is probable the measure of the government, from the assurances which have been given us by the Minister of Justice, will be one which will satisfy the municipalities and all others interested. There is, I repeat, a danger that, owing to the special circumstances of Toronto in connection with this company, that a general Bill may not meet the grievances under which the people of that city labour in regard to the increase of rates and other incidental matters. A very great hardship, and a very practical grievance, is now inflicted especially on the municipality of Toronto by the Bell Telephone Company, whom at the outset it encouraged in every legitimate way by a liberal contract for telephone services, notwithstanding all this, they find themselves now at the mercy of this company simply on account of a legal technicality or vagueness in the phraseology of the amended clause of the

Act of 1892. I think that it would be in the interests of this company to wait and see whether the wishes of the petitioners will be met by the government Bill, but otherwise I will feel it my duty to ask the House to pass the amendments which the Senate would, had the Bill not been withdrawn, have adopted last year with the strong approval of public opinion, as expressed by the press on both sides of politics. I know of no great public question ever before this country where the unanimity of the press was greater than in the approval of the conduct of the Senate and disapproval of the conduct of the committee that refused the amendments which the opponents of the Bill were seeking in the interest of the public. I can only say to my hon. friend, if he does not accept my suggestion it will not be in the interests of the company; it will not allay the hostility of the public to the action of the Bell Telephone Company, but will increase it even to a greater extent than was experienced last session.

Hon. Mr. MACDONALD (British Columbia)—I should like to ask the hon. gentleman from Brandon if this company intend to issue preferential stock to raise this capital ?

Hon. Mr. KIRCHHOFFER—I have not the slightest idea what the company intend to do.

Hon. Mr. MACDONALD (British Columbia)—If they do, the other shareholders may probably be cut out of everything. This company ought to be restricted, whether it is done this year or next year, in the interest of the country and of those who use telephones. I do not think on all occasions this company acts fairly or in a straightforward manner. I know in Victoria the agents of the company have been charging some of their customers four dollars a month and others only three, and that is done in an underhand way. It only came to the ears of those who pay four dollars in an indirect manner. When charged with it, the company admitted they had done so. That is a dishonest thing, to charge different rates for the same service. It is unworthy of a company paying large dividends. Whether the hon. gentleman goes on with this Bill or not, I should like to see something done to arrange the rates of this company.

The motion was agreed to, and the Bill was read the second time.

Hon. Mr. KIRCHHOFFER moved that the Bill be referred to the Committee on Banking and Commerce.

Hon. Mr. MILLER—No, the Committee on Railways, Telegraphs and Harbours. I never knew a Bill of this kind to be referred to any other committee, except when this Bill was referred last year.

Hon. Mr. SCOTT—It is purely a financial matter.

Hon. Mr. KIRCHHOFFER—If it is the wish of the House to refer this Bill to the Committee on Railways, Telegraphs and Harbours, I am quite willing that it should go to that committee.

Hon. Mr. McMILLAN—It was before the Banking and Commerce Committee last year.

Hon. Mr. FERGUSON—Certainly; but it was improperly referred to that committee. It was through a mistake or oversight. This comes under the heading of telegraphs and should go to the Committee on Railways, Telegraphs and Harbours.

The motion was amended and adopted.

SECOND READINGS.

Bill (J) An Act to incorporate the Institute of Chartered Accountants.—(Hon. Mr. Kerr.)

Bill (K) An Act to confer on the Commissioner of Patents certain powers for the relief of George M. Depew.—(Hon. Mr. Kirchhoffer.)

Bill (26) An Act respecting the Quebec and Lake Huron Railway Company.—(Hon. Mr. Landry.)

Bill (14) An Act to incorporate the Indian River Railway Company.—(Hon. Mr. Godbout.)

Bill (21) An Act respecting the Port Dover, Brantford, Berlin and Goderich Railway Company, and to change its name to 'The Grand Valley Railway Company.'—(Hon. Mr. McCallum, in the absence of Hon. Mr. Merner.)

Bill (24) An Act respecting the Windsor and Detroit Union Bridge Company.—(Hon. Mr. McCallum.)

INTERNATIONAL RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. GIBSON moved the second reading of Bill (No. 31) An Act respecting the Buffalo Railway Company and the International Railway Company.

The motion was agreed to, and the Bill was read the second time.

Hon. Mr. GIBSON moved that the Bill be referred to the Committee on Railways, Telegraphs and Harbours.

Hon. Mr. McCALLUM—I do not rise to oppose the reference of this Bill to the committee, but I wish to call attention to the fact that this is a foreign company, and when the Bill comes before the Standing Committee on Railways, Telegraphs and Harbours, the hon. gentleman ought to be in a position to show who are the stockholders. We do not know who they are; we never knew who they were when we were incorporating them a few years ago. They have got control of a good deal of Canadian property.

Hon. Mr. GIBSON—As far as I am aware, this Bill received a good deal of opposition, and very properly so, some time ago, when it was before this House, and that was with respect to the securing of railways on the Canadian side of the frontier. They did so, however, by bargain and sale, mutually agreed upon by both parties, and I would say, living as I do in the neighbourhood of these railways, that they are admirably managed. As far as the owners are concerned, I will endeavour to meet the requirements of the hon. gentleman and bring down the list of shareholders. So far as the railway company itself is concerned, it is simply asking for something which should receive the support of hon. gentlemen in this House, because it is merely changing the name from 'the Buffalo Railway Company' to 'the International Railway Company.' The Buffalo Railway Company owned the George road on the United States side of the river. They, however, bought out the Niagara Falls and Niagara River road, and ran them both in common under one company, and in consequence of the amalgamation of the various companies, it has been thought expedient, and I believe desirable, so far as legislation in the United States is concerned, that the words 'International Railway' should take the place of 'Buffalo Railway,' and I am sure from a national standpoint on the Canadian side of the river, we ought to feel pleased at the change of name. I am perfectly satisfied that the gentlemen who have the management of the railway, and who are its owners, are Canadian as well as United States capitalists. However, I will communicate with the gentlemen who are promoting the Bill and get the desired information, so that it may be before the Railway Committee when the Bill comes up for consideration.

Hon. Mr. McCALLUM—I do not wish to oppose the hon. gentleman. I have made the suggestion to enable the committee to arrive at a correct conclusion. I have always objected to handing over the bridges across the Niagara river to a foreign corporation. We do not know who they are. They may be all enemies of this country. That is why I notify the hon. gentleman to submit the names of the shareholders, and not because I wish to oppose the Bill. I want him to be prepared to show the committee, who the owners of this property are, because in case of trouble the ownership on the other side of the river might prove injurious to this country.

Hon. Mr. GIBSON—I have no objection to furnish all the information I can get, but my hon. friend must recollect that the railway was originally chartered by the Dominion of Canada, and is run to-day under the regulations laid down by the Department of Railways and Canals, so that, so far as the supervision and the running of the railway is concerned, it is being done subject to all the conditions of railway legislation in the Dominion of Canada, the same as any other railway in this country.

The motion was agreed to.

THE RAILWAY COMMITTEE ROOM.

Hon. Sir MACKENZIE BOWELL—I should like to call the attention of the Secretary of State again to this Railway Com-

mittee accommodation. I hold in my hand a notice calling a meeting of the Committee on Railways, Telegraphs and Harbours in the same room that we have occupied for years. I should like to ask him what steps have been taken or instructions given to place the old Railway Committee room used by the House of Commons at the disposal of the Senate? We are likely to have a large number attending the meetings of our committee, and we will be holding our meetings in a stuffy, disagreeable room full of impure air. I supposed instructions would have been given so that the clerk could have issued notices to meet in that room which legitimately belongs to this branch of parliament.

Hon. Mr. SCOTT—I think I mentioned on a former occasion, when my hon. friend drew my attention to the subject, that I had spoken to the Minister of Public Works, and he at once acquiesced in our using that room, and on a former occasion my hon. friend said he did not think it was necessary until later in the session.

Hon. Mr. MILLER—We have to deal with the Bell Telephone Company's Bill.

Hon. Mr. SCOTT—That will draw a large number.

Hon. Sir MACKENZIE BOWELL—I said I thought it would make no difference before the holidays, as the first meeting of the committee was for organization and the appointment of a chairman. I did not say there was not likely to be any business of importance calling together a large number of people.

DELAYED RETURNS.

Hon. Mr. BERNIER—I should like to know if the returns I asked for on the 20th of February, on the subject of school lands, will be brought down some time this week.

Hon. Mr. SCOTT—I will make inquiry.

THE GROUNDING OF THE SS. 'LAKE SUPERIOR.'

Hon. Mr. FERGUSON—I want to call the attention of my hon. friend, the Secretary of State, to a paragraph in a paper which has just come through the mail, with reference to the unfortunate grounding of the 'Lake Superior' in the harbour of St. John. I find it stated in this paper that very urgent action had been taken to endeavour to save the ship. She is on a reef and making water, and no pumping apparatus could be found in the lower provinces suitable for pumping her, and it is stated here that application was made to the government with a view to allowing a pumping apparatus to be brought into the country free of duty, in order to meet this very great emergency, and that the government had refused. I may just say that the grounding of this ship in one of our principal harbours—this magnificent ship that has done so much good service in connection with our winter line—is a very unfortunate thing, and I wish to call my hon. friend's attention to this complaint, and to ask him if it could not be possible to have the matter looked more carefully into and afford this relief which appears to be so desirable under the circumstances.

Hon. Mr. SCOTT—I am not aware that any application has been made. I have not heard it referred to by any of my colleagues. It would come, in the first instance, before the Minister of Marine.

Hon. Sir MACKENZIE BOWELL—No. The Minister of Customs; it is a question of duty.

Hon. Mr. SCOTT—The application for relief would probably come to him first. I have heard nothing of an application to bring in machinery from the United States in connection with an accident of that kind. I will make inquiry and inform my hon. friend to-morrow.

Hon. Sir MACKENZIE BOWELL—This being a matter of customs duty, the application would be made to the Department of Customs, and it would be for the Minister of Customs to say what should be done. I know that wherever parties desire to obtain any apparatus or machinery in cases of distress of that kind, they make the application where they are most individually and pecuniary interested, independent of the fact that such wrecking apparatus and pumping machines do exist in the country. That I know has been my experience in the past, and I have no doubt—I say this in defence of the Customs Department, in which I still feel an interest—too often we have yielded in the past when we found out afterwards it was to the disadvantage of parties

who had large investments in wrecking apparatus which might have been obtained in Canada, only the parties thought the competing people living across the line could, under an appeal such as this, get their machinery into the country. Unless it is a case of absolute necessity, and where no pumping apparatus could be obtained in our own country, I should justify the government in refusing the application.

Hon. Mr. ELLIS—As the question has been brought up, I should like to make this observation in regard to it. While it is possible that there is such apparatus in some parts of Canada, at present it would be almost impossible to get it from the Gulf of St. Lawrence, and quite impossible to get it from the Great Lakes, and if it does not exist in the lower provinces, it would have to be brought from the United States.

Hon. Sir MACKENZIE BOWELL—There should be some in the maritime provinces. They might have sent to Halifax.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, April 4, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (M) An Act respecting the Atlantic and Lake Superior Railway Company.—(Hon. Mr. Owens.)

Bill (N) An Act respecting the Great Eastern Railway Company.—(Hon. Mr. Owens.)

A PROPOSED AMENDMENT TO THE RULES.

The notice of motion being called.

By the Honourable Sir Mackenzie Bowell, K.C.M.G.:—

That he will move that paragraphs 1 and 2 of rule 80 of the Rules, Orders and Proceedings of the Senate of Canada be amended by striking out the word 'seventeen' in paragraph 1, and substituting the word 'eighteen' therefor; and that paragraph 2 be amended by striking out the words 'twenty-one,' and substituting the words 'twenty-four' therefor.

Hon. Mr. SCOTT said: I would ask the hon. gentleman to let that motion stand until Monday.

Hon. Sir MACKENZIE BOWELL.

Hon. Sir MACKENZIE BOWELL—Yes, but I would call attention to the fact that if objection be made, it will be necessary to make a preliminary motion. I notice, in looking at the rules, that we should have, to carry out the rules properly, either to suspend by unanimous vote rule 16 for the time being, or give notice for a call of the House, in order to change the motion.

Hon. Mr. SCOTT—On that account I ask to have it stand until Monday.

The motion was allowed to stand.

THE TREADGOLD CONCESSION.

MOTION.

Hon. Mr. MACDONALD (Victoria, B.C.) moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, copies of all orders in council, applications, agreements and communications in writing relating to the grant or concession to A. & C. Treadgold, or to the Hydraulic Mining Syndicate, of any claims or privileges to water rights, mining lands, and timber limits in the Yukon Territory, or in any part of the North-west Territories. Also, a description or plan showing the location and area of such claims, privileges and concession to the aforesaid parties or syndicate.

He said: Knowing the delays attached to bringing down returns asked for, taking sometimes weeks, months and even a year, I have endeavoured to gather up all the information I could relating to the so-called Treadgold Company's contract or concessions. I will refer in order to the salient points in the contract, and should I be wrong or misinformed, I should ask the members of the government to correct me. No doubt they know the text of the contract as it must have been agreed to in Council. I take it that every hon. member of this House will agree that the Yukon mining region should be kept for the benefit of the whole country, for the miners who toil there, and for the commercial men who trade there. I think the House agreeing to this proposition will also agree that the first care should be to conserve the rights of miners, give easy communication, and the lowest taxation commensurate with the management of a well organized system of government, free from favouritism, monopoly and partiality. If this be the proper mode of governing the Yukon how comes it that re-

cently a company of three, Treadgold, Barwick and another, have obtained a monopoly of mining lands, timber limits and water rights in that country for thirty years—yes, a monopoly for thirty years—in the face of the strong aversion of the people of this country to combines and monopolies? Our largest companies had no special rights, such as the Canadian Pacific Railway and the Grand Trunk who spent millions in the country, whereas this Yukon company does nothing for its monopoly. The parties most interested did not ask this or any company to come in to help them to water. So far as I have been able to gather information apart from the actual contract, I find that this company possesses the sole right to take water from the Klondike river at any point between its entry into the Yukon river and the Flat creek for generating power to work and pump water in the district, comprising the beds, banks, valleys, slopes and hills of the Klondike river, Bonanza, Bear and Hunker creeks, and their tributaries for thirty years. The tributaries of rivers mentioned are an undefined quantity, and many extend for hundreds of miles, and cover the richest part of that gold-producing country. No miner, however enterprising, may for his own purposes, after this agreement goes into operation, take any water from the Klondike river in the vicinity of the best mining creeks; he must buy from the Treadgold Company. I believe the company is also given the right of entry upon, and a way through any lands and any mining ground for the purpose of constructing its works, the only recompense to the mine owner being, the gravel removed by the company would be placed in a separate dump. I hear, however, that this clause has been modified to provide for compensation in case of damage. The company also has the right to purchase Crown lands at a stipulated price of $10 per acre, also the right to enter upon, make entry for, and work all mining locations now or hereafter abandoned on Bonanza, Bear and Hunker creeks, and their tributaries, free from payment except such royalty as may be prescribed. The company for all these concessions has to expend $250,000 on its works before the end of December, 1902, and to deliver, by July, 1905, 1,500 cubic feet of water per minute; otherwise their grants and powers shall cease. The company to be free from rents, taxes and assessments, except customs duty and royalty. It is allowed to charge for water $1 per miner's inch per hour. Such a rate would in ordinary cases cost a mine $125 per day. This, however, has been wisely modified to twenty-five cents per hour. The objectionable features of the contract are the thirty years monopoly, the right over tributaries of the Klondike and Yukon rivers, as being undefined and may mean thousands of acres, also shutting out miners from the free use of the rivers mentioned which should be free to all.

Hon. Mr. SCOTT—There is no objection in this case to all the papers coming down, and the fullest information possible being given on the subject referred to. I do not know that any good purpose can be served by our discussing it while it is very well known that the terms, or a modification of them, are now being discussed between representatives from Dawson and the Minister of the Interior, and therefore a good many of the observations of my hon. friend perhaps are not strictly correct even at the present moment. I do not propose to follow him through the various statements he has made, but I can say this, that for the last two or three years representations have been made that there were many claims on the Klondike and on other streams which had been abandoned in consequence of their being on too high a plane to obtain water. They could not be utilized simply because there was an absence of water, and it would not pay any one, or two, or three individuals to bring water to any particular claims, and whatever was done had to be done on a very large scale in order that water might be obtained for all the claims that were on high level, which otherwise could not be utilized, and which had been thrown up and were in the hands of the government.

Hon. Sir MACKENZIE BOWELL—Why on high levels?

Hon. Mr. SCOTT—They were taken up on ground where it was too high to work them unless water was artificially brought to that higher level. This matter has been under discussion for the last three years and applications have been made from time

to time, and I understood that it was a matter of notoriety in Dawson that persons were proposing to spend a very large amount of capital—from half a million to a million dollars and perhaps more—in pumping up water to a high level in order that the claims which were not then within reach of water, on account of being too high, could be utilized. Various propositions were made in the last three years and the matter was discussed backward and forward between parties at Dawson and the Department of the Interior. It was not rushed through in any way, as the hon. gentleman would indicate by the observations he has made. In making the regulations, I am advised that the interests of the miners were well protected, that any miners holding claims there are in no worse position now than they were before the concession was granted. They are entitled to all the water they require for the purpose of washing the earth in their claims. Therefore, the prejudice that the hon. gentleman has sought to create, by saying that the miners have been sacrificed, has no substantial foundation. But under any circumstances, while modifications of the agreement are under consideration, it seems rather premature to discuss it. No possible good can come of it. The original papers will be brought down in due time. As for the plan for which my hon. friend asks, I do not know whether there is such a plan in existence. If there is, it will be brought down. All I can do is to assure the House that it was thought to be in the interest of the miners that this arrangement should be made, because it was going to enable a very large number of unused claims to be worked, and if the parties who had originally taken them up did not propose to work them, the new company that was being organized would have the right to take up those claims.

Hon. Sir MACKENZIE BOWELL—A few of the remarks made by the hon. Secretary of State are somewhat pertinent to the questions, and perhaps we shall be better able to discuss the contents and provisions of this document, which is called a concession, better, when it is laid before the House than at the present moment. But it is quite evident that the Secretary of State—and I say it with all due respect—has very little knowledge of the effect which this concession, if carried out in its entirety as first provided, would have upon that country and the mining interests. The hon. gentleman says that this will not place the miners in any worse position than they were before, except, he might have added, to this extent, that if they should cease working their claims for a short period and the claims should be declared abandoned for the time being, this syndicate or these concessionaires can walk in and take possession of what are designated abandoned claims. When the hon. gentleman talks of the high levels, he should know that the earth containing gold is brought to the lower level to the bottom of the creek, or near the bottom of the creek in order that it may be there washed, except in hydraulic operations. Of hydraulic plant there is only one in existence at the present time, as far as my knowledge extends in the Yukon territory, where the water is carried up into a reservoir or tank, and then through a pipe, forced into the crevices between the rocks and the earth with the gold is washed out. There can be no doubt that what are termed in many cases abandoned claims, are really not totally abandoned, but, probably for the reasons suggested by the hon. Secretary of State, that they cannot obtain a sufficient quantity of water, temporarily abandoned, more on account of the expense attending the working of what is termed lean pay dirt, but which, after the rise of water, are utilized often by the original miners. Many of the dumps that have been washed are still rich in precious metal. I saw myself, last summer, an old man about eighty years of age washing from a dump that had already gone through the operation of separating the gold from the earth, washing with a pan and cradle by hand, secure ten or twelve dollars between ten in the morning and three in the afternoon. What does that prove? It proves that the present method and mode of extracting the whole of the precious metal from the earth has not yet been discovered, and that hereafter when the water supply, either in the spring or by any other means they can obtain it, that there is a rich reward to follow those who will re-work this earth. But the concession made to this syndicate deprives—and here is the great objection to

it—new miners, except at the will of persons who hold these concessions, going into that country, and what will the effect be? That instead of having hundreds of people going there and exploring the country up these different creeks, in order to locate claims, miners will be kept out of the country for the reason that this syndicate will have possession and control of the whole of it. If the hon. gentleman would consider for a moment the point raised by the hon. member for Victoria in that indefinite expression 'the Bonanza or the Hunker creek and its tributaries,' he will see at once that they are giving nearly the whole of the gold producing sections of the country to this syndicate. The richest discoveries that have been made in that whole country are on a tributary of the Hunker creek, and many other rich deposits which have been discovered are on tributaries of the Bonanza and the Hunker. In making that concession originally, it is quite evident that there was something behind it, some reason for doing it, or an utter want of knowledge of the country and its requirements. If not, why should permission be given to one or two individuals to charge a dollar an hour for an output of a miner's inch of water? They afterwards reduced that to 25 cents. My impression is that if that concession is ever carried out in its entirety, there will have to be a greater reduction, unless the concessionaires are to receive the whole of the proceeds of the miner who does the work. There can be no question that if that country is to be fully and thoroughly developed, it is to be by hardy men who are willing to go into what would be considered, under many circumstances, an inhospitable country, particularly in the winter, and who have to undergo great privations, and they are hampered by the rules and regulations that have been adopted by the government to an extent that is unknown in any other part of the world. Compare the rules that govern the miners in that country with those that govern the miners in Alaska, which lies right alongside it, within a few miles, where there are large gold deposits, and you would marvel. The government charges so much stumpage for the lumber that is taken from the woods if a man wants to build a hut in which to live. I saw one case in which a man had to pay $275 stumpage dues for the timber which he had taken for the construction of an hotel, in order to give the miner a place in which to live, and the charge for grazing a cow in a country of that kind, of five cents per week, which goes into the pockets of the government. These charges restrict the operations of the people to an extent you would scarcely realize. Cross the border into Alaska and all you have to do is to locate your claim, and cut all the timber you want for mining operations, and no charge is made. Discover a coal mine, in the same manner, on the banks of the river, as you will see it on the banks of the Saskatchewan, in the North-west, and you can take possession and work it, and there is no charge made beyond the location fee, and the annual license you have to pay, and no royalty. I point out these things to show you the advantages which the United States miner going into United States territory has over the Canadian miner going into Canadian territory. All these restrictions tend to hamper the development of that country. Experience has taught those who have given the subject any consideration at all, that the most liberal construction should be put upon all the regulations which have been issued, and, in addition to that, that these regulations should be as liberal as possible. I freely admit that I think the regulations at present in existence are much more liberal than they were formerly, but there are regulations which should be amended in order to encourage the miners, instead of hampering them. I should like if the hon. gentleman's motion had gone a little farther. There are other concessions besides this Treadgold concession. There are concessions of three or four miles which people have been holding for some time, perhaps for two or three years, by paying a small fee, and that prevents industrious and venturesome men going into the country and assisting the development. No one can conceive what the effect is, or what hardship these miners have to endure, and one cannot understand or comprehend, without looking into the question very closely, how far the country is held back from being properly developed and the proper return given for the labour of those who have gone there, by the regulations which are in existence.

I have no desire to say or do anything that will injure the further development of the Yukon territory, and I congratulate the government on the wise selection they have made in the present governor, if such he can be termed, of that territory.

Hon. Mr. YOUNG—Hear, hear !

Hon. Sir MACKENZIE BOWELL—He has made many improvements, and removed many of the difficulties, so far as his power would permit, that existed under the former government, and I attribute that to this fact: he is a gentleman who has lived a long time in a new country. He knows what the difficulties are in the settling of a new country. He has had a good deal of experience in governing a new country, and has carried his practical knowledge into the Yukon territory. I doubt not, if he had full power to act and to do what he believes would be in the best interest of that country, that many of these complaints would be removed and many of the difficulties would cease to exist.

Hon. Mr. GIBSON—Hear, hear !

Hon. Sir MACKENZIE BOWELL—In discussing this matter I try to divest myself altogether of political prejudices in the matter.

Hon. Mr. MACDONALD (British Columbia)—Hear, hear !

Hon. Sir MACKENZIE BOWELL—And I speak thus of Mr. Ross, because I speak of him as I find him, and when I investigated, so far as my limited time would permit, the difficulties which had existed in that territory and the manner in which he had been governing it while he had been there, I deemed it due to him and justice to myself, to say that he is doing as much as he can possibly do to remove these troubles and difficulties, and say further that I believe that if the government will act upon the suggestions and advice which, I have no doubt, that gentleman will give them, many of the troubles and difficulties will be removed.

Hon. Mr. GIBSON—Hear, hear !

Hon. Sir MACKENZIE BOWELL—The particular subject before the House, is one of immense importance to this country. It cannot be overestimated. The carrying out of the rules, such as they are, and the conditions of that bargain to which my hon. friend from Victoria has referred, would end in a semi-rebellion. The people there will not tolerate the giving up of a whole country, as this concession is giving it up, to Treadgold. You will be having all the difficulties, and more than the difficulties which arose when the mass of people rushed into that country immediately after the discovery of gold to any extent, and I would urge very strongly upon the government, if they would take any advice from me in this matter, to see that no such monopoly is given to any class of people or to any corporation. We must all admit—at least those who know anything of it—that the great drawback to successful mining is the want of water, and any means that can be adopted by which the country is not to be given up entirely to one syndicate for the furnishing of that water to the miners at a rate which is not ruinous, should be adopted. But the idea of giving up for thirty years the whole country to one syndicate, is a monstrous proposition, and I cannot help thinking that if the proper representations had been made to the government, if they have the slightest regard for the future of that country, and the development of the great wealth that is in it, in coal and in gold and other precious metals, they must retrace the steps which they have taken, and I am very glad that the hon. gentleman has brought this question under the notice of the Secretary of State, in order that he can convey the impressions which must be left upon the mind of every hon. senator after hearing the terms and the manner in which he has laid it before them, in order to make those amendments. I repeat that the fact of the original terms having been so materially altered, and in one charge alone coming down from a dollar an inch to 25 cents an inch, is the best evidence this House or the country can have that they were conceding to a small syndicate, who expected and no doubt would become very wealthy, conceding to them concessions, the result of which they had not the slightest conception of. I would suggest that those who are most interested in this—I mean the government which is governing the country at the present moment—that those who have a practical turn

of mind should go into that country and see for themselves, and if they have any regard for the prosperity of the country and their own reputation as legislators, they will materially change the conditions and provisions of any concession they make to any class of people. I hope this return will come down at a time that will give us an opportunity of studying it carefully, and I am inclined to think, from what I have learned, that the hon. senator from Victoria has not exaggerated in the slightest degree the terms of it. On the contrary, I think hon. gentlemen will find that they are more obnoxious in their character than he has indicated to the House. I express the hope again that the Secretary of State will see that we have this report at an early period, and that it will not be left over too long. And I should like to have, whether the motion will cover it or not, a copy of the original agreement into which they entered, the amendments which have been made up to the present moment, and the amendments which they propose to make, after hearing from the governor of that territory and those who are here today pressing upon the government the necessity of making changes. We shall then be able to judge how far the government has gone in handing over to a few of their friends immense concessions in that territory.

Hon. Mr. SCOTT—No friends of ours. They are English capitalists.

Hon. Sir MACKENZIE BOWELL—I will not be led away from the subject now under discussion, but I should like to say something—perhaps it would not be judicious just now—in reference to their friends and capitalists. Those who pay any attention to current events understand what is meant by the word 'capitalist,' and we understand as a rule who those capitalists are, and we understand a little further what those capitalists do when it is necessary that they should be asked to be drawn into the fold, to do certain things for the benefit of the gentlemen who rule and control, unfortunately, this country, at the present time. However, we will leave that for some other occasion. I desire to confine my remarks as exclusively to the matter before the House as possible. I can only express the pleasure with which I listened to the hon. gentleman from Victoria, and I hope this House and the country will be put in possession of all the facts, in order to enable them to judge of the manner in which the Yukon territory and the North-west have been governed in the past.

Hon. Mr. TEMPLEMAN—It is not my intention to follow the hon. leader of the opposition or to discuss the question which has been brought before the House by my hon. friend from Victoria, but I do wish to express my surprise, probably because I have not full knowledge of the rules of order that prevail in this House, that on a question on the order paper a debate of this kind can be precipitated. It may be the rule, but I was of the opinion that when these papers would be brought down, I along with other hon. gentlemen might take some part in the discussion of this question, but I find that the hon. leader of the opposition and my hon. friend from Victoria have proceeded to debate the details of a question of which this House is not apprised. They have proceeded to debate it and to censure the government for entering into a contract which is not before the House, a contract which I have not read, and which I know nothing of.

I frankly confess my inability to reply to the hon. leader of the opposition. and consequently I will not proceed to do so ; but when these papers are brought down, in all probability we will have something to say in respect to them. I have not read the contracts, but I have read in the press what purported to be a synopsis of the provisions of this contract with the Treadgold syndicate. On the merits of the proposition to give to a company of capitalists the right to bring water into the gold districts of the Yukon, I think it a good one—that is, the general question of giving to a company the right to bring water in whereby the placer and hydraulic claims on the mountain sides could be worked at a profit. No small mine owner, and no number of small miners could bring water in in that country. It will take the expenditure of a large amount of money, so I simply say the general proposition to give a company of capitalists the right to bring water in there to sell it to the miners is one that I approve of. I do not know the details of this contract. I am free to admit that if it is in the power of

any syndicate to charge 25 cents per miner's inch per hour for the water necessary for the working of placer claims in that country, it might possibly be found too high. If it is correct that under the provisions of this contract the small mine owner could be frozen out, so to speak—I have heard that charge made on the streets and in the newspapers—then possibly there would be some way to change the contract on what I believe to be better lines. I am only discussing these matters in a general way; I do not know the provision of the contract. It may be the rule of this House, still, I think it is unfair to introduce a discussion on a question when the papers have yet to be brought down. It seems to me the proper time to do so would be when the papers are before us.

Hon. Mr. MACDONALD (B.C.)—The practice of the House is, when a member makes a motion he gives his reason for doing so. I gave my reasons and indicated as far as I could what I wanted.

Hon. Mr. FERGUSON—I am quite surprised to hear my hon. friend from Victoria, a member of the government, complaining of my hon. friend his colleague from Victoria for precipitating, as he says, a discussion on this question. My hon. friend has very pointedly cleared up that objection, and I think even my hon. friend, the member of the government without portfolio, is now satisfied that the mover of this resolution is perfectly in order in bringing it up as he has done. In fact, there is no other way that I am aware of by which a discussion of this very important question could be raised at present, except in the way it has been brought up; and as for the necessity of a discussion upon the question, I think there can be no doubt whatever upon that point. A concession of very great importance was made to Treadgold and his associates, and that concession has created a very great amount of excitement and alarm in the Yukon country. I have been in receipt of letters and newspaper clippings which have been sent within the last few weeks, all clippings from papers published in the Yukon, and all condemning in the strongest terms this concession to Treadgold.

Hon. Sir MACKENZIE BOWELL—Even the government organ condemns it.

Hon. Mr. TEMPLEMAN.

Hon. Mr. FERGUSON—The papers are unanimous in condemning the concession. It seems to be understood in the Yukon country what that concession means, I do not know my hon. friend's source of information. Probably he has obtained it in the same way as the Yukon papers got it, but it appears the information is correct. My hon. friend has been able to tell this House that the first contract with Treadgold and his associates contained provisions which have already been receded from, one of them in regard to the price to be charged per miner's inch for water. It was originally one dollar per inch per hour and it has been reduced, as my hon. friend from Victoria says, to 25 cents. and even that reduced rate my hon. friend opposite (Mr. Templeman) admits is altogether too high. Taking this fact alone, that the concession made by the government to Treadgold in the first instance authorized a charge of one dollar per miner's inch per hour and has since been reduced on account of public clamour to 25 cents, which it appears is still entirely too high—taking this one fact into consideration, is it any wonder that a great deal of excitement and alarm has been occasioned among the miners of the Yukon country in consequence of this concession? When we learn now, that such important modifications have already been made in the contract, and when I hear the Secretary of State tell the mover of the motion that he thinks it is not useful to go on with a discussion at this moment because what he has described as the contract may not be now the terms of it, that modifications are going on, all that is calculated to convince this House that a most improvident bargain was made in the first instance, granting a rich mining country away in that improvident, careless manner that this concession was made to Treadgold and his associates. Possibly all the members of the government might not have been aware of the nature of the concession in the first instance, but now they are seriously seized of its importance and are dealing with it, and I hope that when all the papers come down it will be found that not only the modifications indicated by my hon. friend the mover of this motion, but other important modifications will be found to have been made in this contract, so that it will not prove so detrimental to

the interests of the Yukon country as it threatened to be in the form in which it first became known to the public. There is just one point which has not been prominently brought before the House, and which I am credibly informed is a feature of the contract, and that is that this syndicate would obtain control and possession of all abandoned claims in the territory described in the contract, which I am told is about the whole of the Klondike country that is rich in gold. I am informed that it would be the easiest thing in the world for them to cover the country to an enormous extent by that concession—quite an easy matter for their friends and emissaries to make entries and claims and abandon them in order that these claims might drop into the hands of the Treadgold Company,—not only the claims which are naturally abandoned by men who become discouraged or broken down in health, but purposely claims taken up by their emissaries and abandoned so that they would fall into the possession of the company. From what I have heard of this concession and learned from the discussion upon it, not only from the remarks of the hon. gentlemen alongside me, but from the observations of the hon. gentlemen on the other side of the House, I am now most thoroughly convinced that a most extraordinary contract was made in the first instance, one rivalling in its dangerous character the notorious agreement which was at one time proposed to be made with Mackenzie and Mann by which they would absorb almost the whole of the mining lands in that Yukon country.

The motion was agreed to.

THE STRIKE AT VALLEYFIELD.

INQUIRY.

Hon. Mr. LANDRY inquired :

Upon what authority the government founded itself in paying the troops called out in aid of the civil power in the repression of the last strike at Valleyfield ?

Whether the government has taken the necessary measures to cause itself to be reimbursed the amount paid ?

If not, whether the government proposes to take these measures, and when ?

Hon. Mr. SCOTT—The answer to the first is, section 34 of the Militia Act. I think I read the Act when the inquiry was made before. The reply to the second question is yes, all necesary measures have been taken to recover the amount from the municipality.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. gentleman when these instructions were given ?

Hon. Mr. SCOTT—I answered that question when it came up before, the time I read the section of the Militia Act.

Hon. Sir MACKENZIE BOWELL—The provision of the Militia Act is that the government have the right to pay, and to instruct the commanding officer to take proceedings against the municipality to recover the amount which they have paid. What my hon. friend asked was whether that action had been taken by the government, and the hon. Secretary of State said yes. What I ask is, could he inform the House when it was taken—has it been since this question was brought up in the Senate ?

Hon. Mr. SCOTT—It was long before parliament met.

THE HARBOUR OF GLACE BAY.

MOTION.

Hon. Mr. McDONALD (C.B.), rose to

Call the attention of the Senate to the necessity of improvements to the harbour of Glace Bay, Cape Breton, N.S., and ask for all correspondence between the government or any member thereof, and any person or persons or corporation in reference to said harbour.

He said : I promised some of my constituents at Glace Bay to call the attention of the government to this matter, and if the Secretary of State will give me his attention for a few minutes, so that he may be able to bring the matter to the notice of the Minister of Public Works and the Minister of Marine and Fisheries I should be very much obliged to him. The rising town of Glace Bay is well known. It has to-day a population of about 8,000, and perhaps within a radius of four miles of the harbour there is a population of 20,000. All that population get what they consume from abroad, and the only way of importing goods to the place is either by railway or by water. The harbour of Glace Bay is an old harbour, artificially made thirty-five or thirty-six years ago. Since the Dominion Coal Company has ceased shipping coal, the harbour has gone to decay. It is pretty

well dilapidated to-day, and the facilities for discharging cargoes are very poor and unless the Dominion Coal Company put the wharfs into repair, in a few years it will be completely impossible for that population to get imports by sea. Therefore there is a necessity that the government should do something for that important town by building a public wharf for its inhabitants. The government of Canada has already, from 1879 to 1884, expended thousands of dollars in improving and dredging out that harbour in the public interest. Previous to that time, only the smallest vessels were able to load coal at that port. After the Federal government had dredged out the harbour to a depth of twenty-two or twenty-three feet, large steamers or ships were able to take cargoes of coal from that place. Not only the town of Glace Bay, but a large portion of the maritime provinces need this improvement. There is Prince Edward Island that finds a large, ready, and profitable market for all its produce in the town of Glace Bay and in the neighbouring towns, and the harbour is most useful to the people of Prince Edward Island in that respect. The people of the north shore of New Brunswick and the people of the southern shore of Nova Scotia find a market there for their lumber. The fishermen from all parts of the maritime provinces sometimes would be able to take shelter in that harbour if the government would only build a public wharf. I think it would be easy to do so. The Dominion Coal Company practically own the harbour. Their charter, which was obtained formerly by the Glace Bay Coal Company from the Nova Scotia government, gave them the right to dredge that harbour. They did so by connecting a lake with the sea by cutting through the beach which separated them, and in doing so cut through the King's road. The company own the land on both sides of the harbour, but unless the government make arrangements with the Dominion Coal Company and secure the right to build a public wharf there, I think they could do it by expropriating a portion of the company's land; but outside of that, I claim that we have a place where the government could build a wharf independent of the Dominion Coal Company. At one time the Queen's highway, now the King's highway, crossed the beach through which this entry to the harbour has been cut. That road is still the King's highway, except that it has been cut in two parts by the entrance to the harbour, and therefore is owned by the people, and could be utilized for public purposes. I remember at the time the entrance was made that the Glace Bay Mining Co. objected to the people in the vicinity using this King's highway to the point where the Glace Bay Mining Co. built their wharfs, and they extended a chain across the road. One of the magistrates of the place at that time got two men and chopping axes and cut down the posts and warned the company that if the chain was put up again some one would be arrested on a criminal charge for doing so, and it has never been interfered with since. That being the case, I think the government ought to be able very soon to help this large population by building a wharf for them. I will read you a clause of the Act which granted this charter to the Glace Bay Mining Company in 1864. It is chapter 72 of the Acts of that year. The clause is as follows :

> The public shall at all times, after the completion of said work, have the right to use the same, paying such tolls as shall be fixed by the legislature.

They have done that, but the wharfs on which these tolls were collected are getting useless, and the Dominion Coal Company may not be interested enough to keep them in repair for the sake of the small wharfage they would receive, and unless they are, the place will go to ruin and the large population in that district will thus be compelled to get their importations by rail, and the freight charges by rail are simply enormous now. The railway companies raise the rates in winter time and lower them in summer time for that port. I will read an extract from an article published in a Nova Scotia paper on the subject :

> The wholesale grocery trade of Halifax are justly indignant with the freight departments of the Intercolonial Railway and the Dominion Coal Company's steamship service between Halifax and Cape Breton. They say the present transportation charges on staple groceries are exorbitant and that they are seriously affecting the volume of Halifax trade with the Sydney and other districts thereabout. To illustrate the advance, a wholesale house submitted the 'Herald' a copy of the Intercolonial Railway rates in force last summer, also those in force to-day. The difference is as follows :

Class	I was	24c.,	is now	36c.	per 100 lbs.
Class	II "	21c.	"	32c.	"
Class	III "	18c.	"	27c.	"
Class	IV "	15c.	"	23c.	"

Thus a barrel of sugar which in the summer was 25c. (special flat rate) is now 69c., or 23c. per one hundred pounds.

For shipments from Halifax via Dominion Coal Company's boats to Louisbourg the present rate is 40c. per barrel and from Halifax to points on the company's railway, the rate is 70c. a barrel. A puncheon of molasses from Halifax to Louisbourg now costs $1.40 and for any other point on the line there is an additional charge of $1.30. Halifax merchants say that if the railway can afford to carry sugar at 25 cents a barrel in summer, there is no reason why it should demand such an enormous increase in the winter months. Just as soon as the St. Lawrence opens and Montreal begins to compete for the provincial trade, freight rates from Halifax to Sydney points will of course be reduced, but, in the meantime, consumers throughout the affected districts must pay just a little more for their supplies than the condition of the Halifax market would otherwise warrant. We are quite willing to acknowledge the justice and advisability of increased freights during the winter months when expenses are higher and there is a smaller aggregate of goods, but there should certainly be a maximum fixed by the minister of the department, beyond which no official should be allowed to exceed. The people of Sydney are quite able and willing to pay a reasonable freight charge on anything they import whether it be from Halifax or elsewhere, but we think that every fair-minded man who compares the scale of charges of last summer with those of the present time must reach the conclusion that if the Intercolonial Railway could afford to handle sugar for 25 cents a barrel in July, they can surely afford to do it for considerably less than 69 cents, its present charge—in mid-winter.

You will see from this the necessity of doing something for that large population. I am sure if the matter is brought properly to the notice of the Minister of Public Works, he will see that this is done.

Hon. Sir MACKENZIE BOWELL—Are those charges on the Intercolonial Railway?

Hon. Mr. McDONALD (Cape Breton)—The Intercolonial Railway and the Dominion Coal Company's Railway combined.

Hon. Sir MACKENZIE BOWELL—The railway from Halifax to Glace Bay is the Intercolonial Railway, is it not ?

Hon. Mr. McDONALD (Cape Breton)—No, the Intercolonial Railway runs to Sydney and the Dominion Coal Company's Railway from Sydney to Glace Bay. I trust the government will bring down the correspondence that I ask for.

Hon. Mr. SCOTT—I am sorry to say the correspondence does not exist now, that all the papers were burnt at the time of the fire in the western block.

Hon. Mr. McCALLUM—There were no ballots among them ?.

Hon. Mr. SCOTT—I shall draw the attention of the Minister of Public Works to the remarks of my hon. friend.

Hon. Mr. McDONALD (Cape Breton)—Some correspondence took place last winter.

Hon. Mr. SCOTT—If so it can be brought down. I will call attention to the matter.

Hon. Mr. MacKEEN—I have been listening to the remarks of the hon. gentleman from Glace Bay in support of the construction of a wharf at that place, and while I do not wish to be understood as making any observations inimical or hostile to the community in which I have spent all the best years of my life, I must say it appears to me it would be a little unwise for this House to attempt to legislate in a matter that is probably beyond the control of parliament. That harbour has been in possession of a private company for the last 40 years. It may be described as a long narrow channel, extending inland some 500 or 600 feet, speaking from memory, from the sea, with an average breadth of from 130 to perhaps 150 feet. The water in this harbour, when I was there, some 6 or 7 years ago in charge of it, had a depth of 20 to 23 feet, all of which had been dredged from low water mark down to that depth by the company who had charge of the property. The shores of that channel were lined by piers, or rather I would say wharfs that were used for the company's purposes in shipping coal and landing merchandise for their own purposes, and those of the people around. As the hon. gentleman has said, they work under a tariff of harbour rates, regulated by the Governor in Council. I must go a little further and say that these rates were reduced one-half by the company's own motion. The outward end of this harbour is protected by cribs 50 to 75 feet square, to protect the harbour from the Atlantic sea. As far as I remember, all this work, the dredging inside of the harbour, the piers which surround it and the cribs which protect it, was at the expense of the Little Glace Bay Coal Company. There may have been some slight dredging done by the government of Canada, but I think my hon. friend will agree with me that it was of very limited extent and con-

sequence. The bulk of the dredging was done outside. It has been done at stated times, I am free to admit. Here is a property that has been owned for the last 40 years and been in complete and uncontrolled possession of this company and their successors, and for us to deliberately and arbitrarily say we will assume possession of that property, is, I think, more than is within our rights and it seems to me that we would be acting in a way that would be unwarranted. I have no brief from the company, and I have heard nothing in regard to this. I am not disputing the matter. I do not know what action the company may take, but it would seem to me to be rather prejudicial to the interests of these people if this House were to pass any legislation against the interests of the company or to arouse their prejudices. That is, if there has been no correspondence.

Hon. Mr. McDONALD (Cape Breton) I am not asking for legislation. That is not required or necessary.

Hon. Mr. MacKEEN—Then I misunderstood the purport of the hon. gentleman's remarks. I understood him to say that they wanted a public wharf.

Hon. Mr. McDONALD (Cape Breton)—Hear, hear.

Hon. Sir MACKENZIE BOWELL—He wants the government to build a public wharf for them.

Hon. Mr. McKEEN—I understood that was it. I am not saying the company are going to object to this application, but if we were to pass a vote granting money for the building of that wharf—which of course we cannot do—where are we going to build it? We must go and tear out the old wharfs of the company to put in this wharf, and that would be a very high handed action to take, but going further, I should think that the expenditure of a few hundred dollars ought to support those old wharfs sufficiently to conform to all the purposes of the public. It would take very little money if the company did it. What I contend, and what I want to maintain, is that it would be beyond our province to take any action in this matter until we know the mind of the company in that regard. Perhaps my hon. friend has some correspondence with the company or knows of some. I have never heard of any myself, but although I am not, as I said before, hostile to any movement or object that is for the benefit of that community, I think we are perhaps a little previous in taking this matter up at present.

Hon. Mr. McDONALD (Cape Breton)—I fear my hon. friend has misapprehended me; I did not ask this House or the government for any legislation with respect to this matter or to arbitrarily impose upon the Dominion Coal Company. All I wanted was that the government should consider this matter, and if possible build a public wharf for the population living in that district. As I said, the population within a radius of four miles of Glace Bay is about 20,000, and is steadily increasing. The importance of giving a seaport or a public landing place for such a large population as that to land the large quantities of goods which they use and consume, is a very important matter. The government of Canada is building throughout the length and breadth of this Dominion public wharfs for a much less population than we have in Glace Bay. As my hon. friend has spoken so strongly on the matter, I venture to say that perhaps the Dominion Coal Company is not interested in keeping the harbour of Glace Bay in repair. What they lose in one way they make in another, and without any hesitation whatever I should say it is their interest that the harbour should go to ruin, and not allow any exports to be landed there at all. What they lose in wharfage they more than make up in freights on their railway from Louisbourg and Sydney and the intervening towns. I have quoted an extract from the Halifax 'Herald,' on this very matter, on the question of railway rates and water rates to that town. For instance, a car of flour by rail from Halifax to Glace Bay costs $45; the same by water costs $15. It shows the difference in freights in the winter time and in the summer time, and that the rates have been raised very largely since the navigation to that port has ceased, and if the harbour continues to deteriorate navigation to that port, or the exports of goods to that port, will cease entirely. This is the conclusion of the article to which I refer in the 'Herald':

What understanding, if any exists between the Intercolonial Railway and the Dominion Coal Company, we do not know. One can draw his own conclusions from the fact that the latter concern now refuse to accept freight for Sydney.

That is, the Dominion Coal Company refused to accept freight at Halifax for Sydney intended for ports intervening between Sydney and Louisbourg. The article proceeds:

The only point where they would come in contact with the Intercolonial Railway. This time last year the Coal Company offered a through freight from Halifax to Sydney of 22 cents a barrel; to-day they charge 70 cents to shorter haul points and refuse Sydney freight altogether. They are probably doing this out of pure love for the People's railway, and in the meantime the Halifax board of trade will put itself down to an early call. Its services are needed.

The meaning of that is that the Dominion Coal Company can control all freights for Glace Bay and all freights for all towns and villages between Glace Bay and Louisbourg on the one hand, and Glace Bay and Sydney on the other, and if the harbour goes to ruin and no freights can be landed there, the whole population of that district will be at the mercy of the Dominion Coal Company in getting freights from Louisbourg, because the Dominion Coal Company's steamers run from Halifax to Louisbourg, and send their freights from Louisbourg, over the Dominion Coal Company's railway to Sydney. I think it is very clear that if you allow the harbour to go to destruction, you will be placing the whole population of that district at the mercy of the Dominion Coal Comapny. I am bringing up this matter in the interest of the town of Glace Bay. I have been requested to do so by the Board of Trade at Glace Bay, and by the leading merchants of Bridgeport and Glace Bay, and I say without any hesitation, it will be a great hardship if it is not done. With regard to the Dominion Coal Company, or the Glace Bay Mining Company holding uninterrupted possession of that harbour for forty years, here is the Act I have quoted, especially providing for public rights in that harbour, but allowing the Dominion Coal Company's rights on their wharfs. That is all right. There is no objection to that; if they continue to have proper wharfs to discharge their freight on, they will have the same right to collect wharfage in the future as in the past. If the Dominion Coal Company will repair that wharf it is all right, but if they do not, I think the government of Canada should take steps to see that the people of that district are not imposed upon, and that a public wharf or landing place be made on public property—the King's highway, owned by the public, and at a point where it is divided in two by the harbour. The Dominion government has already spent thousands of dollars in dredging that harbour. Previous to that two companies operating in that place were able to ship coal in large vessels. Immediately after the Dominion Government dredged out the channels, the coal company were able to send their coal to Montreal, and the larger steamers can now take their coal to Montreal, and nobody is asking that the government should arbitrarily impose on the Dominion Coal Company. It may or can be done by correspondence. I did not correspond with them, but I understood the representatives both in the local legislature and the federal parliament were to do so, or had some correspondence with them. I expected action would be taken in the matter before this, in order to satisfy the demands of the people of that town.

Hon. Mr. MacKEEN—If I misapprehended the hon. gentleman's remarks, it seems to me he has put rather an extreme interpretation on mine. I said nothing, as far as I can remember, against the opening of that harbour, or the giving of a grant to it under proper conditions. What I say is that it is a little precipitous on our part to undertake to deal with private rights and private property without having some arrangement with the owners thereof. That is my contention. I know this property is as much the property of that company, every inch of it, as my house and property that I live on belongs to me. My contention is not in regard to the rates at all. I will say, further, that I have never had any communication, and do not know what the intentions of the company are in regard to this matter. I have never heard of it, but what I do say is, that for us to debate it here, before we know anything as to the conditions or agreements they are willing to make, is premature. That is my whole contention. There may be some rights. It seems to me strange that the company, which is a progressive one, and I have no doubt fairly alive to its own interests, should allow those piers to go down.

It is a matter I am not very well advised upon at the present.

SECOND READINGS.

Bill (C) 'An Act for the relief of John Hamilton Ewart.'—(Hon. Mr. Primrose).

Bill (D) 'An Act for the relief of James Brown.'—(Hon. Mr. Landerkin).

Bill (L) 'An Act incorporating the Molsons Bank Pension Fund.'—(Hon. Mr. Macdonald).

APPLICATIONS FOR RAILWAY CHARTERS BILL.

SECOND READING.

Hon. Mr. CASGRAIN (De Lanaudière) moved the second reading of Bill (A) 'An Act respecting applications for Railway Charters.' He said: I do not know whether it is the desire of the House to proceed with the discussion of this Bill now.

Hon. Sir MACKENZIE BOWELL—Explain.

Hon. Mr. CASGRAIN (de Lanaudière)—This is the same Bill that was presented last year. It was referred to the Committee on Railways, Telegraphs and Harbours after a very lengthy discussion, and when it came before the committee, it was met, I understood, with favour, as shown by the Debates of last year, when the bill was reported to the Senate. The Hon. Mr. Baker reported an Act respecting applications for Railway Charters, and said that while they approved of the principle of the Bill, they recommended that, owing to the late period of the session, the promoter be allowed to withdraw it. Following that, Mr. Macdonald (P.E.I.) spoke decidedly in favour of the Bill, and said, he regretted very much that the promoter of the Bill had decided to accept the report, that such a Bill was in the interests of the Dominion. He said: 'I believe that if a measure of this kind had been introduced may years ago, it would have inured to the benefit of the people, and would have prevented speculation in charters'. One who has now left us for ever, the Hon. Mr. Allan, also spoke in favour of the Bill, and I find in his speech he said:

> The principle of the Bill, I think I may say without contradiction, was universally approved by all the members of the committee, but it was thought to be too late in the session to take it up now and discuss it.

I do not know whether it is necessary to discuss the principle of the Bill, seeing that last session the Committee on Railways, Telegraphs and Harbours, according to the speeches of hon. gentlemen I have just quoted, decided almost unanimously in favour of the principle of the Bill. If I can take it for granted that the Senate has not changed its opinion since last year, and that the principle of the Bill meets with the approval of this House, it would shorten the discussion considerably, and I might be allowed to move the second reading without further remarks, and ask that the Bill be sent either to a Committee of the Whole House or to the Committee on Railways, Telegraphs and Harbours, as was done last session.

Hon. Mr. SULLIVAN—Better send it to a Committee of the Whole House.

Hon. Mr. SCOTT—This is an extremely important Bill in my judgment. It provides that before a petition can be reported on by the Standing Orders Committee of either House, certain details shall be furnished. In my experience, had a Bill of this kind been enforced for the last twenty years, the country would be minus very many railways that now exist, and many railway charters before the chamber to-day could not be entertained. It might be carried out in some parts of the country—that is, to furnish plans in detail of the characteristics of the country, over which the line was projected. It might be done in an old settled country, where it was well known. In the settled parts of the Ontario peninsula it might be comparatively easy to take the levels of the country and prepare the plan. But take a number of the railway charters before us to-day. There is the Yukon Pacific, and the Nipigon Railway Company, and we have at least two charters for lines running to James' Bay. It would be absolutely impossible to grant charters to those companies if this Bill were to become law. No promoters would ever think of incurring the enormous expense this Bill would entail on them to ask for the charter, and we all know that promoters are the persons who lead the way. They are the pioneers in railway legislation, and I deny, as a matter of fact, that they make any money, however fair the prospects may appear. I have been very familiar, for forty years, with railway charters, and I think I can bear testimony to the fact that the pioneers of

the railways do not make any money—that they lose their money. They are always hopeful to believe that they are going to make some money, but when the capitalist comes in, and he sees that the attention of the country has been called to the construction of a particular line, that its advantages have been pointed out, and it is bound to be reasonably feasible, he picks it up and turns aside the promoters. They get nothing out of it in ninety-nine cases out of a hundred, and it is really the promoters of railway legislation that we are indebted to for the construction of many of our lines. In railways that I have known it would cost not less than one to two thousand dollars a mile to provide the Committee on Standing Orders with the information which would be required under this Bill. It says they must provide a map or plan made from actual survey, showing the route of the proposed railway according to the preliminary survey thereof. I think there are two railways projected to James' Bay, one from Nipigon and one from a point further east, and we would require to have a survey from a point on Lake Huron to James' Bay. In reference to the railways in the newer sections of Canada, even the matured plans that are made for the Railway Department under the Railway Act, are not easily prepared. The Railway Act is very specific in requiring detailed plans to be made before the promoters or the persons who hold the charter can enter upon the work, not only have plans to be prepared, but the levels must be taken, and the fullest possible information is required for the Minister of Railways and Canals before the authority can be given to go on with the work.

Hon Sir MACKENZIE BOWELL—That is where there is a subsidy.

Hon. Mr. SCOTT—No, in all cases. In the case of a railway a profile must be made from actual levelling, and showing approximately the ground surface, the proposed gradients, the crossing of rivers and water courses, highways and railways, &c. That information could not possibly be obtained in reference to the roads I have mentioned, and fifty other roads I could name, if it were necessary to adduce that as an additional argument, but the fact is that in all the newer portions of Canada where railways are projected, and where plans are even made, we know very well that after the line is laid out, the persons who originally made the surveys, not being familiar with the topography of the country, they have had to deviate perhaps eight or ten miles from the line. Could the Canadian Pacific Railway have been built on the north shore of Lake Superior if they had to furnish this information? It would have thrown them back three years. I am quite sure the Bill would not go through the other chamber. There is also this fact to be considered, that if the committee of either House choose to lay down an arbitrary rule, that they will not approve of a Bill unless certain evidence is produced, it is perfectly competent for the committee to do so. In that way they can throw out any of these Bills. They do not require an Act of parliament to do it. All they need to do is to make a rule. Fifteen, twenty or thirty years ago, we were not nearly so particular as we are to-day with reference to granting these charters. I can remember perfectly well when we did not call upon the applicants to submit even a plan. They named the point of starting and the point they proposed to reach, and that was about all the information we got. As years went on, from time to time, rules and regulations were made by the committees of the House of Commons and the Senate, requiring additional information. I think now—I speak subject to correction—that we require a map of some kind showing in a general way the direction the road would take. I heard the report to-day on a very important road, the Atlantic and Pacific, a road starting from some point on the Quebec and Lake St. John road, and running west probably 150 miles north of any surveyed lands: it would be perfectly impossible to make a survey of that line in advance. It could not be done. There are other lines projected to James' Bay; in fact James' Bay seems to be regarded as an ideal spot for a depot, so many promoters are asking for charters for lines to that point. But if a committee of this House, the Standing Orders or the Railway Committee, choose to take a stand, they can do it. They can say: 'We will not grant a charter unless you give us fuller information.' It is the province of committees of each House to make such regulations as will

suit them with regard to the granting of charters. The committee can throw out a Bill if the information they seek is not furnished. I think it would be rather unfortunate to crystallize it into an Act of parliament. Of course it would not pass the other House: they would not tie their hands. Before any progress can be made, before the holders of a charter can enter upon any man's land to make a survey, they have to do certain things. The Railway Act is very specific as to what is required:

> Surveys and levels shall be made and taken of the lands through which the railway is to pass, together with a map or plan and profile thereof, and its course, direction and the lands intended to be passed over and taken therefor, &c.

And it goes on to describe the map and profile to be furnished before the authority can be obtained to commence the construction of the railway.

Hon. Mr. CLEMOW—After the charter is granted?

Hon. Mr. SCOTT—Yes. But I venture to say that many a railway that is of vast importance to this country would not have been undertaken at all if a law such as the Bill before us had been on the statute-book, because it would have entailed too large an expense for the first promoters to undertake. I do not see what benefit will be derived from restricting charters. There has been a general idea that a charter should not be granted to a company unless they showed they that were solvent and prepared to go on. We have had on our statute-book for the last thirty or forty years an Act declining to grant charters unless the promoters had a certain amount of money, unless they were British citizens, and containing other provisions of a similar character, and what has been the effect? It has restricted the carrying out of a number of enterprises: but the parties found a way of evading it. They got charters in the United States. The provinces have been ahead of the parliament of Canada in granting charters. In England enormous benefits have flowed from freedom in granting charters. There you can go to the registrar who issues charters, and have your charter the next day by paying your fee. Any seven persons applying for a charter for any industrial purpose—excluding of course, banks, railways, insurance and loan companies—can get a charter at once.

Hon. Mr. FERGUSON—Did I understand the hon. gentleman to say that that was the practice in England?

Hon. Mr. SCOTT—Yes, you have not to wait, nor have you to put up any money.

Hon. Sir MACKENZIE BOWELL—My hon. friend referred particularly to railway charters.

Hon. Mr. SCOTT—It does not apply to railway charters. I am merely speaking of the principle. The principle of granting charters readily has been found of very great benefit, and has stimulated enterprises. Five or six years ago some gentlemen were impressed with the idea that those charters were granted too readily and that they were used for speculative purposes, and that in the general interest restrictions should be imposed, and a committee composed of the leading minds of the House of Commons made a very long report on the subject. Their conclusion was this: that a great part of the industrial enterprise in Great Britain within the last 30 years was due to the fact that any seven persons could unite and get a charter any day without putting up money and without having to comply with any extraordinary regulations. A large amount of money from outside was brought into the country owing to that fact—capital from France, Germany and other countries, and the charters were taken out in Great Britain. Recently in Canada the province of Nova Scotia has adopted the English rule of granting charters for all industrial enterprises outside of those I have named—railways, loan, insurance and banks—with that freedom which I have mentioned, and without requiring the applicants to put up any money. The province of British Columbia has also adopted similar legislation. It has not been found to have the deleterious influence that many timid persons fancied it would have. In Ontario they have abandoned the principle of requiring notice, and I propose next week to submit for the consideration of this chamber a bill changing entirely our system of granting charters, giving the utmost freedom to parties who apply for charters—that is, allowing any five persons who ask for a charter for any proper purpose, so long as it does not

infringe on private interests, to obtain a charter without putting up any money as we now require. At present the regulation is that they must subscribe fifty per cent of the capital and pay ten per cent of that fifty per cent, and deposit it with the Receiver General, and other regulations which have been found to simply check enterprise. In a country like Canada, where there are such vast opportunities for the development of enterprises that come to the surface every day, persons meet together and propose to form a company to work up some project. When they find that they must have fifty per cent of the stock subscribed and ten per cent paid up, and then wait three months for notice in the 'Canada Gazette,' they often cool off and abandon the enterprise. That is the effect of it.

Hon. Mr. CLEMOW—Does not this Bill apply only to railways?

Hon. Mr. SCOTT—Yes, but the principle is the same. I have shown that the principle in regard to industrial enterprises is to give the greatest possible freedom in the formation of companies. The same principle ought to apply to railways. When a charter is obtained it is for the head of the Railway Department to insist at the proper time, before the work is commenced, on having plans in the elaborate way required by the Railway Act. I do not think, under the circumstances, the Bill will meet with the approval of this chamber, and I am quite sure that it will not be adopted by the House of Commons.

Hon. Mr. FERGUSON—While I agree with some points in the remarks of the Secretary of State, I must say, at the same time, I am in entire agreement with the introducer of this Bill with regard to the existence of a very great abuse in Canada in connection with the granting of railway charters. Any of us who have been a number of years in parliament, especially those of us who have been members of the Railway Committee, have observed upon what very insufficient data the applications for charters have been made, and unfortunately granted, and we have only to keep our eyes and ears open to be conscious of the fact that a great many of these charters have been got out for purely speculative purposes; that there are men in this country who are watching for opportunities of obtaining charters to sell them to any bona fide railway company that really means to construct a road in Canada. No later than this morning I made my own observation in the committee, and I am conscious that we have several measures of that kind before us. I am convinced that we should do something to check this almost indiscriminate granting of railway charters, under which a great many abuses have sprung up. I am, however, in agreement with the Secretary of State in regard to another point. I do not think that it would be advisable that parliament should tie its own hands to the extent that it is proposed to do in the Bill before us, but it is high time that we so amend the rules of the House as to embody in them the provisions of my hon. friend's Bill, and then, should a really meritorious proposition come before us, by unanimous vote the rule could be suspended, and the House could exercise its own undoubted powers in granting a charter to a good proposition, notwithstanding the existence of this rule. Were we to pass this Bill, it would materially tie the hands of parliament. We could, of course, repeal the Act, but it would take a little while to do so, and it would require the assent of both Houses of parliament, and of the Governor General. My hon. friend's object could be reached just as well in a safer and better way, by amending the rules of this House, so as to require promoters of railway companies to come to us with a great deal more precise information than has been the custom to demand, before proceeding to consider their applications. The Bill before us is defective, however, in a very important particular. In fact, what my hon. friend proposes to do by legislation would be better done by rule of parliament. But there is, to my mind, legislation required in connection with this subject which is not in the Bill. It would be no use, by a rule of this House, or by any other means, to insist that promoters of railway Bills should come down with this very precise information, unless power was given them to enter upon private property, and make the examinations essential to a really good survey and plan and profile. There is no power under the law by which promoters can enter upon

private property to make such examinations, and while I know there are many parts of Canada where charters are granted where there would be no difficulty, I can well understand that in the older and settled parts of the country there would be great difficulty in encroaching upon private property to get the information. We might legislate to give this power, on condition that the promoters would deposit with the government, say with the Committee of the Privy Council, a sum that would be considered sufficient to cover any probable damages to private property that would arise during the survey. I can easily see that it would never do to allow mere promoters to go over the country, entering private property to make surveys, without any provision being made to properly indemnify the owners of such private property for damages. I have here on my desk what I might call an up-to-date railway measure, passed in the Island of Cuba within the last month, and promulgated by the government of Cuba. I find in it a provision to meet such a case as this. It is there provided that any person or company proposing to build a railway may enter upon private property, or have access to the public records, for the purpose of getting information, but they are required to make a deposit with the Railway Committee of the State sufficient to cover any possible injury that might arise to private property in connection with the making of the survey. The amount that is there required to be deposited is thirty dollars for every kilometre, which I think would be about $45 for every English mile. Having done so, there is a very simple and easy process under the Cuban law, which is largely modelled in its general principles on the Canadian law, but which is in many respects more up-to-date than ours with regard to this and to other matters. From the inquiries that I have been making, I think my hon. friend, the Secretary of State, is not altogether right with regard to the procedure in Great Britain on this subject.

Hon. Mr. SCOTT—I was speaking only of industrial companies. I was not speaking of railways.

Hon. Mr. FERGUSON.

Hon. Mr. FERGUSON—I understood the hon. gentleman to say that they could get the charter the day after they applied.

Hon. Mr. SCOTT—Yes, the day after.

Hon. Mr. FERGUSON—If my hon. friend will look carefully into the English law on that question, he will find that they have to do a good deal before they can get from the Board of Trade the certificate, which has the effect of an Act, and, in fact, the project has to be very far advanced before they can get this certificate. The British Parliament has never tied its own hands with regard to anything. It could grant a railway charter anywhere in the United Kingdom. It has never abandoned its own powers, but has given certain powers to the Board of Trade with reference to the making of railways, and persons can make application, but must show that they have made agreements with the owners of all property which is to be traversed for the purposes of the railway, for compensation for damages, and they must show that they have posted their notices. Having done that, the Board of Trade is bound to make an inquiry under the law to find whether all these pre-requisites have been complied with. When they find that to be the case, they issue a draft certificate, a copy of which is sent to both Houses of parliament, within seven days of the time it is granted by the Board of Trade, and if, after six weeks, parliament takes no action by resolution against the railway, the charter becomes law. That is the way I read the English law ; I may not be right about it, but I think that is the law with regard to the subject. As the English parliament retains to itself the power to give a charter under any circumstances, I think we should reserve that power here. We should not proceed to tie our hands. I suppose the system of legalizing railways by the Board of Trade is called for in England by the congestion of work in the Imperial Parliament, and this as well as a vast amount of such legislation is dealt with by what we might call a department, but the British parliament has not divested itself of the power of granting a charter or passing any law which it might deem right or proper to pass. While that is the case, and a charter can be got in England without making a special applica-

tion to parliament, it is also true that very serious and important steps have to be taken before you can commence to build a railway. After you have got your certificate, or simultaneously with the granting of the certificate, you have to deposit in cash an amount equal to 8 per cent of the cost of the road in some public department, or it may be in the form of securities or satisfactory bonds to double that amount—All this is preliminary to building a railway in Great Britain. I admit frankly that in Canada we should not bind ourselves by too firm or too fixed a rule. The conditions in Canada are different from the conditions in Great Britain, and conditions in the eastern and settled part of this country are different from those that prevail in the west, and very different from those existing in the great unexplored country in the north, which I hope will ere long be developed by railways. I do not think the best way to open those regions is by granting wildcat charters to all those who seek them. I fear that in many cases the granting of these charters throws an impediment in the way of railroad building rather than otherwise, and that great care should be taken in granting them. I am told the Canadian Pacific Railway, owing to the difficulties thrown in their way by the applications that are continually made and the readiness of parliament to grant charters to mere promoters, finds it almost better to go into the market and buy out these promoters than to come to parliament and look for a charter themselves. They complain that they are in many cases bled, and bled by men who have spent next to nothing themselves, and who have just stepped into the breach and stand to a certain extent in the way of those who are willing and anxious to build a railway. This being my view, I think that my hon. friend's measure is deserving of very serious consideration from the House. He has done a very distinct public service in bringing it up. There are very few members of this House who will deny that abuses exist and that charters are being granted too freely and without proper preliminary surveys, by the parliament of Canada. I believe it would be in the public interest, if, as the hon. Secretary of State has suggested, we were to amend our rule in that particular by requiring something to be done, such as my hon. friend has embodied in his Bill, only have it done by rule, and then we would not be bound absolutely by it in all cases. If we found there was really a meritorious proposition before us, we could easily, by a unanimous vote, overcome the rule, and proceed with the legislation on which there would be so much unanimity. I hope, however, that the hon. Secretary of State will assist my hon. friend, the introducer of this Bill, and the members of the House, in trying to find a remedy for what we must all recognize as a very serious abuse.

Hon. Mr. BEIQUE—I understood the hon. Secretary of State to say that in England the law under the Companies Act was to permit companies, other than railway, insurance, bank and loan companies, to be freely organized, and I believe he is quite right in his statement. Under the Act of 1862, and which has been introduced in British Columbia, as he has stated, and lately in Nova Scotia, such has been the practice and the law. All that is necessary to form an association is for a given number of persons to sign and file an application with the registrar and get their certificate. They have to subscribe a nominal amount of shares, and a corporate existence is given to those persons, and they are entitled to commence business. I would be the first to congratulate the hon. Secretary of State if he would introduce a measure of that kind as soon as possible in this House. It has been very badly needed. I do not see why the time of parliament is occupied in putting through a number of charters, when it could be done, as it is done in England, by filing an application with the proper authority. They do not get any special powers; it is merely the formation of an organization entitling them to do business as an individual would do business. However, it is different with railway companies, because under the Railway Act the company has extraordinary powers, so to speak. The railway company has the power of expropriation, and it should not be obtained by the mere filing of a memorandum of association. Recourse must be had to parliament. I am entirely in accord with the hon. Secretary of State and the hon. gentleman who has just spoken in regard to this matter, that it would be very unwise to tie the hands

of parliament by a Bill such as this. It may be that the rules of this House could be amended with advantage in the direction indicated by the hon. gentleman who has just spoken, and as he properly pointed out, the Bill calls upon the promoters to do what? To do a thing which they have no power to do—to commit a trespass upon somebody else's property. It is calling for an impossibility. The hon. mover of the Bill seems to be under the impression that there is no power to enter upon land for the purpose of making surveys, even under the Railway Act, but he is altogether mistaken. Section 90 of the Railway Act reads:

> The company may, subject to the provisions in this and the special Act contained:
> (a) Enter into and upon the land of any person whomsoever, lying in the intended route or line of the railway, and make surveys, examinations or other necessary arrangements on such lands for fixing the site of the railway, and set out and ascertain such parts of the lands as are necessary and proper for the railway.

Surely the first thing which is necessary to be done, in order that surveys may be made, is the creating of a corporation, and giving them power to enter upon lands. Whether parliament prescribes that indemnity should be paid or not, power must be given them to do this, otherwise they would not have the right to go upon my neighbour's property to make surveys or otherwise, and therefore it would be placing the promoters under the necessity of doing something which they had no right to do before they could apply for the charter? In other words it would be inviting them to commit a trespass for the purpose of complying with this Bill. It is perfectly well known that in a number of cases, the surveys contemplated by this Bill are quite expensive, and it would involve the joint and several liability of the promoters until the company was organized. It is well known that until the company is organized, the promoters are jointly and severally responsible for all expenses. They are considered as a commercial firm, and it would deter the promoters of railway enterprises from having anything to do with these matters, because they might involve themselves in a large amount of expenditure, and also in law suits, and I say, therefore, that the first step should be the formation of the company. I perfectly agree, for my part, that the law might be more strict, but it would be something that would call for a change both in the rules of this House, and the rules of the other House, and in the Railway Act. We should not be too strict as to the formation of railway companies. It should be facilitated as much as possible, and in that respect I agree with the hon. Secretary of State in saying that in a new country such as this, no unnecessary impediment should be offered. I agree also in the statement which has been made by the hon. gentleman who has just spoken, that we should not encourage traffic in railway charters. But it seems to me easy to conciliate the two things. Let us facilitate the organization of companies, but, on the other hand, let us prohibit the sale of stock or the transfer of charters before any stock has been paid, or as this might be difficult to do in a practical way, let us exact that in a short time after the formation of the company stock shall be subscribed to a specific amount, and that a certain amount shall be paid, as was suggested by the hon. gentlemen who has just spoken, and in that way we will have the guarantee that unless these promoters are serious, and that unless it be done within two or three months, then the charter will lapse, and they will not be in a position to traffic the railway charter. Promoters who come to this House or to the other Chamber, and ask for a charter, should be prepared to give some evidence of good faith, and that they do not intend to keep that charter hanging over the heads of others, but are in earnest, and have the intention of proceeding with the work. Then a time should be prescribed in the Railway Act so as to guard against this traffic which has been alluded to, and which is a real mischief, but I do not think it could be accomplished by a Bill of this kind.

Hon. Mr. GIBSON—I was very much astonished to hear the promoter of the Bill say that the principle of this measure was endorsed by every member of the Senate last year.

Hon. Mr. CASGRAIN (De Lanaudière)—Every member of the committee.

Hon. Mr. GIBSON—I could hardly believe that we were going to have retrogressive legislation in this good Conservative Senate. I am sure our hon. friend, the promoter of the Bill, could not have given this matter

very much consideration, except from a professional standpoint. First and foremost let me say to this House that the difficulty that the engineer, or the promoter of the Bill, would have in the first instance would be to get somebody to have faith enough in his enterprise to furnish a sufficient sum of money to engage a staff of competent engineers to make a survey of the proposed railway. Every one knows that in the construction of a railway there is a great deal of expense, and that the best spent money in the construction of a railway is that which is expended in the engineering department before the construction of a railway. As a matter of fact, while a great deal has been said this afternoon that might be said against promoters and charter mongers, I think we are simply going to the other extreme when we are forcing those who have brains and not very much money to go to railway companies who alone can furnish the money to procure all the necessary profiles and plans, as to the course of construction and the quantities—an accurate plan I think the Bill calls for, which is impossible. No railway company ever projected a line without running three lines, and one of the three is selected by the chief engineer as the most suitable and economical. So that you would be compelling a company to come here under large expense, and many of our railways would never have been built if this state of affairs had existed in past years. The railway companies will have control of the work of the promoter because he could not get any one to furnish him with money for the surveys. It is impossible to carry on the work in any other way. I am sure that many things came up before the Railway Committee to-day, but I am not at liberty to speak of them here, and much information could be given which would be of far more importance in my judgment than a mere survey, so long as the point from which the railway is to start and where it is to finish are mentioned, and I think one of them perhaps that should be insisted upon would be a list of the promoters and the names of the stockholders, and the amount of money they had subscribed.

Hon. Mr. McCALLUM—Hear, hear.

Hon. Mr. GIBSON—That is far more important than the profiles and plans that might be produced before the Railway Committee. If I understood the hon. Secretary of State aright with regard to the proposal that he intends bringing in a Bill to simplify matters of this kind so that railways in the future may have——

Hon. Mr. SCOTT—No, not railways.

Hon. Mr. GIBSON—I was going to say, in reference to railways, that in the United States all they have to apply for there is a charter under the Joint Stock Companies Act, and they can build a railway without going before the State legislature or the federal government of the United States. With regard to the course of legislation in England, if my hon. friend, the Secretary of State, will turn back to the early days of the promotion of railways, he will find the cost of railway legislation was greater by thousands of pounds per mile than the cost of construction, and that was done purposely, because at that particular time the Imperial government was flooded with railway charters. Such is not the case here. There were many men in the early days of the country—and there will be many in the future—who have projected a railway traversing an unknown part of the country, and came down in all honesty to us to secure a charter, perhaps without any money at their disposal, and we now propose to ask them to furnish the Standing Orders Committee with profiles and plans, which would be next to impossible. I therefore hope the hon. gentleman in charge of the Bill will see his way to withdraw it, because I think it is retarding legislation, and putting these railway charters of the future in the hands of a few who have money.

Hon. Mr. McCALLUM moved the adjournment of the debate.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, April 7, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

RULES AND ORDERS OF THE SENATE.

MOTION.

The order of the day being called.

By the Hon. Sir MACKENZIE BOWELL, K.C.M.G. :—

That he will move that paragraphs 1 and 2 of Rule 80 of the Rules, Orders and Proceedings of the Senate of Canada be amended by striking out the word 'seventeen' in paragraph 1, and substituting the word 'eighteen' therefor ; and that paragraph 2 be amended by striking out the words 'twenty-one,' and substituting the words 'twenty-four' therefor.

Hon. Sir MACKENZIE BOWELL said, Before proceeding with the motion I have to ask the Senate to unanimously allow the suspension of rule 16. Those who have looked at the paper will see that the motion is for the purpose of increasing the number of senators upon the library committee by one, and upon the printing committee by three, in order to give an equality of numbers upon these two committees, as between the Commons and the Senate. I find upon looking at rule 16 that it provides as follows :—

No motion for making any order of the Senate a standing order can be made unless the senators in attendance on the session shall have been previously summoned to consider the same.

Notice would have to be given for a special summons, unless by a unanimous vote this rule is suspended for the purpose of enabling the motion of which I have given notice to be put.

The motion was agreed to.

Hon. Mr. SCOTT—I find, on information received from the clerk of the Senate, that the House of Commons has not been governed by any positive rule as to the number on either of those committees. It has varied in past years, running some years as low as twelve and up as high as twenty-four. So that it will be better that our rule should be also elastic—one that would enable us to name as many members on the committee as the House of Commons has named, otherwise we may make an arbitrary rule and find the House of Commons will have appointed a less number. But for the present year I see no objection to it. We can alter it again if necessary. They do not seem, in past years, to have acted on any fixed principle in the House of Commons.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman may be correct. I know the practice in the Commons was to put a certain number on each committee. However, this motion might be allowed to stand and a motion placed upon the paper to-morrow making the rule elastic. But the Senate will remember that there were great difficulties and trouble and annoyance in the formation of the committees, as to numbers, until a special committee was appointed, and their report was to restrict the number appointed to each committee. It was thought better to do that than to leave it open. There are some committees upon which every member of the House would like to sit, such as the Railway Committee and the Banking and Commerce Committee ; hence they were restricted. If it is thought at the next session of parliament that we should make all the committees elastic, or only these two committees elastic, or so vary the rules as to give an equality upon both committees, I think that would be the better way. In the meantime, I beg to move

That paragraphs 1 and 2 of Rule 80 of the Rules, Orders and Proceedings of the Senate of Canada be amended by striking out the word 'seventeen' in paragraph 1, and substituting the word 'eighteen' therefor ; and that paragraph 2 be amended by striking out the words 'twenty-one,' and substituting the words 'twenty-four' therefor.

The motion was agreed to.

Hon. Sir MACKENZIE BOWELL—What would the hon. Secretary of State suggest as to filling up those committees ?

Hon. Mr. SCOTT—Perhaps our Special Committee had better meet.

Hon. Sir MACKENZIE BOWELL—I was going to suggest the Hon. Mr. Ferguson for the Library Committee.

THE POSTMASTER AT VERNON RIVER, PRINCE EDWARD ISLAND.

INQUIRY.

Hon. Mr. FERGUSON inquired :

1. Whether it is true that Daniel MacDonald, postmaster at Vernon River, Prince Edward Is-

land, has been, or is to be, removed from office?

2. If so, for what reason? Have any charges been preferred against him? If so, state the nature of the charges and the name of the complainant.

3. If charges have been preferred, has an investigation taken place, and by whom? What has been the finding of the party entrusted with the investigation?

Hon. Mr. SCOTT—There must be some very serious misunderstanding about this, because the answer given by the department is, that there has been no change in the postmastership of the post office at Vernon river. Mr. O'Neil is postmaster, and no change is contemplated.

Hon. Mr. FERGUSON—There are two post offices at Vernon river. The Vernon River bridge post office is the one to which I refer. We will allow the question to stand corrected as applying to Vernon River bridge.

Hon. Mr. SCOTT—Very well, I shall try and get the answer to-morrow.

BOUNTY ON PIG IRON.

INQUIRY.

Hon. Mr. WARK inquired:

1. Who were the shippers of 6,000 tons of pig iron on board the ship 'Priestfield' from Sydney to Glasgow about the end of February?

2. And of 6,600 more tons after by the ship 'Oscar' from the same place to Liverpool?

3. Will such iron be entitled to receive bounty, and at what rate per ton?

Hon. Mr. SCOTT—It is not customary to give the names of either the exporters or importers of goods, but as regards the iron in question, there were six thousand tons shipped per Priestfield, and 4,260 per Oscar, both, however, for Glasgow, and none by those vessels for Liverpool. Such iron was entitled to receive bounty at the rate of $2 per ton, as having been manufactured from foreign ores.

BILLS INTRODUCED.

Bill (22) An Act to incorporate the Board of the Presbyterian College of Halifax.—(Hon. Mr. Ferguson.)

Bill (29) An Act to incorporate the Sovereign Life Insurance Company of Canada.—(Hon. Mr. Gibson.)

Bill (47) An Act to incorporate the Canadian Manufacturers' Association.—(Hon. Mr. Jones.)

THIRD READINGS.

Bill (7) An Act respecting the Canada Southern Railway Company.—(Hon. Mr. McCallum.)

Bill (13) An Act respecting the Canada and Michigan Bridge and Tunnel Company.—(Hon. Mr. McCallum.)

Bill (15) An Act respecting the River St. Clair Railway, Bridge and Tunnel Company.—(Hon. Sir Mackenzie Bowell).

Bill (20) An Act to incorporate the Battleford and Lake Lenore Railway Company, as amended.—(Hon. Mr. Perley.)

Bill (18) An Act to incorporate the Velvet (Rossland) Mine Railway Company.—(Hon. Mr. Macdonald, B.C.)

APPLICATIONS FOR RAILWAY CHARTERS BILL.

BILL WITHDRAWN.

The Order of the Day being called:

Resuming the adjourned debate on the motion for the Second Reading (Bill A) An Act respecting Applications for Railway Charters.

Hon. Mr. McCALLUM—I desire to make a few remarks on what I consider a very important Bill. If hon. gentlemen think that we have enough railways in Canada now in the interests of the people, and in order to give them facilities to take the products of their labour to market, of course we will pass this Bill. But if not, it is not the time to place obstructions in the way of railway building. My hon. friend who introduced this Bill is like many a young man who comes into parliament and has an idea that he is going to revolutionize the whole proceedings of parliament by a Bill. He says, further, that the committee was unanimous in favour of the Bill last year. In that respect he is very much mistaken. I was a member of that committee and I was just as much opposed to it last year as I am now, but the committee considered, out of courtesy to a young member, that they would let him off easy and give him another year to see if he could not think better of the interests of this country. When he says that they were unanimous I tell him that they were only unanimous in allowing him to withdraw it for a year. I was not in favour of the Bill, and I was there. Has the hon. gentleman considered what would be the result of this Bill

if it were passed? Some hon. gentlemen says it is unworkable. Well, I believe it is. Some hon. gentleman says we should amend the rules of parliament in order that this Bill might work. We have the power in our own hands. Are we going to tie ourselves? I have been a member of the Railway Committee, in one House or the other, of parliament, for twenty-eight years continuously, and I have yet to learn of any harm that has come from legislation obtained in that way. There were vague rumours a year ago, but let the hon. gentleman come down to particulars, because if people get charters from parliament, and can sell them instead of building the road, we should know it. They should be marked men in this country, so that they would not get a chance to do it a second time. I am not going to be carried away by rumours. I consider we have not half the railways we want in this country. I listened to the discussion on this Bill the other day, which was very interesting, about the practice in England in reference to railway charters. What they do in England is not applicable to this country. We are a different country. All the local governments in this country have assisted in building railways to my knowledge, and the Dominion government which is in power has done the same. Bills for railway subsidies come before the Senate and each one of us has his own opinion of them. If one thinks the government are giving a company too much per mile, he can find fault, but the government are held responsible that they do not pay any money where it is not earned, I have yet to learn that the money that the people have voted to railways has been squandered. Nothing is more certain than that we should have railway communication with the unsettled districts of this country, in order to allow settlers to take their produce to the markets of the world. I consider these railway promoters are slandered. I have known many of them. Some have gone to their long home, to the great loss of the country. They have gone lamented by the community in which they lived and by the people who benefited by railway promotion. I hope we will have more promoters in this country. Usually railway promoters have not a very large amount to their credit in the banks; but they have brains and energy, and they go over the country and see what the people want and go to the municipalities and get them to vote money to aid railway projects. I am speaking of what I know. In my own locality before confederation, when Wm. Lyon Mackenzie returned from exile to Canada, the first county he represented was Haldimand, in which I lived. I know that he got a charter through parliament for the Buffalo and Brantford Railway. I took stock in it, and the municipalities took stock. We all took stock to encourage it. That was a new thing. There was no such thing then as steel rails. It was iron rails, and they did not understand how to build railways as they do now. What was the result? We lost all the money we invested, but we have the railway.

Hon. Mr. OWENS—Hear, hear.

Hon. Mr. McCALLUM—And people would pay ten times more than they have paid rather than lose the railway. That is one case that I know of, and it is so all over the country. I know very little of the promoters of railways in this country, but I happen to live in a very little corner in the province of Ontario, and I know something about it. It is going on all over Canada, and if my hon. friend considered what he was doing, he would not have introduced this Bill to retard the progress of this country. I know some of the promoters. I know men who have given their lives to the promotion of railways and have made no money out of it. Not one of them to my knowledge has made anything. I will name some of them, I will name Thompson of Welland and Mr. Laidlaw.

There are men within the sound of my voice who knew Mr. Thompson. The people made him member for Welland afterwards as much from gratitude as anything. But did he make any money? I knew him to be for seven or eight years promoting that railway, when the Great Western Railway of that day and all the people of Hamilton were opposing him. I know I had to leave my home and go to Toronto when the matter was before parliament in order to enable him to get that charter. The only man in Hamilton at that date who supported him was the Hon. Isaac Buchanan, who is dead now. Mr. Thompson got the charter and built the road. I have known others. There was George Laidlaw, whose name is well

known in the province of Ontario. He built the Toronto and Nipissing Railway, the Toronto, Grey and Bruce Railway, and the Credit Valley Railway. I must speak of something else. One of the men, and he is dead, Robert Hay of Toronto, largely assisted Laidlaw in pushing forward the Credit Valley Railway scheme. I have known him to assist Laidlaw to the tune of $300,000. Laidlaw had no money, but he had brains, Did he get rich on building railways? No, he died poor. Then the Hon. Hamilton Merritt was a promoter of railways, and promoter of a great many other things besides railways. He promoted canals. He built the Welland Canal, and promoted the Welland Railway, which is running to-day. Did he make any money out of it? No, not a dollar. I could speak of others that have gone the same way. We have railway promoters to-day, and I hope they will do a great deal more, unless it is thought that we have too many railways. We know what the member for South Norfolk has done. He promoted and built the road from Port Dover to Wiarton. Did he make any money out of it? No. Has Mr. Beemer made any money out of all the railways he has promoted in the province of Quebec? If we have railways enough let us say so, and stop, and we will save money, but will the people of this country be satisfied? My hon. friend ought to know better than to bring a Bill here for class legislation. I always go for the whole people, not for a class. This Bill is in the interests of provincial land surveyors. I have many a friend among them. I respect them. They are very useful in their profession, but we are not going to alter the rules of parliament or pass this Bill—not with my consent at all events—to please them. I was speaking of Mr. Beemer, and there is John R. Booth, of Ottawa. I hope he will make money, he deserves it, but really he was not the real promoter of the enterprise of the Parry Sound Railway. The original promoter was H. J. Huburtus, who used to be the 'Globe' correspondent in the House of Commons. He has tramped from here to Parry Sound more than once. He was the promoter, but he did not have two dollars to jingle one against the other as the result of his connection with the enterprise. That I know. I hope Mr. Booth will make money out of his undertaking, and if he does he is the first railway promoter I know of who has. My hon. friend from De Lanaudière (Mr. Casgrain) is very much mistaken in supposing that the Senate was in his favour last year, because I noticed two gentlemen spoke against the Bill in the Senate, after the report of the committee came in. What case has my hon. friend made out before this House? Have there been any petitions to parliament against the granting of railway charters? I have not heard of any. If a man gets a railway charter and does not promote it as he should do, out with him and give others a chance. My hon. friend from Marshfield had to go to Cuba to gain experience in building railways. We do not want to go to Cuba or Great Britain either. We have the experience here, and we are doing very well. We have spent millions and millions of money in the Dominion of Canada between the local and the Dominion governments and the municipalities, and we are not half done yet; but as much as I respect the provincial land surveyors, I do not want to retard the prosperity of the country in order to give them employment. We should consider what we ought to do in this matter. Are we children here that we should not have control of our own business? If we should so far forget ourselves as to pass this Bill, does any one suppose it will pass through the other Chamber? I doubt if it will ever pass the House of Commons. To show the encouragement my hon. friend had to go on with it this year, a couple of members spoke of it in this way on that occasion. One member said of it: 'This is a vicious Bill:' I agree with him. I consider it is opposed to the best interests of the country. I have no interests to serve but the interests of my country, and I believe that is the position in which the Senate as a whole stands. My hon. friend took it for granted, because the House treated him courteously last year, as the Senate always does, that this Bill would be accepted this year. I thought he would, during the recess, reflect on what he was doing; that he would see how he would retard the progress of the country, because he listened to what people called rumours, but so far as my knowledge of railway promoters is concerned, these rumours are slanders. This is what the hon. gentleman said last year:

The object of this measure is to prevent speculative charters being granted by parliament; also providing all the necessary data should be furnished to the House in which the Bill is to originate.

Then Mr. Lougheed goes on and shows it is a vicious bill. Then a senator from Cape Breton (Mr. MacKeen) blows hot and cold. He says there is some good in it and some that is not good. He says:

I think it is known to us all, that one charter was obtained in this House and afterwards sold for $60,000 without one dollar having been expended. As regards the application of this Bill to the older provinces, I think it is almost perfect. Countries which are now so well opened as our eastern provinces—which are so intersected by railways, and where the topography of the country is so well known, it would be of immense importance to my mind to have information of the character the Bill calls for in the hands of the committee.

I am glad they have all the railway communication they want down there, but it is not the case in my part of the country. Then he says:

No railway can be built without surveys—and whether they are made preparatory to the charter or subsequent to the granting of the charter, it is pretty much the same to the engineers, I would take it; but to ask any company or any investor to expend we will say anywhere from $2,000 to $50,000 as the case may be without any guarantee whatever of success in getting a charter, is perhaps a little hard. I do not think we would succeed in getting any investors to do that in a country like the Yukon; all the same, I think the spirit of the Bill is in the right direction, and with some amendment it will meet with the approval of this House.

When we are told there are rumours of charter selling, the hon. gentleman ought to be prepared to come down with particulars. In all my experience in parliament I have never known anything of the kind. I do not pretend to know all about railway building, but I know something about it. Do we want to go back to fifty years ago? What would we be without railways to carry out the products of the country? We would be locked up all winter, as we have been in the past, until navigation opened. The men that I have spoken of who have gone to their long home, have erected monuments to their memory in the hearts of the people which is more lasting than granite or brass. When history is written fairly, it will show that is how the people of this country feel about those railway promoters. There may have been some black sheep among them. The sale of a charter for $60,000 may be true, but it is a drop in the bucket compared to what the Dominion of Canada has spent for railways. I know at one time in the province of Ontario the opposition to Sandfield Macdonald's government found fault with him because he set aside $1,500,000 to assist railways running north through the then sparsely-settled districts, and on that policy of opposing aid to railways Mr. Blake appealed to the country. There are men here who must know what I say to be true, and that was his stock armour against Sandfield Macdonald, that, and the murder of Scott at Winnipeg. He came to parliament when I was there, and I happened to hold the two seats at that time, before dual representation was done away with under Mr. Costigan's Bill. I remember the time well. My hon. friend the Secretary of State must remember it. He was speaker in the local legislature then, if I mistake not. He was made speaker by the Sandfield Macdonald government, and there is no doubt he got my vote.

Hon. Mr. SCOTT—It was by acclamation.

Hon. Mr. McCALLUM—Then the hon. gentleman did not want my vote, but it was there for him if he did want it. The hon. gentleman was there and can correct me if I am wrong in what I say. I must say for that great man, Mr. Blake, he was everything by turns, but nothing very long. He was the hope and aspiration of this great Canada of ours. He was called, and I almost believed it, Canada's noblest son. Where is he today? Doing battle with his tongue and his money against the British empire of which we form a part. I may be allowed to digress to make that statement. When he came into power that one million five hundred thousand dollars was not enough to build railways. He added $400,000 more to it, making $1,900,000, and he mortgaged the province of Ontario for twenty years for $100,000 a year, making $2,000,000 more; so that, with one stroke, the province of Ontario assisted railways to the tune of $3,900,000. I say that in order to show that all local governments have been promoting railways, and I hope they will continue to do so. Whether the government be Reform or Conservative, we must hold them responsible, and first see that they do not give too much to any railway, and hold them responsible for the payment, and see that they do not pay money until it is earned, and

then it will be all right. There is no use dwelling on this matter, I am sorry my young friend has brought into this House a Bill which, if he had considered the matter at all, he would have seen at once was going to retard the progress and prosperity of the country. I beg to move that this Bill be not now read a second time but that it be read a second time this day six months.

Hon. Mr. MACDONALD (P.E.I.)—I have listened to the interesting address of the hon. gentleman from Monck. It embraced a lot of ancient history, but it had very little to do with the principle of the Bill which is under consideration. He referred to various contractors who have built many roads in this Dominion, and in the province of Ontario especially, men who conferred great benefits on the country by building those roads, but the Bill which is under consideration has no reference to people of that class. It is intended to apply to people who make applications to parliament for charters for railways which they never intend to build, but charters which they desire to put on the market and sell, not for the benefit of the country but for their own individual benefit. The hon. senator from Monck referred to men whose names are identified with the history of Canada, men who have built some of the best works in the country. Men of that class are not interfered with by the Bill now before us. This measure refers to quite a different class of people. The hon. gentleman from Monck asked what had we to do with this Bill when there were no petitions presented to us for it, but I would ask the hon. gentleman if we are not to take any action on a matter which is necessary for the good of the country until petitions are received here for it? I take it that we are more advanced. When we see that it is necessary to legislate on any subject we do not wait for outsiders to move. We take it into our own hands, and if we see a Bill is necessary, a Bill is introduced, and if it receives the approval of a majority of the Senate, what does it matter to us if it is rejected by the other branch of parliament? If we know that it is going to be rejected there, that is no sufficient reason for declining to give it our attention. If it is a good measure it should have our sanction. I expressed my approval of a Bill of this nature when it was introduced last session. I have heard nothing said by any hon. gentleman which would induce me to change my opinion respecting this measure. We know many charters are applied for in the Dominion of Canada which are never carried out. The statute books are filled with Bills which have been passed on applications to parliament for railways which have never been built, and never will be built in some cases. How often do we see petitions coming up here for measures that have passed parliament three, five, seven and I think in one case ten years ago, which have not been carried out yet, but they were applying to parliament for leave to extend the time for the commencement of the work until they can dispose of their charter and receive some remuneration in that way. The hon. Secretary of State in speaking of this Bill, went, I think, further than necessary in his opposition to the measure. He weakened his case by dragging in here the applications that are made to the imperial parliament for charters for industrial corporations. What has that to do with the Bill now under consideration? If it had not been called to his attention by some hon. members, we would be under the impression that railway charters were in the same position as charters for industrial corporations, but when it was called to his attention he had to admit that railway charters and banking charters and certain other charters were not in the same position, but the incorporators had to make application to parliament and show where the roads were to be built and what the cost of them was to be before they could obtain those charters. The Secretary of State also referred to Canada as being a new country in which such a Bill was not applicable, that it might under some circumstances be applicable in a settled or old country, but would not do in Canada. In contradiction to that statement, I just refer hon. gentlemen to an application which is at present before parliament, or coming before parliament, for a transcontinental railway to extend from the city of Quebec on the St. Lawrence out to the Pacific, and on the whole of that road, from one end to the other, it will be found that there has been a survey, the height of land at every mile along the road has been given in a map, the very pass through which it has to go

in crossing the Rocky Mountains has been surveyed, and all particulars given respecting that route, even more than required under the present Bill. I believe that many of these charters that have been granted by parliament are held in suspense and are blocking the way of those who would be desirous of opening roads in the same direction, but cannot do so, because some charter-monger has a wildcat scheme which had passed through parliament. In that way he is blocking the legitimate enterprise of men desirous of building a road in the same section. Entertaining this opinion, hon. gentlemen, I feel that I am pursuing a proper course in supporting this measure. It may be true that in some respects it goes further than some hon. members desire, but this measure can be amended in committee if it is given the second reading. There are few hon. gentlemen who will not admit that there should be some restriction placed on people who merely come here and ask for a charter without funds at their back, without any idea of building a road but merely for the purpose of getting the right over a certain piece of ground which they appropriate in that way, never intending to build the road. There they are, blocking some person who would be in position to build a road over the same ground. Holding these views I shall support the Bill, as I did last year, and I dissent entirely from the views expressed by the hon. gentleman from Monck. We see applications made to parliament to build a road within three years along a certain line. At the expiration of the time limit, those same people come to parliament asking to have the time extended for three years more in order to commence the road. At the end of the second term it is quite possible they may not have done anything, and they make a third and fourth application to parliament. That should be put a stop to in some way, and if this Bill did nothing further than stop these wildcat enterprises, it would be a benefit to the Dominion. We know that the taxpayers of this country are paying very large amounts indeed for railway subsidies, and possibly many of these parties would not receive any encouragement from parliament if it were not for the application coming at a time when it may be beneficial to the government to grant a subsidy for a road in a certain section. It comes usually just before the Dominion election, and then we have Bills coming in here on the last day of the session granting $3,400, $6,800 or $10,000 a mile for the purpose of building such railways, and in some cases the very promoters cannot tell where the road begins or where it ends. Hon. gentlemen must admit that under these circumstances it is desirable to place some check, not on legitimate railway promoters, such as the hon. gentleman from Monck referred to, but upon those who make applications for wildcat charters, and I regret that some hon. gentlemen of the Senate oppose the Bill, but none so determinedly as the hon. gentleman from Monck. All other hon. gentlemen who addressed the House admitted it was possible that a measure of this kind, if it were embodied in the rules of the House, might be beneficial. If it were crystallized in a Bill, would it injure legitimate promoters of railways? I say it would not. It would keep out of the way those who are illegitimate promoters of wildcat enterprises.

Hon. Mr. CASGRAIN (de Lanaudière)—I have listened with a great deal of pleasure, as hon. gentlemen will readily understand, to the speeches which have been made, not all in favour of the Bill which I have had the honour of introducing. In order to show that I had proper encouragement in coming before the House with this measure, I refer to the Debates of last year, where the chairman of the Railway Committee reported, in reference to an Act respecting Applications for Railway Charters, that while they approve of the principle of the Bill, they recommend that owing to the late period of the session the promoter be allowed to withdraw it. Hon. gentlemen have heard the hon. senator from Prince Edward Island expressing his views. The hon. member who spoke on that occasion was the Hon. G. W. Allan, and I will just read one phrase from his speech which I think gave me enough encouragement, coming from such a high authority, a man whose opinion had been respected so much in this House. I thought, under the circumstances, I was perfectly justified in reintroducing this Bill. The Hon. Mr. Allan said:

> The principle of the Bill, I think I may say without contradiction, was universally approved by all the members of the committee.

That will be found in his speech, and any hon. gentleman can verify it by referring to page 412 of last year's Debates. The favourable reception of this Bill last year gave me some encouragement, and I may say that, outside of this House, some very important railway people thought the Bill was a move in the right direction. Some very prominent members of the House asked me if I was going to introduce the Bill again this year. I took it for granted that they thought well of the Bill. I admit that it may look presumptuous for one who has been for so few years in this House to introduce legislation, which many of the members of this House think some older member should have taken charge of, but I really fail to see why any one who has the honour of a seat in parliament, whether in this House or the other chamber, if he truly believes in his own humble way that a certain measure is in the interests of the country, should not have the courage, even if it does not meet with the approval of the majority, to rise in his place and submit the measure and let it be fully discussed. If it is right let it be passed ; but if it does not get a majority, let it fall on its own merits. The hon. Secretary of State last Friday said that pioneers in railway enterprises did not make money. He might have added that pioneers in legislation often have a thankless task before them. They have to devote a great deal of time and study to public measures without hope of any kind of reward. I thought this was a move in the right direction. I do not claim this Bill is perfect. Perfection is not of this world. But I think it is a step in the right direction. I did not originate this legislation. It has been in force for years and years in France, Germany and Spain. I had occasion to inquire, and I found that the rules and regulations in those countries were much more stringent than anything contained in this Bill. Still, I must say that I believe, and I will keep on believing, that any private member of this House has not only the right, but it is his duty if he thinks it is right, to introduce legislation. I do not believe that all public legislation should necessarily emanate from the government. The government in that case would be ruling the country and there would be no use for senators or members of parliament. I wish to say a few words about the real object of the measure. This Bill seems to have been much better understood last year than it is to-day. After the explanation last year the committee were, to my mind, apparently in favour of the Bill and the chairman himself reported it. The intention is not to restrict railway development. On the contrary, it is to facilitate railway construction. It is to prevent large tracts of territory being set apart for the sole benefit of one railway company, and preventing others from building within that area. We know that in Canada all that is necessary now is to take the initial and terminal points, and there is no limit to the deviation that may be made from the straight line. If a charter is granted to build a railway from Ottawa to Winnipeg, or Ottawa to Toronto, then it is quite possible for those who secure this charter not to go in a straight line to either of these points, but to diverge and take in almost any town they like on the line, claiming that they have the right to build to any town between these places. There is nothing in the Railway Act to say that they shall go, as far as possible, in a straight line. There is no limit to the deviation allowed. If a plan was used before parliament, then it would be possible for parliament to say : We will grant your charter passing by this town or village, but not to go all over the province to the north and to the south, without any regard to the line.' So soon as any one comes to parliament asking for a charter between those two points, the owner of the charter will say : 'Oh but that is within our territory. You are taking territory over which we have control.' When once they have their charter they are entitled, without applying to parliament, to extend branch lines six miles on either side, making a strip of country twelve miles wide. These charters are granted for one hundred, two hundred and five hundred miles. Five hundred miles by twelve miles in width—there you have an enormous territory of some 6,000 square miles altogether within a sort of monopoly in the hands of the one company. One company has got the absolute control, first, for two years, before they begin work, and after they have begun work, they have, according to the Railway Act, seven years altogether, and very often they come before parliament and renew and get an extension of time, thus

holding an enormous tract of country for their own purposes for years, and preventing other people from building. No one can enter into that territory without paying toll to the owners of that charter. As to the objection that this is a Bill to give work to land surveyors or engineers, I must say that it would rather tend the other way, because it is well known that those who get railway charters, in order to keep those wildcat charters alive, actually employ engineers, and if there was a tendency in this Bill at all, it would be against engineers. I think the hon. member from Cape Breton did justice to that, when the same argument was brought up last year by the hon. gentleman from Calgary. Now, as to the Bill itself, it says :

(1.) Before the consideration of the petition for such Act by the Committee on Standing Orders of the House in which the Bill is to originate, the applicants for such authority shall deposit with the Department of Railways and Canals—

(a.) A map or plan, made from actual survey, showing the route of the proposed railway according to the preliminary survey thereof, or the site and nature of the new works.

'Before the consideration of the petition.' After inquiring from legal gentlemen, I found there was really no other time to demand details until the consideration of the petition. It was the only time. The hon. member for Queen's spoke in favour of some parts of the measure, and thought that the amending of the rules of the House might meet the case. There is this one objection to the amending of the rules, that the rules can be suspended, and the Bill provides in clause 2, that :

If the conditions imposed by the next preceding section or any of them, are not complied with, the Committee on Standing Orders of the House in which the Bill is to originate shall report accordingly to that House, and thereupon, unless otherwise specially ordered by that House, or unless otherwise provided for by the Standing Orders thereof, all further proceedings upon the Bill shall be suspended until the said conditions have been complied with.

So that the hands of parliament are not in any way tied up by this legislation. If the House finds any good reason why any of these clauses should be dispensed with, the power to dispense with it is in the Bill. The hands of parliament are not tied. The hon. gentleman from De Salaberry made, apparently, a very strong point when he spoke of trespassing upon private property. He read the law, subsection A of clause 90 of the Railway Act. This is not fatal to the Bill by any means, because a simple amendment—I remember the hon. member from De Salaberry laid great stress on that objection—would cover the point. If the Bill had gone to committee a third clause could easily have been inserted, reading like this :

For the purposes of this Act, the Minister of Railways may grant to the applicants the powers cantained in subsection A of clause 90 of the Railway Act.

Not any more difficult than that. Now, as to the enormous cost that would be entailed, supposing this was exacted, the hon. members of this House may not all of them be familiar with what a preliminary survey is. It is not at all a location of the line. It is not putting in the curves, establishing grades, or making up the quantity, but a preliminary survey—a general survey of the land, very cursorily done, and a report by the engineer, and levels taken, perhaps, with an aneroid barometer, or level. The Secretary of State says this might cost two thousand dollars a mile. There would be nothing like that, or half or quarter of that. About one-fortieth of it would be the extreme cost in the woods and rough country, and in the prairies ten to fifteen dollars a mile would cover it. If a company wishing to build a railway, and wishing to have a charter for say one hundred miles, cannot scrape up a thousand dollars, how and where are they to get the funds to build a railway ? Why let them get a charter, if they cannot stand the expense of a preliminary survey ? They also require the report of an engineer. The report would not be more than a statement that the route is feasible, and the road required, because when we are granting a charter we are often authorizing a route over ground where it would be impossible to build a railway, and the expense would be much greater, if, after having started and built a few miles, you come to a part of the country where it is almost impassable, with any reasonable expenditure, for railway purposes, and that part of the road has to be abandoned. Would it not be more prudent in the interests of the people to have, before commencing the enterprise, some idea of the country through which the road is to run, and the amount of money required ? The system that prevails in England is much

more complicated, and, I may say, referring to that speech about trespass, that it is allowed in England. Engineers are not prevented from entering even the most beautiful parks and carrying on their engineering operations. I have asked old engineers, and they tell me that surveys have never been blocked on account of the unwillingness of the people to let the operations be carried on. In England a complete plan, showing all the buildings, farms, fences, watercourses, rivers, ravines, even the topography—a complete plan has to be provided. Besides that, there must be a book of levels giving not only the name of the owner of the land, but also the name of the occupant, the total quantity of land held by the occupant, the portion required by the railway, and the probable cost of acquiring the land. That is only from the technical point. Now, from the business standpoint, and this is important—I am not a financial man, and I expected some one more versed in finance would have brought up that point—the financial ability of the people to carry out the enterprise, is a very important question which would be discussed. In England and in other countries, before obtaining a charter the promoters must satisfy parliament that they are able to carry out the enterprise. They must give an estimate of the cost, a close and detailed estimate of the land purchased, &c., and, more than that, they must also show the probable returns. That is where parliament is wise, in having the probable returns from the investment, so that if the public, on the strength of a royal charter, choose to invest their money, they are protected by the parliament of England against putting money into a project which would not be remunerative either to the shareholders or to the bondholders. What do we do in Canada ? We grant railway charters. Those charters are taken across the water, and bonds are floated in England. In England, where parliament has so jealously guarded the interests of the public, capitalists invest their money with a feeling of security. I have had some personal experience in what has been done by promoters going over to England and raising money on Canadian roads, getting bondholders to invest their money, because with a charter emanating from the parliament of Canada they naturally inferred the same precautions were taken here as in England, that the enterprise was a safe one, and the probable returns would justify the expenditure. But in Canada we have neither the English system nor the system which prevails in th United States. The system in the United States, in my humble opinion, is better than ours, because there you cannot sell a railway charter. There are, properly speaking, no railway charters. Any company of men have merely to register their intention to build a railway, and they can proceed to build it, but they cannot monopolize one inch of land, except what is occupied by their own right of way. Any other men or syndicate can do exactly the same thing. Consequently there is no necessity for selling railway charters in the United States, because it is in the reach of every one. We have neither the United States nor the English system. We have the English system of granting a charter. On the other hand, we have a system which places large territories in the hands of a select few, to the great detriment of bona fide enterprise. When the company have sufficient friends in parliament they manage to obtain a charter. This charter is held over. They may raise some money on it. Some years afterwards their friends in parliament may change places, the charter is not continued, and the foreign capital invested in the enterprise is in great danger of being lost, and bondholders are deceived. That some change in the system is necessary, I believe. Whether this Bill would be exactly what is wanted, I am not prepared to say at the present moment, but I thought with the help of my colleagues in this House, it might have been possible to devise a measure which would contribute to some extent to remedy this great evil. If promoters are unable themselves to build roads, there is one thing they are able to do—that is to pester the great railways of this country trying to sell their charters to the Canadian Pacific Railway, to the Grand Trunk Railway or the Canada Atlantic. If you will speak to the officials of those railways you will find from one end of the year to the other, they are constantly being approached by promoters trying to sell charters for a few dollars—at first for many thousands, but afterwards for a few dollars each, for a charter granted by this parlia-

ment. Speaking of the Canadian Pacific Railway and the Grand Trunk, these railways never undertake to ask parliament for a charter without having previously done everything, and more, called for in this Bill, because these railway companies intend to pay for the work. Promoters do not care what the amount of expenditure may be, because they have very little money themselves; but those who intend to pay for the property take good care to have a proper estimate made of the probable cost, and the probable returns. There is one other objection which has been raised, and it is this, that a company engaged in getting these surveys made and planned and profiles prepared, might, after all their expense, fail to get a charter from parliament. Well, hon. gentlemen, I have too much confidence in the parliament of this country to believe, if a railway charter was in the public interest, that this parliament would refuse it to men who had expended their money in promoting a necessary line. I have entire confidence that if it was a useful project parliament would grant a charter, because I believe that parliament is composed of the most public-spirited men in the country, belonging to the two great parties, and I do not believe, and could not bring myself to believe, that it would be possible for parliament, after a company had gone to the expense to prove that a road would be useful and in the interests of the public, to refuse a charter. I refrain from using too many technical words, because one might be inclined to believe I was talking in favour of the engineers, but on the broad principle of bringing down a public measure I wish to say, in closing, that my sincere desire was to try, in my humble way, to do some good for the country. My task is ended, and I have the satisfaction of knowing that I have done my duty to the best of my ability, and I shall cheerfully abide by the decision of the Senate. I may say, in closing, that I had a short conversation with the Secretary of State who tells me that the Railway Commission which will meet this summer will deal with the railway companies generally, and probably some steps will be taken in the direction indicated in this Bill. I therefore ask the permission of the House to withdraw the Bill for the present session, and trust that the government will do justice to the subject.

Hon. Mr. CASGRAIN.

Mr. McCALLUM—I would rather have a division.

The SPEAKER—Does the hon. gentleman from Monck insist on a division?

Mr. McCALLUM—No. Don't do it again, that's all.

The Bill was withdrawn.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, April 8, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (O) 'An Act respecting the Algoma Central and Hudson Bay Railway Company.'—(Mr. Landerkin.)

Bill (P) 'An Act respecting the Manitoulin and North Shore Railway Company.'—(Mr. Landerkin.)

Bill (39) 'An Act to incorporate the St. Lawrence and Northern Railway Company.—(Hon. Mr. Godbout.)

Bill (44) 'An Act respecting the Tilsonburg, Lake Erie and Pacific Railway Company.'—(Mr. McCallum.)

Bill (52) 'An Act respecting the St. Clair and Erie Ship Canal Company.'—(Mr. McCallum.)

Bill (Q) 'An Act to incorporate the Metropolitan Bank.'—(Mr. McMullen, in the absence of Mr. Jones.)

CHARLOTTETOWN AND MURRAY HARBOUR RAILWAY.

INQUIRY.

Hon. Mr. FERGUSON inquired:

1. What sections and how many miles of the railway from Charlottetown to Murray Harbour are now under contract?
2. Do the contracts in progress include grading, tracklaying and ballasting, or what do they include?
3. Who are the contractors, or contractor?
4. Were these contracts awarded by tender after public competition had been invited?

5. What amount of money has been paid on these contracts up to the 31st of March ultimo ?
6. At what date or dates is the work on these contracts severally required to be completed ?
7. If these contracts, or any of them, are based on a price per mile for grading, tracklaying and ballasting, or any of these operations, give said price.
8. If not based on a price per mile, state on what basis regarding price these contracts have been made.

Hon. Mr. SCOTT—The answers that I am instructed to give to the House are :—

1. Section No. 2, Mutch's Point to Village Green—11½ miles.

2. The contract includes :—Grading and completing the roadbed to formation level, also fencing, but does not include ballasting or tracklaying.

3. Willard Kitchen is the contractor.

4. Yes.

5. $53,939.44 has been paid on contract section No. 2—Mutch's Point to Village Green, up to 31st March, ultimo.

6. The date for completion, named in the contract, was 31st December, 1900, but the time has been extended.

7. This contract is not based on a price per mile.

8. Schedule prices.

Hon. Mr. FERGUSON—Work is being done on a great deal more than that.

Hon. Mr. SCOTT—I will call the attention of Mr. Schreiber to the hon. gentleman's statement.

Hon. Mr. FERGUSON—I think the answer is not complete.

THE PRICE OF WHEAT IN THE N.W.

INQUIRY.

Hon. Mr. PERLEY inquired of the government :

If they have on record in the Department of Agriculture, a statement showing the price which Manitoba hard wheat of the different grades sold for on the English market during the past five months ? If not, will they obtain the information and lay the same on the table of the Senate at as early a date as possible ? Also, the transportation charges on wheat per bushel from Fort William to Liverpool ?

He said : I might say that I am aware this question is somewhat out of the regular order of questions, but I am inspired to ask it from two or three causes. One is, that there are serious complaints on the part of the farmers, I think all over the Territories and Manitoba, that they have not got their fair and proper price for wheat this year—that the buyers have cheated them in some way or other. I received a letter the other day from one of the most intelligent farmers of Assiniboia in which he complained that the farmers had been cheated out of 25 to 29 cents a bushel on their wheat. My idea was, if we could get the price of wheat in England, and the cost of transportation, we could see if the farmers had been paid a fair price. It is a very annoying thing to have almost every man you meet tell you that he has been cheated by the grain dealers. I do not think it myself—at least, I do not think they have been cheated to the extent that they believe. I received to-day a paper which will verify my statement, and, I think, justify me in asking for this information. It would be a very great advantage to the government who are encouraging immigration to the North-west Territories, to have this matter settled so that immigrants will know that they are not coming to a country where they will be robbed of one-half or more of the fruits of their labour. It is very detrimental to the settlement of the country. The article in this paper which I am going to read to the House will give an idea of what they are publishing to the world, and the government will themselves see the importance of getting the information, if they do not already possess it, so that the farmers will see whether they are robbed or not. The article is as follows :

The Big Wheat Steal.

The plain fact is that the farmers of the west are out by millions of dollars. The cool, calculating scoundrels of the grain ring, taking advantage of circumstances, have plucked and plundered, robbed and fleeced the helpless farmer without mercy. Mild language is wasted in such a case. We believe the thief on the cross was a stainless innocent compared with these vultures who planned a scheme in cold blood to deliberately rob the farmer of the fruits of his toil. These men are going about with fat wallets, but the place where they ought to be is the penitentiary, doing hard labour on a slim diet.

Hon. Mr. TEMPLEMAN—What paper is that from ?

Hon. Mr. PERLEY—A North-west paper published at Moosomin. It is called the 'World.'

Hon. Mr. SULLIVAN—What side of politics is it on ?

Hon. Mr. PERLEY—Conservative, but that does not make a difference. At one time the farmers wanted to bring a delegation of 100 here during the session. I was notified and asked if that would not have the effect of inducing the government to see that some redress was given to the farmers of the west. I think it would be advisable for the government to answer these questions. My object in getting the government to do it is, to have it authoritative. When the information comes from the government the people will take it with a good deal more confidence than they would have if it came from a private individual. That is why I ask this question, in order that the farmers may not be humbugged.

Hon. Mr. SCOTT—On inquiry at the Department of Agriculture, I was informed they never had any record of the grain sales, or delivery, or the ocean freights. I also inquired at the Department of Trade and Commerce, and was answered that they had no record there, and they did not think the information was available, except after a very special inquiry, as in many instances the prices changed from week to week, and more particularly the transportation rates changed, both ocean and inland freights. I shall be very glad to see Mr. Parmalee, of the Department of Trade and Commerce, and suggest to him that he might possibly get some information from the grain inspectors. I was under the impression that there was considerable rivalry to secure the wheat of Manitoba and the North-west, it being so superior to the wheat grown in Minnesota and further south. I never heard of millers of the United States or Canada entering into a combine, and I understood there was considerable competition between them to secure the largest share of the output of Manitoba and North-west wheat. I may, however, be mistaken. The condition of things my hon. friend has described could only arise from the existence of a trust, because there must be a combine if the price is unduly reduced below the market rate. There are numbers of buyers every year, and one would suppose they would keep the prices up to normal level. When my hon. friend's remarks are printed, I will call the attention of the Department of Trade and Commerce to them, and ask if they can obtain some information on the subject, in order to ascertain whether the complaint is based on facts, as stated in the newspaper.

Hon. Sir MACKENZIE BOWELL—In addition to inquiring of the grain inspectors, they might also inquire of the Canadian Pacific Railway what the rates were.

Hon. Mr. SCOTT—The transportation companies, all of them.

THIRD READING.

Bill (12) An Act respecting the Edmonton and Slave Lake Railway Company.—(Hon. Mr. Poirier.)

SECOND READINGS.

Bill (H) An Act for the relief of Samuel Nelson Chipman.—(Hon. Mr. Kirchhoffer.)

Bill (M) An Act respecting the Atlantic and Lake Superior Railway Company.—(Hon. Mr. Owens.)

Bill (N) 'An Act respecting the Great Eastern Railway Company.'—(Hon. Mr. Owens.)

JOINT STOCK COMPANIES BILL.

FIRST READING.

Hon. Mr. SCOTT introduced Bill (R) 'An Act respecting the incorporation of Joint Stock Companies by Letters Patent.' He said: The object of this Bill is to give greater facilities for the incorporation of companies, assimilating the law to that now for some years existing in England, which has been found to work very advantageously. In England, hon. gentlemen know who have given any attention to the subject, any seven persons can unite together and make an application to an official who is known as the registrar. They file with him articles of association, which are practically an agreement between themselves to take a certain amount of stock in the proposed company, giving the name of the company and its objects and purposes, and on the filing of that paper, the registrar issues the certificate and the company is ipso facto at once incorporated. A few years ago a committee was formed for the purpose of ascertaining whether that extreme freedom of giving charters was really in the public interest, and after a very exhaustive inquiry

the committee came unanimously to the conclusion that it was very beneficial that every facility should be given to private enterprises to unite together for the formation of limited liability companies, and that any obstructions or obstacles placed in the way only check the development of business. The large amount of business that is carried on in England was ascribed mainly to the facilities given for the formation of those companies. That is the general scope of the Bill. At present it takes about ten or twelve weeks to get through an Act of incorporation. It practically takes quite as long to get a charter under the Joint Stock Companies Act, as it does to get an Act of parliament. And the consequence is, very many people prefer coming to parliament to secure Acts of incorporation. In the first place, there is the publication in the 'Canada Gazette,' and then the parties are obliged to do more than they are compelled to do under Acts of parliament that are granted to private companies. They are obliged to subscribe one-half of the whole capital stock. If it is two million, they must subscribe for one million, and they must pay up 10 per cent on the 50 per cent of the capital stock. That payment of 10 per cent must be deposited practically with the Receiver General. Formerly they could place the amount on deposit in the bank in trust for the company, but there was a change made some years ago obliging the parties to practically deposit the money to the credit of the Receiver General. where it is held in suspense until the company actually go into operation. That sometimes takes from eight to ten weeks, and in the meantime parties are deprived of the use of the money, and they very often chill off, get tired waiting and apply to withdraw the money and abandon the enterprise.

Hon. Mr. MACDONALD (B.C.)—What time will it take to do this under the Bill?

Hon. Mr. SCOTT—The proposal is that it can be done within two or three days. An examination would have to be made in the office. At present the charters are issued from the office of the State Department.

Hon. Mr. MACDONALD (B.C.)—Would there be registers in every province?

Hon. Mr. SCOTT—No. It is only for those who apply for charters for the whole Dominion. There will only be one central office with authority to issue charters, but they will be promptly issued, publication will be dispensed with and the payment of any money down will be dispensed with. The various details will probably come in better when the Bill is before the House.

Hon. Mr. LOUGHEED—Has the Bill been distributed?

Hon. Mr. SCOTT—No, but I have had it revised and changes made, and it is ready to be printed.

Hon. Mr. DeBOUCHERVILLE—Will we have the Bill printed to-morrow?

Hon. Mr. SCOTT—I thought we might take it up on Thursday, but if it is the desire of the House it can be postponed till Tuesday next.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. gentleman whether that Bill is somewhat of the same character—I should judge it is—as the Bill which was introduced by the late government which they failed to carry, simplifying the mode of securing these charters? I presume it is from the explanation the hon. member has given us, but I think it goes a little further, of which I am not prepared to complain just now. I should like to call the hon. gentleman's attention to the fact that the Ontario government impose a tax upon what they call extra-provincial charters, and to ask, whether such tax is constitutional. I do not know, but it seems to me to be quite a hardship. You obtain a charter from the Dominion government to do business in any portion of the Dominion, and the province of Ontario—I do not know whether the other provinces have adopted the same thing—will not permit you to go on and do any business until you first take out a license from them. You have to pay for a license to do business under a Dominion charter, and then they tax you a yearly sum in addition; and besides that, you have to re-register every year, and have to make out very voluminous returns. In fact, it is a prying into the whole business of the company. I do not know whether that question has been brought under the notice of the Justice Department or not, but it seems strange that this parliament should give power to

transact business to a company of any kind, and then the province have a right to step in and say : 'No, you shall not do business in this province until you pay us a tax.'

Hon. Mr. WOOD (Hamilton)—Is that not within the purview of the local government, and have they not the right to do so ?

Hon. Sir MACKENZIE BOWELL—That is just what I am asking.

Hon. Mr. WOOD (Hamilton)—It is a matter of revenue for the local government, and they have a perfect right to do it or they certainly would not do it, but I think perhaps the Bill which the hon. gentleman has introduced may interfere with the same line of granting charters that now exists in Ontario, and it will overide that—

Hon. Sir MACKENZIE BOWELL—It does not override anything. You get a power to do business through the whole of the Dominion. Each province has the right to grant charters to do business within the province. What I complain of is that this parliament, which is supposed to have power to dominate the whole Dominion should be prevented by the local legislature from exercising that power which the constitution gives it, and I want to know from the department whether they think that is constitutional ?

Hon. Mr. DANDURAND—That point has been tested and decided in favour of the provinces by the Privy Council.

Hon. Mr. SCOTT—In reference to the first point brought under the notice of the House, I may say that I am entirely and personally responsible for the Bill in its present shape. I have no doubt the same views have struck other people, because it has been an apparent absurdity, for a great many years, that we should have surrounded the issue of letters patent with so many obstacles and obstructions, and it really seems the policy was to prevent companies being incorporated under the Act. I have followed largely the English Act, and consulted the Acts in British Columbia, in Nova Scotia and in Ontario. I may say that in Nova Scotia they have adopted the English Act in its entirety, with very little change. They did the same in British Columbia, I think either two or three years ago. The government of the province of Ontario have also very nearly assimilated their practice to the English practice—not quite so much as the provinces of Nova Scotia or British Columbia. I have referred freely to the Acts in all these provinces with a view to getting any suggestions that I thought might be of value in the general Act. With regard to the second question, which I think is an extremely important one, the provinces, no doubt, for reasons which it is quite unnecessary for me to mention—first, the desire to obtain all the fees possible, and the desire to avail themselves of every opportunity of adding to their revenue—have gone, I think, beyond their power. I do not know how far the case to which my hon. friend refers may have gone. My own view of it has been that they have a right to tax federal companies, provided that tax is not a discriminating tax, provided they tax all companies on the same level. They have no right to single out companies holding charters from the Dominion and tax them at a higher figure under similar conditions to companies holding charters from the provinces, and I am quite sure if the question is tested in court, the court will decide it was beyond their powers. Attention has been called repeatedly to Acts that have been passed in the provinces in which efforts were made to discriminate against charters obtained from the federal government. It has only arisen within the last two years, and attention having been called to it, the hope was expressed that they would discontinue, or bring the law into harmony with the old law—that is, if they place a tax upon the provincial companies, they should put no higher tax upon federal companies. So long as they do not discriminate against federal companies, I think it is quite within their line. They would have no power to go beyond that. In the Bill I have introduced I have retained the reference to the several sections in the law as it now exists, so that hon. gentlemen can see all the changes that have been made, if any, in the law as it now stands.

Hon. Mr. LOUGHEED—Has the hon. minister introduced the same provisions as in the English Act with reference to returns to be made by the company to the government ?

Hon. Mr. SCOTT—Yes, I have gone further than the Ontario Act. I have introduced what is called the inspection clauses. In England one-fifth of the shareholders in value have a right to apply to a judge of the higher court to ask for the appointment of an inspector to examine into the affairs of the company, and if the judge is satisfied that the motives of the party are fair and reasonable and not instituted by malice, he appoints an inspector who has power under the Act to make a very careful examination into the affairs of the company. That clause has been introduced and I have also introduced a clause. The English Act compels all companies annually to make a return to the registrar of the names of the shareholders, the amount of stock actually subscribed, and the amount paid up, the amount unpaid, and the amount in default. I have thought that that was not actually necessary, and the better way would be that a company should be called upon to make that return when asked for by the Secretary of State. If the attention of the Secretary of State was called to any company not giving its members a full explanation of its affairs, then all they had to do was to ask that a report be made to the Secretary of State, giving the information that was required. That clause is in, but the return is only to be made on demand. As in many of our earlier statutes, we have added that if the request was made by parliament, companies should make a return, but only on request. It was thought it would not be necessary, where so many hundreds and thousands of companies are in existence, that in all cases they should file a return.

Hon. Mr. LOUGHEED—I quite agree with my hon. friend in reference to the point he has just dealt with. The English Act is extremely cumbersome in the matter of prying into the domestic arrangements of companies without any good results being obtained therefrom. It seems to me to be uncalled for that a company, for instance, a private corporation, should be compelled annually to make a return to the government of their stockholders, and the amount of stock paid up, and of many other domestic concerns of that nature, which should not be disclosed to the public, and which cannot contribute to public utility. I quite agree with what my hon. friend has said, that every facility should be given to shareholders and others to make demand upon the company for the purpose of securing as much information as would be necessary to apprise those interested in the company to become seized of the company's business, and of any other information desirable to obtain, but there is much of the machinery in the English Act which could with advantage be rejected, and I am very glad to see that my hon. friend has left it out of the Bill.

Hon. Mr. WOOD (Hamilton)—I should like to know whether those returns apply to companies now in existence, or only to those obtaining charters under this Act?

Hon. Mr. SCOTT—It would not be retroactive. It would only apply to companies which came in under the law itself.

Hon. Mr. LOUGHEED—What provision have you made for existing companies coming under the Act?

Hon. Mr. SCOTT—I have made this provision, which is important and an innovation of my own. There is a clause in that Bill which authorizes the parties holding a provincial charter to make application to the Secretary of State and take a charter out under the now proposed law, and enabling them to do business over Canada. I go further: that any company duly incorporated in the United Kingdom, or any company duly incorporated in any foreign country, on making application to the Secretary of State and satisfying him that the company is in good standing, and that no public or private interests will be affected by recognizing it, is also enabled, on complying with certain necessary conditions, to take out a charter in Canada. I think that is a very valuable feature, for I find now there are in the United States a considerable number of companies that are being organized for the purpose of developing industries in Canada and bringing capital into Canada. My opinion is we will get more United States capital into Canada for the development of our industries than from the other side of the Atlantic, and I have thought it well that where companies organized in the United States apply for charters here, if they satisfy the authorities that they have been duly incorporated, and

are a company of character and possessed of capital, they should be incorporated here. An Act was passed here three years ago authorizing mining companies which held charters of incorporation in either British or foreign lands to apply to the Secretary of State for a license to mine, and many companies are now working under licenses of that kind in the Yukon and in the North-west Territories. All they have to do is to produce their charter and give substantial evidence that it has been properly issued and that the company is in good standing, and a license is granted them to carry on their business under that charter. As a matter of fact, many foreign companies are really doing business in Canada without any authority whatever. They are recognized practically by the courts, and no notice is taken of it.

Hon. Mr. McMILLAN—As ordinary companies ?

Hon. Mr. SCOTT—Yes. Nearly one-third of the insurance companies of Canada are American. They, however, have to deposit with the Receiver General a certain sum of money, depending on their capital and the amount of business they do in Canada, in order to secure the parties who may be assured in Canada. I mention that to show that we do now allow foreign companies to do business in Canada.

Hon. Mr. LOUGHEED—There is very much in that which my hon. friend from Hastings has said with reference to the conflict existing between the federal powers and the provincial authorities as to federal charters. Of course nothing that this government can do can possibly disturb the rights of the provinces to powers within the competency of the province ; but it seems to me that this government could with very great advantage to the public, and particularly to incorporated companies, approach the various provinces of the Dominion and arrive at an understanding to obtain throughout the whole of the Dominion touching those federal corporations doing business in the various provinces and over which the provinces may exercise authority. The conflict has become so acute between the federal power and provincial authority, that we find the legislatures of the various provinces frequently passing legislation of a most vexatious character so as to handicap and prevent federal companies from doing business. Business of recent years has assumed such a comprehensive nature, that any ambitious corporation—that is a corporation that would come within the purview of the province feels that they are called upon to take out a federal charter for the purpose of doing business throughout the Dominion. It is only a company of a very narrow and contracted kind that would be content to do business within any province alone. Consequently we find the legislation of which I have spoken hostile in terms against those companies. It seems to me this government should be able to approach the provinces and have an understanding with reference to that class of legislation. Our courts are constantly dealing with this question, and of course friction is promoted by reason of it.

Hon. Mr. DANDURAND—In what province ? There is nothing of the kind in Quebec.

Hon. Mr. LOUGHEED—I am more familiar with the legislation of the west. If any one will look at the statute-books in most of the English-speaking provinces, he will find legislation of such a character as I have spoken of, directed against the doing of business by companies empowered by the federal government to do business throughout the Dominion. I refer to those companies which could be incorporated within a province, and with which the province has power to deal. I am pointing this out and particularly to the Secretary of State at this time, as it is a matter which should have been dealt with before. Take for instance the territorial assembly, a legislature that can only legislate subject to legislation of the Dominion parliament, and yet that legislature, although it is subordinate to the Dominion parliament, and has not all the rights of a province, has passed legislation of a most aggravating character, compelling companies that have been incorporated by letters patent to do business throughout the whole Dominion, to take out license, and conform to restrictions, which have resulted in many companies withdrawing from doing business in the territories, and also preventing many companies from doing business within the territories which otherwise would. There is

a large and undeveloped district of country which affords an excellent field for corporations such as loan companies, and other corporations of that character ; yet we find this legislation on the statute-book blocking them. Appeals have been made to the Dominion government for the purpose of disallowing this legislation, and the Dominion government, although I fancy disapproving it, yet permits that legislation to remain on the statute-book. That, I would point out to my hon. friend, is something for the immediate consideration of the Dominion government, so that the legislation may be disallowed. The time for disallowance is not expired. It is the duty of the Dominion government to make full examination of this legislation for the protection of those companies which have been chartered by them to do business throughout the territories, and if possible to wipe out that class of vexatious legislation, which is capriciously passed and has the result of handicapping the expenditure of capital.

Hon. Mr. SCOTT—The hon. gentleman's strictures are well founded. When I referred to the Act passed by the North-west Territories, I found it was just what my hon. friend has described. It was an Act putting federal companies on the same basis as foreign companies. In their definition they make all companies foreign that do not hold their charters from the territories, or the particular province. No doubt that Act is ultra vires, and it probably will be disallowed, but the other provinces are also sinners in that regard—Ontario, Manitoba and British Columbia. They are all encroaching on the powers of the federal authority, and naturally there has been hesitation to disallow the Acts because it leads to great embarrassment, and because many parts of the Act are in the right direction. The subject has frequently been before the Justice Department, and they have discussed it and got into a controversy over it, and there is just that disinclination to disallow it when they make a half promise to amend it. The only plan to adopt is the rather severe one of disallowing those Acts, because there is that disposition in all the western provinces, which does not exist in Quebec or the maritime provinces. In Ontario and the west they are constantly infringing on the prerogative of the federal authorities, and making it very embarrassing for companies which hold charters from the Dominion, to do business, which is contrary to the constitution of the country.

Hon. Mr. LOUGHEED—Why should not those Acts be disallowed ?

Hon. Mr. SCOTT—That is my view of it at any rate.

The Bill was read the first time.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, April 9, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

DISMISSAL OF THE POSTMASTER AT VERNON RIVER BRIDGE.

INQUIRY.

Hon. Mr. FERGUSON inquired :

1. Whether it is true that Daniel MacDonald, postmaster at Vernon River Bridge, Prince Edward Island, has been, or is to be, removed from office ?
2. If so, for what reason ? Have any charges been preferred against him ? If so, state the nature of the charges and the name of the complainant.
3. If charges have been preferred, has an investigation taken place, and by whom ? What has been the finding of the party entrusted with the investigation ?

Hon. Mr. SCOTT—The answer sent me by the Postmaster General reads as follows :—Mr. Macdonald was removed from the postmastership of Vernon River Bridge because of his active political partisanship during the last Dominion elections and because of keeping intoxicating liquor on his premises in connection with the election, and allowing the post office to be made use of as a central place of meeting for party workers. The department being fully satisfied as to the accuracy of the charges did not deem a formal investigation necessary.

Hon. Mr. FERGUSON—Then there was no investigation ?

Hon. Mr. SCOTT—No more than was made by the department.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman says there was no investigation other than by the department?

Hon. Mr. SCOTT—No other than by the department.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman state who made the investigation?

Hon. Mr. SCOTT—I presume, from the answer of the Postmaster General, he received information which was sufficient to convince him the charges were correct.

Hon. Mr. FERUGSON—Was the postmaster notified of the investigation? He writes that he never heard of it.

CHARLOTTETOWN AND MURRAY HARBOUR RAILWAY.

INQUIRY.

Hon. Mr. FERGUSON inquired:

1. What sections and how many miles of the railway from Charlottetown to Murray Harbour are now under contract?
2. Do the contracts in progress include grading, tracklaying and ballasting, or what do they include?
3. Who are the contractors, or contractor?
4. Were these contracts awarded by tender after public competition had been invited?
5. What amount of money has been paid on these contracts up to the 31st of March ultimo?
6. At what date or dates is the work on these contracts severally required to be completed?
7. If these contracts, or any of them, are based on a price per mile for grading, tracklaying and ballasting, or any of these operations, give said price?
8. If not based on a price per mile, state on what basis regarding price these contracts have been made.

Hon. Mr. SCOTT—I have already given the answer to that question that was furnished me; I have inquired of the department and they still adhere to the correctness of that answer.

Hon. Mr. FERGUSON—My opinion is—and I am quite certain of its correctness—that other sections besides this one are under construction and have been for a considerable time. It is quite impossible that the answers can be correct.

Hon. Mr. SCOTT—The hon. gentleman's question reads 'under contract.' They may attach importance to that; I really do not know. The question is how many sections and how many miles are under contract. I scarcely think they would use that objection to it.

Hon. Mr. SCOTT.

Hon. Sir MACKENZIE BOWELL—It may be just possible the work is going on without a contract being entered into.

Hon. Mr. SCOTT—Possibly.

Hon. Mr. FERGUSON—That would be inconsistent with the former answer, that the work was done by tender. I asked that question, and the answer was yes.

MILITIA REGULATIONS AND ORDERS.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. In what year were published the last regulations and orders for the Militia of Canada?
2. Has the French version of these regulations ever been published, and in what year?
3. If such version has never been published, why?
4. Does the government intend to put at the disposal of the French officers of the Canadian militia the French version of the aforesaid regulations, and when will it be distributed?

Hon. Mr. SCOTT—The answer sent me by the department is as follows:

1. 1898.
2. No.
3. Because the issue was a provisional one.
4. Yes, shortly.

Hon. Mr. LANDRY—Is it still a provisional one? Is there a new issue or the same one.

Hon. Mr. SCOTT—I do not know.

SUPERIOR COURT JUDGES OF QUEBEC.

MOTION.

Hon. Mr. LANDRY moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid upon the table of the Senate a copy of the Orders in Council appointing:

1. The Honourable Mr. Wurtele, one of the judges of the Court of Appeal for the province of Quebec, chairman of the commission for the revision of the statutes of the Dominion of Canada.
2. The Honourable Justice François Langelier, one of the judges of the Superior Court of the province of Quebec, a judge of the Court of Appeal of the same province, in the room and place of the said Honourable Judge Wurtele.
3. Cancelling the aforesaid appointments.

Together with a copy of all correspondence exchanged on the subject of these appointments and the cancellation thereof.

Hon. Mr. SCOTT—I am not aware that there is any Order in Council. There is no objection to the order going, assuming that

the hon. gentleman believes there is such an order. If there is it will be brought down.

The motion was agreed to.

BILLS INTRODUCED.

Bill (37) An Act to incorporate the Sprague's Falls Manufacturing Company (Limited).—(Hon. Mr. McHugh.)

Bill (49) An Act to confer on the Commissioner of Patents certain powers for the relief of John Westren.—(Hon. Mr. Kerr.)

Bill (46) An Act to incorporate the Strait of Canso Bridge Company.—(Hon. Mr. McHugh.)

MONTREAL, OTTAWA AND GEORGIAN BAY CANAL COMPANY'S BILL.

THIRD READING.

Hon. Mr. CLEMOW moved the third reading of Bill (I) An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company.

Hon. Mr. WOOD (Westmoreland)—Before this Bill is finally disposed of, I should like to direct the attention of the hon. leader of the House to the point to which I called attention when the Bill was before the House for second reading. It is well known that the Minister of Public Works has suggested to the other House, or through the press in a public speech, that he has under consideration the propriety of the government taking up a portion of this canal as a government work, that is the portion between Georgian Bay and Lake Nipissing. There is also, as we all know, an opinion entertained by a great many people in the country, that a work of such great importance as this should be a national work, and that it should ultimately belong to the government and be entirely under government control. I am not prepared to say at present that I endorse that opinion, but I wish to call attention to this, that very important changes may take place within the next ten years, public opinion may develop in that direction, and it may become necessary for the government, within the next ten years, to acquire possession of this important work, and finish it, if commenced, and own it afterwards as a government work. If this Bill passes in its present form without an amendment, it will tie up the hands of the government for the next ten years. For the next two years a company will have control of the work—that is, the government will not be in a position to undertake any portion of the work whether it is commenced or not. After the next two years, and for eight years afterwards, the smallest amount of work which may be undertaken by the company will be sufficient to give them control of the project and prevent the government from interfering with their operations. It will therefore be seen that the hands of the government will be tied up for the next ten years, and that there is no release possible except in one way. There is a provision in the original charter of this company that the government may at any time take over the work, and the way is fixed in the Act by which this can be done. The company appoint an arbitrator and the government appoint an arbitrator, and they two appoint a third arbitrator, and these arbitrators are to settle the amount which the government are to pay the company in case they take it over, but that clause contains this provision :

> That the arbitrators in such valuation may take into account the expenditure of the company, its property, the business of the canal and other works thereby authorized and its past and prospective business, with the interest from the time of the investment thereof.

Now, it appears to me it would be very difficult indeed for any set of arbitrators before this work is completed to estimate its prospective business. That might be a very good way of settling the value which the government should pay the company after the work is completed and in operation, but during the ten years that construction is going on, if the government decide to take the work over at all, it would appear to me they would have to proceed upon some different basis. It is not for me to suggest that basis; it would be a matter of negotiation with the company. A reasonable plan would appear to me to be to pay the company for any expenditure which they had incurred up to the time the government had decided to take it over, and a reasonable percentage of profit upon the money which they had invested. That would appear to me to be a reasonable way for the government to acquire possession of the works during the period of con-

struction. The method, and the only method proposed in the Act, appears to me to be really impracticable during the period of construction. The suggestion which I made before was that the government should negotiate with the company, and, when they are passing this Bill, altering a clause in the charter, they should also deal with this other clause, and in view of the importance of this work and the length of time it will be locked up during the construction, that some provision should be made by which the government could acquire possession of it on reasonable terms if they desire to do so before it is completed.

Hon. Mr. CLEMOW—It is altogether between the government and the company. Whatever that arrangement may be, I do not know, but there is one thing very certain, the government are not very likely to take this out of the hands of the company so long as it is under construction, because during that time they are not called upon to pay a solitary dollar. That may ease the hon. gentleman's mind so far as that is concerned. Whatever arrangement the government make, they will of course carry out. So far we have nothing to rely upon except the charter. What the ultimate arrangement may be with the government, no one can say. I have no doubt the government will act liberally, seeing the importance of this work, in order to arrive at a solution of the whole difficulty. We had the other day an eminent engineer here who gave his opinion, which I am sure every one who heard him, listened to with delight, and I have no doubt that he is ready to proceed with that work, which will be carried on steadily to the entire satisfaction and benefit of the country at large. Whether the government intend to take this canal over after it is constructed, I cannot say, but these are matters which will be settled before the work is finished; therefore there can be no misunderstanding in the future. I would have no objection to the government taking over this work if they are satisfied they could do it as economically and quickly as the company, but so far our experience has been to the contrary. However, that is apart from this Bill. The Bill simply asks that a certain extension of time may be granted to the company. Some gentlemen thought it should be made longer, but I do not think that is necessary. This company has already expended some $90,000 in making plans and surveys. They have surveyed every inch of the route from Montreal to Lake Huron, in order to arrive at data which cannot be misunderstood. I hope hon. gentlemen will be satisfied with this explanation. I do not know what the Secretary of State may be able to say, but I presume it will be on the same lines. Whatever the government undertake to do they will carry out, and I have no doubt this work will be found to be of great advantage to the country. It would have been of great advantage had it been carried out years ago, and it would have been constructed if poor Ottawa had not been side-tracked, as usual, in favour of other places. I do not despair of seeing the canal in operation, even at my time of life, and once it is in operation the country will be as surprised at its value as they were at the results which followed the construction of the Canadian Pacific Railway. As I understand, the government intend to make some proposition to this company, which is acting in good faith. It continues to disburse its money liberally and to make its plans as perfect as engineering skill can suggest. I hope the Bill will be allowed to go to the other House, where it will be discussed as they think proper.

Hon. Mr. LOUGHEED—The hon. gentleman from Rideau division does not seem to appreciate the point taken by the hon. gentleman from Westmoreland. I did not know the hon. gentleman had raised the point at the second reading, but when this Bill was before the committee yesterday, I asked the engineer who was explaining the project to the committee, if the company had taken into consideration the probability of the government proceeding with the French River improvements, a question which I understand has already received serious consideration from the government, and which the Minister of Public Works has intimated will be proceeded with at an early date as a government work. Now it must be manifest to the government, as well as to every hon. gentleman in this chamber, that there will be a conflict of authority or of rights with reference to that portion of the work. The Bill unquestionably gives to the company the right to carry out this scheme in its entirety, including

the French River portion. If the government should proceed with that part of the work, what will be the relation of the government to the company, or the attitude of the company, in regard to this invasion of its rights, to the government? If the government have given consideration to the French River improvements, they should reserve to themselves powers in this Bill by which the rights of the company should be restricted to that extent. It is a matter for my hon. friends who represent the government here to state what attitude the government is prepared to take on the question, but there will seemingly be a conflict of rights, judging from the information given by the government in regard to the French River.

Hon. Mr. MACDONALD (B.C.)—This is entirely in the hands of the government. I do not suppose any work will be done unless the government come forward with a subsidy. I think my hon. friend would never suggest for a moment that a great work of this kind should stand still. Where would the other great works of the country be if that theory had been acted upon. Where would the Canadian Pacific Railway have been if we had waited for the government to take it up? Supposing at any time the government should wish to take this over, they can do so at a valuation.

Hon. Mr. WOOD (Westmoreland)—I think the hon. gentleman has not apprehended the point of my remarks. If the government wished to take this work over after this Bill passes, they have only one way of doing it, and that is the way fixed in this charter, by arbitration, but I claim that during the course of construction the government cannot take it over. It is really impracticable to take it over that way, because, according to the wording of this Act, they must take into consideration the prospective earnings of the canal, of which it would be impossible to form any estimate. The point I wished to call attention to was this: Supposing the company, as they have ten years to complete this work, expend say $100,000 on it and then suspend operations that locks it up for the whole of the ten years, because the work has been commenced, and the company has ten years to finish it. The government cannot take it over during that time, or make any other arrangement for its completion, unless they step in, as provided under this section of the Act, and pay the company the damages which may be assessed, including the prospective earnings of the canal. The suggestion I wished to make was, that there should be some provision which would fully protect the interests of the company, and which should provide some equitable arrangement, in case the company fail to go on with the work, by which the government can take charge of it at any time during the period of construction and let it to another company or build it themselves on paying the existing company the amount expended by them with a reasonable sum as profit.

Hon. Mr. MACDONALD (B.C.)—I think the time within which the company should commence and complete the work might reasonably be shortened, but there is no danger of the government taking this up at any time. If they choose to do so, it is quite open for them, and there should be no obstacle in the way of this company going on with this great national work. I hope myself to see it go on.

Hon. Mr. SCOTT—One or two friends have rather foreshadowed the policy of the government. They have stated what is practically known to everybody, that the government has made no arrangement with this company. The matter has been discussed, but no conclusions have been reached, and under these conditions our debate is purely a hypothetical one. I do not agree with the hon. gentleman from Westmoreland that should the government of Canada at any time propose to take over the work, and there were only one hundred thousand dollars expended on it, that a company that contemplated expending $80,000,000 would have claims for damages on the future working of the canal. It is idle to enter on that branch of the subject at present. The government have not come to any conclusion as to the course they would pursue on it. They have not given the company any encouragement. The company got a charter from parliament. They still hope, no doubt, that the time may come when the people of Canada may sufficiently appreciate the work to induce the government to aid its construction, or build it as a public work, and take it off the con-

tractors' hands, but so far as the government are concerned, they are perfectly free as to the policy of the future.

Hon. Mr. LOUGHEED—The hon. gentleman is begging the question. Supposing the government go on with the French River improvement, what relations will they have with the company ?

Hon. Mr. SCOTT—I cannot answer a hypothetical question.

Hon. Mr. LOUGHEED—A member of the government has stated they may build the French River section as a public work.

Hon. Mr. SCOTT—A member of the government has some freedom in stating what his views are, but the government have not come down with any policy on that subject.

Hon. Mr. WOOD (Hamilton)—Is it the intention of the company to proceed at once with the construction of this work without first having a contract with the government to pay 2 per cent on the expenditure ? If these people are prepared to go on and take their risk, there should be no trouble with the Bill, because I am quite satisfied that no government, so far as I can remember, in the past, ever thought of committing the country to an expenditure of $2,000,000 a year for the purpose of constructing that work, and I am quite satisfied that the government now in existence are too intelligent and too able a government to have committed this country to any such scheme as that proposed by the Bill now before the House. Therefore, I would ask the hon. gentleman if the company are going to take that risk themselves, whether they are going to get the government, or any one else, to guarantee that two per cent interest. It appears to me it would be like the Chignecto undertaking. In that case the foreign bondholders are after the government all the time asking them to relieve those who hold those worthless bonds in Scotland and other places. If this scheme is undertaken, it will be something of the same kind, because I am satisfied no English capitalist, unless the government guarantee the interest, will invest one dollar in any such enterprise. The engineer who appeared before the committee yesterday, certainly a very intelligent gentleman, admitted frankly that the estimate of $83,000,000 might be fairly increased by at least twenty per cent.

Hon. Mr. SCOTT.

Hon. Mr. OWENS—No, no.

Hon. Mr. WOOD (Hamilton)—That would make it over $100,000,000, and I have heard a much larger estimate for the completion of the work. I do not think we should put on the statute-book any law that would induce foreign capitalists to come in here to invest money that there was no possible chance for them to get out of the country again. It is simply, as I said before, another Chignecto work to damn the credit of the country for years to come. I hope this Bill will not be allowed to go any further. The canal will never earn enough to pay the lock tenders. I am quite sure the country has had enough of that sort of work. Our St. Lawrence canals differ altogether from this. They have a much longer time for navigation, yet even those of our canals that have a longer period of navigation do not pay to-day the interest on the money spent on them. To invest $150,000,000 to $200,000,000 on a scheme of this kind, is preposterous to think about.

Hon. Sir MACKENZIE BOWELL—It seems to me that this whole discussion has taken a very wide range, altogether beyond the intention of the hon. gentleman for Westmoreland. He was only pointing out the provisions of the present law and the extent to which it would affect the government in case they should assume the responsibility of carrying on the work, he said not one word either against or in favour of it, but it seems to me, from the expression of the Secretary of State, that the government has not arrived at any decision as to what course they intend to pursue on this question, and therefore cannot give an opinion on a hypothetical case. The very fact that the government has not a policy is the strongest possible reason why provision should be made in the law to protect the country in case these parties should go on with the work and the government afterwards make up their minds to assume the responsibility of completing it. If I understood the hon. gentleman from Rideau a few moments ago; he said the company had already spent $90,000 on this work.

Hon. Mr. CLEMOW—Yes.

Hon. Sir MACKENZIE BOWELL—Supposing the scheme propounded by the Min-

ister of Public Works, of constructing the French River section of this canal by the government is carried out and becomes the policy of the government, then, under the statute which has been read by the hon. senator from Westmoreland, the government would take at once the responsibility, not only of repaying that $90,000, but of paying all prospective profits which might arise upon any traffic that might take place in the future. All that the hon. gentleman asked was that in making the amendments, to which no one has taken any objections, provision should be made to protect the country in the event of that taking place which I have indicated. That is the position taken by the hon. gentleman. He did not speak of the feasibility or practicability of the route or its prospective success. I have heard statements of a similar character to those of the hon. gentleman from Hamilton made, in reference to other great enterprises in this Dominion, and they have been seriously at fault, very much to the interest of this country. I heard it declared on the floor of parliament by the most eminent leaders of the hon. gentleman's party, that the Canadian Pacific Railway would never earn enough to pay for the grease to lubricate the axles of the trains. I heard another gentleman say that all the wealth of England could never construct that road in ten years. I heard another eminent railway man, to whom my hon. friend from Monck called attention yesterday, Mr. Thompson, then representing the county of Welland, declare upon his responsibility as a railway man, that the ties upon the eastern section of the Canadian Pacific Railway would be all rotted out before the ties could be laid on the western end of the road. All these predictions have been proved to be the utterances of false prophets. The Canadian Pacific Railway stock stands to-day at 115, notwithstanding the gloomy predictions. While I am not enamoured of this scheme from a financial standpoint, it is a scheme which should be carried out in the defence of this country. We are not called upon to discuss that aspect of the question now, but I believe it is of sufficient importance to this part of the empire that the imperial government should assist in the construction of that canal and interest themselves in the manner it is proposed to construct it, we know what took place in the past—that after the war of 1812 the British government spent a great many million dollars in order to construct a little ditch to enable us to get around by the Ottawa to the upper lakes, when we consider the magnitude of that work at that time, as compared with the position of Canada to-day, and its importance in the eyes of the world, we should not be too pessimistic in looking at these great projects.

Hon. Mr. WOOD (Hamilton)—Why did not the hon. gentleman, when he was head of the government, take action on it then if he was so enamoured of it? His party was eighteen years in power and they did nothing with it.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman's interruption is totally irrelevant. He might just as well ask why the Canadian Pacific Railway was not built fifty years ago. If he will look at the history of this country, he will find that the connection of the eastern portion of the Dominion with the Pacific was proposed years ago. He may remember that a gentleman came down here and proposed to build such a line long before they were in a position to construct it. I might as well ask him why he did not establish the large wholesale business that he now carries on, fifty years ago, when he was a good deal younger than he is now. He was not in a position to do it, and consequently did not do it. But when he grew up, he was able to do that which he could not have done when he was younger. This country is able now to do what it could not do when the Conservative government was in power. The hon. gentleman should remember a country grows just as an individual grows, and has the ability to do that to-day which it could not have done twenty-five years ago, and, moreover, is justified in doing it; I think the Secretary of State, as the hon. gentleman from Calgary said, rather begged the question. It strikes me, and I think it also strikes others, that there is very much in the point raised by the hon. gentleman from Westmoreland, and that the fact that the government has no policy on this question is the best possible reason why we should protect the country against any difficulties

which might arise in the future, and at the same time protect the country against any serious loss owing to the expenditure which the company may have incurred in promoting a great national work.

The motion was agreed to, and the Bill was read the third time, and passed.

THIRD READINGS.

Bill (26) An Act respecting the Quebec and Lake Huron Railway Company.—(Hon. Mr. Landry.)

Bill (21) An Act respecting the Port Dover, Brantford, Berlin and Goderich Railway Company, and to change its name to 'The Grand Valley Railway Company.'—(Hon. Mr. McCallum.)

Bill (24) An Act respecting the Windsor and Detroit Union Bridge Company.—(Hon. Mr. McCallum.)

BUFFALO RAILWAY COMPANY AND INTERNATIONAL RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. McCALLUM moved the third reading of Bill (31) An Act respecting the Buffalo Railway Company and the International Railway Company.

He said : This is a Bill, which on a former occasion, I opposed very strongly, but having seen a list of the stockholders, I am satisfied that they are men who are good honest Canadians and loyal to the country.

Hon. Mr. WOOD (Hamilton)—Conservatives ?

Hon. Mr. McCALLUM—I hope they are. The hon. gentleman may consider that an objection, but I do not. My reason for opposing the Bill last year was I know that on the other side of the river there are a great many men who are not friendly to Great Britain or to Canada. That has been proved, because they have come across these very bridges, which I do not want to see in the hands of the United States, and we have three of them in the penitentiary for crime committed in this country. They would have destroyed the Welland canal and drowned a lot of people if they could. I refer to this to justify the position I took and the strong opposition I gave to the Bill before. Now, I am satisfied with it and am assisting to promote it.

The motion was agreed to, and the Bill was read the third time, and passed.

SECOND READINGS.

Bill (22) An Act to incorporate the Board of the Presbyterian College, Halifax.—(Hon. Mr. Ferguson.)

Bill (47) An Act to incorporate the Canadian Manufacturers' Association.—(Hon. Mr. Jones.)

Bill (14) An Act to incorporate the Indian River Railway.—(Hon. Mr. Godbout.)

ALGOMA CENTRAL AND HUDSON BAY RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. LANDERKIN moved the second reading of Bill (O) An Act respecting the Algoma Central and Hudson Bay Railway Company.

Hon. Mr. SULLIVAN—I should like the hon. gentleman to explain what point on Hudson Bay is to be the terminus of this railway. This illustrates the impossibility of profiles or survey being made on all occasions. I should like to know—the hon. gentleman no doubt has studied the matter well—what particular place the company propose to locate the terminus at.

Hon. Mr. LANDERKIN—I understand James' Bay is to be the point.

The motion was agreed to and the Bill was read the second time.

SECOND READINGS.

Bill (P) An Act respecting the Manitoulin and North Shore Railway Company.—(Hon. Mr. Landerkin.)

Bill (44) An Act respecting the Tilsonburg, Lake Erie and Pacific Railway Company.—(Hon. Mr. McCallum.)

Bill (25) An Act respecting the St. Clair and Erie Ship Canal Company.—(Hon. Mr. McCallum.)

METROPOLITAN BANK INCORPORATION BILL.

SECOND READING POSTPONED.

Hon. Mr. McMULLEN moved the second reading of Bill (Q) An Act to incorporate the Metropolitan Bank.

Hon. Mr. LANDRY—I object to the second reading of the Bill. It has not been distributed.

Hon. Mr. SCOTT—Seeing these Bills on the order paper, I sent a page to the distribution office, and he tells me they are not in the distribution office.

Hon. Mr. LANDRY—How is it they are marked as printed, when they are not ?

Hon. Mr. SCOTT—It is a mistake by somebody.

The second reading was postponed until to-morrow.

BOARDS OF TRADE INCORPORATION BILL.

FIRST READING.

Hon. Mr. SCOTT introduced Bill (S) An Act amending the Act incorporating Boards of Trade. He said: In the province of British Columbia a number of the mining towns have been recently applying for the incorporation of boards of trade in their respective communities, and it has been found that as they have not 2,500 of a population within the limits of the town, the incorporation cannot be proceeded with. In the Act authorizing the incorporation of boards of trade there is a definition given to the word district. If the town has not 2,500 population, if there is in the district 2,500, then the board of trade can be incorporated under the Act. The definition of a district reads as follows:

> District means a city, town, village or judicial district within and for which a Board is established under this Act.

In the province of British Columbia they have not judicial districts and the Justice Department has given the opinion they could not be incorporated, and it has led to a good deal of dispute. I propose to correct it by this Bill.

Hon. Sir MACKENZIE BOWELL—The same difficulty might arise in the Yukon district, and it would be as well, while the hon. minister is dealing with it, to add that district.

Hon. Mr. SCOTT—Yes, it is just as well to add that.

The Bill was read the first time.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, April 10, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (T) An Act to incorporate the St. Joseph and Lake Huron Ship Canal Company.—(Hon. Mr. Landerkin.)

THE GEOLOGICAL MUSEUM.

INQUIRY.

Hon. Mr. POIRIER rose to inquire of the government:

1. Has the government begun the works of construction of the new Geological Museum in accordance with the ministerial statements of last year ?
2. If not, when does the government propose to begin these works ?
3. Will there be a sufficient amount voted anew this year to commence in earnest the construction of the museum ?

He said: A sum of $50,000 was put in the estimates, last year, for the construction of the new Geological Museum, which was to be called, very appropriately, the Victoria Memorial Museum. The minister at that time did not know where the building would be put, whether on Nepean Point or elsewhere. He ignored also the question as to whether it would be solely and merely a geological museum, or whether it would include the Supreme Court, the Exchequer Court, the Fishery Exhibit and the Art Gallery. He stated that if it were to be solely a Geological Museum, the cost would be half a million dollars. As to the importance of the building, he expressed himself in the most emphatic and the very strongest language, stating that he himself and his colleagues were 'criminal in delaying the construction of that museum so long.' Now, hon. gentlemen, a year has elapsed since those ministerial declarations were made, and we see—I see at least—no trace of any beginning of our national museum. We do not know more than we did last year as to where it is going to be located. We do not know the plan which the government have adopted, whether it is going to be solely a museum or whether it is going to include the Supreme Court, the Ex-

chequer Court, the National Art Gallery and the Fishery Exhibit. I think, hon. gentlemen, it is time that we should know something about it. What makes the situation more grievous is the fact that the ministry, and the Minister of Public Works particularly, deemed themselves 'criminal' last year for not having commenced the construction before, and they must certainly be in a deplorable state just now, after another year in the state of criminality, or I might add, mortal sin, in which they have been plunged for the last year. Mr. Tarte, particularly on account of the discipline of the particular church to which he belongs, should not stand in a state of perdition and damnation more than one year. We should know something about all this. The importance, and the necessity—the urgent necessity, for building that museum, I need not dwell upon. It is admitted by everybody we should have another museum, isolated, not exposed, as the one we have now, to any conflagration which would destroy collections which are very valuable, many of them unique, specimens that could never be replaced—a treasure accumulating since confederation and long before. It is the duty of the government to take immediate action on this matter, and if they do not, it is the duty of the House to urge that a proper museum be constructed, a fireproof building, in which the priceless accumulation of specimens should be beyond the reach of fire and accident. We are proud of the strides that our country is making in its development. We are glad to see the government here follow closely upon, and, in some respects, even going ahead of the other government in doing everything they can to promote the development of our Dominion. We must not forget, however, that the mineralogical branch to which I refer is one of the most important departments of our national resources. If we have made strides in commerce, in imports and exports, our progress has been still larger in the development of our mineral wealth. I, for one, believe that our Dominion of Canada, as it is now, stretching from Halifax to British Columbia, and very likely a little later on, extending to include the rich island of Newfoundland, when the French shore question is settled—that our Dominion abounds in mineral wealth of all kinds, from diamonds down to structural materials as much as any country, and perhaps, when fully developed, ahead of any other country in the world. Reading the latest reports to hand, I find that the whole output of our mines in 1886 was, in round numbers, ten millions of dollars. In 1896 it had more than doubled; it was 22 millions of dollars. Four years later, it had more than trebled the last figure. It had run up to 64 millions of dollars all told. That is an immense stride, an increase of six-fold since 1886, and multiplied three times in the last four years. No doubt, the report to be issued this year will show a still larger increase. It is unfortunate that we pay so little attention to that branch of production, when we pay so much attention to others. The Geological Survey and staff form a technical bureau, devoted specially towards giving the people a knowledge of the undeveloped wealth of the country, and they should be properly cared for. We should have the new museum at once. I would beg the government not to erect, especially if the building is to be put on Nepean Point, such a building as the Printing Bureau. If we wish to make Ottawa anything like a Washington of the north, that building will have to be pulled down. It is architecturally almost a disgrace to the city. It may answer the purpose it was intended for, but it certainly does not harmonize with the natural beauty of Nepean Point, the continuation of our Major's Hill. That building will have to be pulled down ere long, in my estimation, if we are not to make unsightly a city destined by nature to be beautiful. If the government intend to build a Geological Museum, I would ask them very earnestly to consider architectural beauty, without, of course, impairing the utility of the building. Going back to the importance of this question, I find that in almost all branches of mineral production we are today in a position to compete with the rest of the world. Starting with Nova Scotia, we have there bituminous coal, we have iron ores, we have fluxes, and we have gold in quantities only surpassed in the Dominion by the gold fields of the Yukon Territory. In fact, the Nova Scotia gold fields now are pronounced by experts to be equal to the best gold areas of Australia. Coming to New Brunswick, we have there gypsum, manganese—the finest manganese deposits in the world. True, it is handicapped now by special legislation which puts it on such

a basis that it cannot be prospected, but the fact of the matter is, we have in New Brunswick and Nova Scotia, the finest manganese to be found. Coming to the province of Quebec, I read in to-day's paper a report of Mr. Obalski, in which he states that the output of asbestos alone, for last year amounted to $1,285,000. The asbestos of the province of Quebec is the best in the world. So with phosphates, which are well comparable with those of Norway and Sweden. Quebec has chromic iron and mica, unsurpassed in any country in the world. Ontario is developing into a gold mining country. Two or three years ago large deposits of corundum, the finest to be found were discovered in central Ontario and the mines are being developed largely. The nickel ores of Ontario are unsurpassed in quality and extent, and we have New Ontario, which is undeveloped so far, also abounding in minerals. I need not mention the Yukon, or the province of British Columbia, where are to be found all the precious minerals that are mined anywhere else in the world. Coal also exists there in immense quantities, especially in the Crow's Nest Pass—that is, I find it so stated in the 'Toronto Globe.'

Hon. Mr. TEMPLEMAN—The best in Canada.

Hon. Mr. POIRIER—I ask the government if they propose to do anything in this matter. The money is not wanting. There is an abundant revenue, and the hon. gentlemen on the treasury benches know how to spend it. I do not say they spend the revenue lavishly or wrongfully, but I hope they will expend at least half a million dollars of it in the erection of a geological museum in the city of Ottawa, which will be a benefit not only to the city but to the Dominion at large.

Hon. Mr. SCOTT—In answer to the hon. gentleman's question, I may say that I think we will all agree as to the importance of the early construction of the geological museum. That has been recognized for many years. I presume the reason it has not been undertaken before is due to the pressure there is for public aid for the very many enterprises that are constantly being brought to our notice, owing to the enormous expansion of business in recent years. Plans and specifications are now being prepared—I think are nearly completed—and there is a sum of money already in the estimates from last year, $50,000, towards the construction of the work, and an item is also in the estimates of the present year, so that I have no doubt the work will be commenced during the present season. It is the intention of the government to begin at as early a day as is practicable after the plans and specifications have been prepared. It was thought important, in erecting a building of that consequence, in order to have it thoroughly fireproof and adapted to the conditions for which it was to be used, that the architect should go into outside countries and examine buildings elsewhere. He is now giving us the result of that inquiry in revised plans that are, I believe, now about being completed, and just as soon as they are completed, tenders will be called for and the buildings put under way.

Hon. Mr. POIRIER—Could the hon. minister tell us if the government has decided whether it is going to be solely a geological museum, or if the Supreme and Exchequer Courts and the art gallery are to be in the same building ?

Hon. Mr. SCOTT—I am not able to speak definitely, but I do not think it is intended the Supreme Court room should be in that building. It may be that the art gallery might be there, although I am not really in a position to say how far that proposal might be carried out. The probability is that it will be exclusively for the purpose for which it was designed.

THE PRIMITIVE METHODIST LAND GRANT.

INQUIRY.

Hon. Mr. PERLEY rose to inquire :

If the date given in the answer to the question asked on Thursday, 3rd instant, 'viz., 30th June, 1896,' re the final settlement with the Primitive Methodist Colonization Company, is the correct date ?

Has there been no change made with the company in regard to those lands since the date given in the answer of the 3rd instant ; also, regarding the $26 scrip referred to, what is meant by it ? Does it apply to each quarter section, or how much land does it apply to, or what does it mean ?

He said : I am inspired to ask this question because I understand some of the residents

in the colony complain that there is very great dissatisfaction existing between the settlers in the colony and the head of the Colonization Company. I understand that the company's grant comprises some lands that were called scrubby, that they were not so readily worked for agricultural purposes as other lands occupied by settlers on the plains. I understand the government have exchanged those scrubby lands for good lands on the plains, that many of the settlers wanted for their sons and other persons there, and I understand there is a great deal of dissatisfaction as between the settlers and the company and the government in regard to those lands. That is what prompted me to ask this question. I have been requested to do it by those persons.

Hon. Mr. SCOTT—The answer sent to me by the Department of the Interior is as follows: The date '30th June, 1886,' is that of the Order in Council defining, in general terms, the mode of dealing with the colonization companies which desired a settlement. The dates of the Orders in Council providing for the final settlement with the Primitive Methodist Colonization Company are 1st July, 1886, and 17th September, 1886. There has been no change in the settlement so provided except the exchanges of lands mentioned in the reply to the inquiry of the 3rd instant. The amount of $26 in scrip was to make up the small deficiency in the area of land to which the company was entitled under the terms of the final settlement. This scrip does not apply to the lands of the company, but may be accepted at its face value in payment of any Dominion lands.

SECOND READING.

Bill (39) An Act to incorporate the St. Lawrence and Northern Railway Company. —(Hon. Mr. Godbout.)

The Senate adjourned.

THE SENATE.

Ottawa, Friday, April 11, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

Hon. Mr. PERLEY.

STATION-HOUSE AT PICTOU, NOVA SCOTIA.

INQUIRY.

Hon. Mr. PRIMROSE rose to inquire of the government:

Whether it is their intention to make provision in the supplementary estimates or otherwise for the erection of a new station house and the securing of suitable grounds, adequate to the requirements of the Intercolonial Railway passenger traffic at Pictou, N.S. ?

Hon. Mr. SCOTT—The supplemental estimates have not yet been prepared and I have not seen them. They have not been considered by council, and I am not in a position to answer the questions.

Hon. Mr. PRIMROSE—I just wish to say a few words with reference to what led me to place this question on the Order Paper. The station at Pictou is, in a sense, the terminal point of the Intercolonial Railway there, inasmuch as freight is carried by rail to the waterboard by steamers, and vice versa carried by vessels and steamers and transferred to the railway. The station-house is the one, with very slight alteration, which stood there originally. The whole freight traffic, as also the passenger traffic, of that important station is conducted in that little bit of a building. It is very small, one end of it being used as a gentleman's waiting room and the other as a ladies' waiting room, and the office itself is sandwiched between the two, a very small office, with a very large staff of clerks, very poor ventilation, and the wonder to the merchants of the place is how the business can be conducted satisfactorily under the circumstances. The freight business is large. I have under my hand a statement of the freight brought from Prince Edward Island during the months of January and February by the steamer 'Minto'—months during which the steamer has to go through ice in passing over the gulf from the island to the port. It will give the House some idea of the volume of freight that is carried for the time which I specified, and if the hon. Secretary of State is in a position to answer the questions which have been put on the Order Paper by the hon. Mr. Ferguson, I think my statements will be verified still further, that there is a very large and very important volume of freight business carried on there, and that the station-house

with its appointments is utterly inadequate to the proper management of the business. The idea was that a location might be provided further up town, towards the centre of the town, and the freight business be dissociated from the passenger business, the new station-house and grounds being used for passenger traffic, leaving the present station-house and grounds for freight traffic. This proposition would, in a large measure at least, meet the difficulty and simplify matters, and put them somewhat in the position in which they ought to be placed, and I imagine that one of the prime objects of the management of the Intercolonial Railway, as of all other railways, is to cultivate trade and so increase their revenues, and under the circumstances which I have recited, I think it would be only a wise and legitimate movement on the part of the managers of the Intercolonial Railway to make the arrangement which I specify. During the month of January, the steamer 'Minto' made 21 round trips between Pictou and Georgetown, carrying 311 passengers and 26,518 packages of freight. During the month of February the 'Minto' made 16 round trips, carrying 351 passengers and 28,875 packages of freight. Twelve thousand two hundred packages of freight, weighing 625 tons, were brought from the island, while 16,675 packages, weighing 850 tons, went forward. I hope, after the short statement I have given to the House, the government may be able to take such measures as will tend to improve the situation very much in regard to matters which I have recited. I thank the Secretary of State for the courtesy with which he has answered my questions. I am quite aware that the question has been put in a form that might be deemed inquisitive, but there are two kinds of inquisitiveness, one commendable and in the interest of the country, the other might be considered as having a flavour of impertinence. I have only to say that the latter is not the character of my question.

Hon. Mr. SCOTT—The hon. gentleman is quite within his rights in asking this question, and I shall be very glad to send a copy of his remarks to the Minister of Railways, because it rests with him, after all, to make a recommendation to council.

Hon. Mr. FERGUSON—I desire to add my testimony to what has been said by the hon. gentleman from Pictou with regard to the inadequacy of the terminal facilities at Pictou. The province to which I belong is deeply interested in those facilities, because there is a very large trade between the ports on the Prince Edward Island side and Pictou. I may say further, that the trade has very much developed in recent years, owing in the first place to the expansion of business, and the development of business in Sydney, Cape Breton, and also on account of the very large increase of our exports to Great Britain, making connection with ships sailing from the port of Halifax. I am in a position to say that the freight business between the province of Prince Edward Island and Pictou is to-day and has been within the last two years very much larger than the freight business with Pointe du Chene. In previous years it was altogether the other way. The larger part of the business went by Pointe du Chene and found an outlet from the province that way, while in the last two years a large volume of our exports finds an outlet by way of Pictou. The consequence of that is the facilities are very much overtaxed. I have many opportunities of observation at Pictou, and I do not know of any railway point where I find the facilities so utterly inadequate for the amount of work that is being done as at that place. I might add to what my hon. friend has said, that our winter business has hitherto been almost entirely with the port of Pictou, but there has been an extraordinary development of freight traffic between the province and the mainland in consequence of better communication that has been afforded by the steamers that have been employed within the last few years than those previously on the route, as the return for which I am about to move, will no doubt show hon. gentlemen, if they will take the trouble to look at it. I wish, therefore, not in any local interest at all, but in the general interest of the province I represent, as well no doubt to a great extent in the interest of the eastern part of Nova Scotia, to plead for better railway facilities at the port of Pictou than they have hitherto had.

Hon. Mr. ROBERTSON—I should like to add my testimony to what has been said by the hon. gentleman from Pictou and the hon. gentleman from Prince Edward Island. It is almost inconceivable how the

traffic at Pictou has increased of late years. While there last winter, the captain of the 'Minto' told me that the vessel takes as much in one trip now as the 'Northern Light' took in a month. The accommodations at Pictou are altogether inadequate. This last winter, on account of the 'Minto' meeting with a small accident, she was stopped sailing for two days, and the freight shed became so overcrowded that there was no room for freight. The station is altogether inadequate for the traffic that is conducted in it. It is uncomfortable, old, and not at all fit for a place like Pictou. I should like the Secretary of State to press on the government to improve the accommodation at Pictou as rapidly as possible. It is just as much a matter of importance to us in Prince Edward Island as it is to Pictou. The increase is due largely to the trade with Sydney, Cape Breton. That trade is increasing very rapidly and will continue to increase for years.

EARNINGS OF STEAMERS 'MINTO' AND 'STANLEY.'

INQUIRY.

Hon. Mr. FERGUSON rose to inquire of the government:

What have been the earnings and expenses of the steamers 'Minto' and 'Stanley,' giving the figures separately for each boat, and for freight and passengers for the following routes and seasons:—

1. Between Prince Edward Island ports and Pictou, for the season of 1900-01?
2. Between Prince Edward Island ports and Pictou, for the season of 1901-02?
3. Between Prince Edward Island ports and Tormentine, for the season of 1901-02? And also, will inquire what number of single and return trips were made by each of the steamers above named on each route and during each season, separately, and the date of each trip?

Hon. Mr. SCOTT—The answers to the questions put by the hon. gentleman are as follows:

1. Earnings 'Minto' freight, $8,711.29; passengers, $3,984. Expenses 'Minto' $41,322.34. Earnings 'Stanley' freight, $4,509.20; passengers, $2,054. Expenses 'Stanley,' $32,154.39.

2. Earnings 'Minto' freight, $5,538.45; passengers, $3,039.50. Expenses 'Minto' to 31st of March, $39,821.55.

3. Earnings 'Stanley' freight, $851.70; passengers, $1,844. Expenses 'Stanley' to 31st of March, $17,671.05. In 1900-01, the 'Minto' ran between Charlottetown and Pictou, and Georgetown and Pictou, and made 80 single trips on the following days: December 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30; January 1, 3, 4, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 28, 29, 31; February 1, 2, 4, 5, 19, 20, 21, 22, 23, 25, 26; March 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30; April 1, 2, 3, 4, and 7 returns trips on the following days; January 2, 5, 30; February 27; March 2; April 5, 6. In 1900-01, the 'Stanley' ran between Georgetown and Pictou and made 54 single trips on the following days: December 16, 22; January 10, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28; March 1, 2, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 23, 26, 27; April 2, 3, 4, 8, and made 13 return trips on the following days: December 25, 27, 28, 31; January 1, 2, 9, 29; March 28, 29, 30; April 1. In 1901-02, the 'Minto' was running between Charlottetown and Pictou and Georgetown and Pictou, and made 22 single trips on the following days: January 6, 7, 8, 9; February 18, 19, 22, 24, 25, 26; March 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 18, 19, and made 46 return trips on the following days: January 10, 11, 12, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31; February 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 20, 21, 27; March 12, 13, 14, 15, 17, 20, 21, 22, 24, 25, 26, 27, 28, 29. In 1901-02, the 'Stanley' was running between Summerside and Cape Tormentine, and made 14 single trips on the following days: January 15, 16; February 8, 10, 12, 13, 18, 20; March 3, 4, 22, 23; April 2, 3, and made 48 return trips on the following days: January 3, 4, 6, 7, 8, 10, 11, 13, 17, 18, 20, 21, 23, 24, 25, 27; February 14, 15, 17, 21, 22, 24, 25, 26, 27, 28; March 1, 5, 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 26, 27, 28, 29, 31; April 1.

EMIGRATION FROM THE UNITED STATES TO CANADA.

MOTION.

The Order of the Day being called.

By the Hon. Mr. Bernier:

That he will ask the government if they advertise in the United States with the view of promoting immigration in Canada therefrom? And if so, what are the names of the newspapers in which such advertisements are published, the cities or towns where they are published, and the costs of such advertisements in each case?

Hon. Mr. SCOTT—A very long paper will have to be prepared in answer to this question, and I think it would be better if my hon. friend would put it in the form of a motion for a return.

Hon. Mr. BERNIER—I have no objection. I beg to move, that an address be presented to the Governor General asking for the names of the newspapers in which advertisements are published for immigration purposes.

Hon. Mr. SCOTT—There is no objection to the motion.

The motion was agreed to.

BILL INTRODUCED.

Bill (35) An Act to incorporate the Nipissing and Ottawa Railway Company.—(Hon. Mr. McMullen.)

THE TRANSLATION OF THE DEBATES.

MOTION.

Hon. Mr. POIRIER rose to move the adoption of the first report of the Standing Committee on Debates and Reporting.

Hon. Mr. SCOTT—I would ask hon. gentlemen to let this order stand till Tuesday. I have been asked by some members to have this report stand.

Hon. Mr. POIRIER—If it is the intention of the government that it should stand, I bow to their decision, but otherwise I would prefer to proceed with it.

Hon. Sir MACKENZIE BOWELL—What object is there in asking to have a simple report of this kind stand?

Hon. Mr. SCOTT—I really know nothing about the facts. A member of the committee said he differed from his colleagues on an important point. It involves a considerable sum of money, appointing a translator, and I have not yet had an opportunity of inquiring into the necessity for it, and this gentleman who is on the committee said he could not be here this afternoon and asked to have it stand over.

Hon. Sir MACKENZIE BOWELL—It is not adding, as I understand, any additional expense. This gentleman who is now recommended for appointment has been in the service of the Senate for two or three years, and has proved himself to be a good translator. We very often have committees where one or two may differ from the others, but that is never considered a reason why a report should be laid over.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—It seems to me there is some other object in view.

Hon. Mr. SCOTT—I merely say, in answer to my hon. friend's observations, I know nothing about the facts. I did not know, until he made the statement, that this gentleman had ever been in our service.

Hon. Sir MACKENZIE BOWELL—Such is the fact.

Hon. Mr. SCOTT—Not knowing anything about the matter, it is rather a leap in the dark. The report before us gives no information whatever, and I am not in a position to express any intelligent opinion. The report itself is a bald one; it may be all right and probably is all right. I have no desire to object to it. My only object in rising was to ask that the report stand, as a couple of gentlemen who are interested in it could not be here to-day. I do not know whether this translator has ever been in our service before. He may have been. The hon. leader of the opposition says he has been for several years in the service of the Senate.

Hon. Mr. LANDRY—Why are not the gentlemen to whom the Secretary of State refers present?

Hon. Mr. DANDURAND—It is the member for de Salaberry division (Mr. Beique) who wanted to lay his views before the Senate, but he had an important engagement in Montreal this evening, and requested that this matter be adjourned until Tuesday, when he could be here.

Hon. Mr. LANDRY—Is the hon. gentleman a member of the committee?

Hon. Mr. DANDURAND—The hon. member from de Salaberry is.

Hon. Mr. LANDRY—He laid his views before the committee.

Hon. Mr. DANDURAND—Yes, but he wants to lay them before the House.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from de Salaberry has been here all afternoon.

Hon. Mr. DANDURAND—Yes, but he had to leave by the 4 o'clock train.

Hon. Sir MACKENZIE BOWELL—My statement that this translator has been in the employ of the Senate was made on the authority of the chairman of the committee and the report recommends that he be continued : that is my authority.

Hon. Mr. FERGUSON—I was on the committee last year, but am not this year. My recollection is that the work of translation had got very far behind, and that we had to deal with that question last year. It was suggested that we should put one man on the permanent staff and thus make a new appointment, but it was felt that if we did that the work would continue to be behind a year or two before it could be brought up. We therefore made a temporary engagement with two men to bring the work up, and the committee, I understand, has now decided to appoint one man permanently, and thus keep up the work.

Hon. Mr. WATSON—I can hardly agree with the remarks of the hon. gentleman. It appears to me if work falls behind during the session, it would be much better to have two translators during the session than one permanently appointed, because the busy part of the work is during the session. I also think, on account of having delay in the printing of the French edition of the Debates—I understand it is on account of the translation—it might be well if the whole service of translation could be put under one head translator who could put the different translators to different parts of the work. Sometimes there are long Bills to translate ; other times there are extensive debates, and all the translators could be turned on that particular work. It seems to me instead of having translators for the several different branches of work in connection with the Senate, it would be better if the whole matter was reconsidered, and the translators were all put under one chief translator. I might say, in connection with the Internal Economy Committee, we appointed a sub-committee yesterday, for the purpose of examining into the work done by the several officers around the Senate building and I am not quite sure but that committee might think it advisable to recommend something along the line I have suggested. I think we would have our work done more effectually and promptly, because I quite understand those permanent translators, appointed by the year, draw their salaries all the year and have only a couple of months' work. I would suggest, for that reason if nothing else, that that sub-committee which was appointed might be able to report, before this report of the committee is adopted, and they may see fit to recommend changes. The chairman of the Debates Committee might meet those gentlemen, and knowing something about the work done by the translators, see if the whole of the work might not be done by one staff of translators, so that they could be put on the work needed most at a particular time.

Hon. Mr. McCALLUM—I happened to be a member of that committee and heard the discussion, and I think the committee have taken the most practical way to get the work done at the proper time. They made a report to the House and it is for the House to say whether we will adopt the report. Because an hon. gentleman chooses to go to Montreal are we to put off the work of the Senate ? I want some better reason than that given. The report of the committee was almost unanimous. I do not think there was any division. The committee considered, as far as possible, how to get the work done in time, and how to get it done in the most economical way possible consistent with efficiency. I am not a French scholar and could not go into the translation of English and French.

Hon. Mr. PRIMROSE—You are not looking for the position ?

Hon. Mr. McCALLUM—No, but if any hon. gentleman who takes the responsibility of being a senator of this country and is put on a committee, chooses to go away when there is an important report to be made, it is his affair. He should remain in his place and see that this work is done properly. I sit here glued to my seat all the time, when I have anything at all of importance to do. I think it is the duty of every senator to do what he thinks is right

in the interests of the country and not go away when work is to be done.

Hon. Mr. BERNIER—I heard the suggestion of the hon. gentleman from Marquette. I inquired into such matters and I found that in the House of Commons the idea was that the plan suggested by the hon. gentleman would not work. I was told by several officials in this House also that it was impracticable. I was told so even by the head of the translators here. As to the report itself, there is really no change except this, that it makes a permanent officer of one we would otherwise be obliged to employ as a temporary officer. Whether he is paid as a permanent officer or as a temporary one makes no difference as to the expense, while it would make a great difference in the efficiency of the work. We have at present an experienced man. He is a good translator, and I think it is better to organize this board in a proper shape so that we should have the translation in proper time. This House will remark that the French speaking members of the Senate do not abuse their privilege to speak in their own language. Under the circumstances I am sure that the House will not object to having this officer appointed so that we may at least have the translation done in proper time.

Hon. Mr. POIRIER—I would call the attention of the leader of the opposition and of the House to the fact that we are already very late with this motion. That it was not brought up sooner is due to the fact that the same gentleman who wishes it to be postponed now asked me to wait until he could be conveniently here. Therefore, instead of calling the committee before, I delayed on his account and only called it yesterday. To-day he is away, and on his account the report is to be postponed. As there is money involved in the Bill, I think I should be acting courteously as chairman of that committee if I should acquiesce in the request of the leader of the government if he insists upon it. The government is responsible for expenditure, and if the leader of the government desires me seriously to postpone the report, I shall do so in consideration for him and for the government, whose duty it is of course to render an account to the country for the expenditure of the public money. But I would call the attention of the House to the fact that this session so far we have had 140 pages of the 'Debates' translated, eighty pages printed, and not one page yet distributed. I feel we have delayed long enough, and I shall only consent to postpone the consideration of this report if the leader of the government says he wishes it.

Hon. Mr. LANDRY—The reason given by the leader of the government does not seem reasonable. I do not see why, because an hon. member does not attend to his duty, we should keep back the public business. We members of the French community in this House do not ask many favours, but when we ask what we think is only our right, we are opposed by the leader of the government or by some other member who is not willing to do his duty here. I think the government, under those circumstances, should accept the report of the committee. The fact that one member differed from the committee is not a reason why the report should be put aside till another day. When the Striking Committee made their report there was some division and no one ventured to come up and ask that the report be postponed because there was a division in the committee. The government under these circumstances should do for us what they do for any person else. When I say 'us' I am speaking of the French element—that they should do for us what they do for any one else, and allow that report to be taken into consideration at once. If the people interested in that report find that private business takes them home, let them take the consequences and not put the whole House in the position we are in to-day.

Hon. Mr. SCOTT—I have no desire to thwart the report of the committee. If the gentlemen forming that committee, for whom I have the greatest respect, have made up their minds that it is the best thing to do, and not an extravagant action on their part, I have no objection to the report passing. I only desire to elicit information. I know nothing about it. The report is very bald and gives no special reasons. We have heard the reasons just now why the report was made.

Hon. Mr. POIRIER—I do not intend to deal at length with this report, but as the

questions put by the leader of the government are pertinent—as they always are—I will give some information. I will take the report as it comes. The first paragraph reads :

Your committee recommend that an order be given the King's Printer that the French version of the Senate debates be printed and distributed to Senators from day to day, this daily issue to be, or consist of, one hundred copies.

As I have just stated, we have had so far not one copy distributed to the French members. Hon. gentlemen will all admit that if we are going to have that French version of the debates, we should have it in tempore opportuno or never. Therefore, that part of the report I believe will pass unopposed. The second portion of the report refers to the appointment of a permanent translator whose name is Mr. Chapman. Last year, after Mr. Bouchard was appointed—Mr. Bouchard was appointed a permanent official about two years ago—last year he was given two assistants, one of them Mr. Chapman, and the other Mr. McLeod. During the session Mr. McLeod died and was replaced by Mr. Laferriere. So that last year we had one permanent translator, the same as this year, and three extras. What we ask this year is to have two permanent translators, instead of being subject, as we were last year, to the necessity of looking for translators. And let me tell hon. senators that the translation of the debates is not an easy job. It is much more easy to translate French into English than English into French. Why it is I do not know. I do not mean to infer that there is any superiority in the French over the English, but it is more difficult to write French properly, and the French language is such that if it is not well written it is not French. As an instance of that, I will refer to the fact that in the House of Commons they tested the translators of their debates. They had scores of applicants from all parts. I may say, of those from the province of Quebec, some were professional writers, and only two of them passed successfully, showing that it is not an easy task to properly translate the debates. With reference to Mr. Chapman, as far as I may be counted a judge in the matter, I am prepared to say that he is a very competent writer both in English and French. He is a poet, which does not spoil the matter. We have all written more or less poetry. Mr. Bouchard's report on him is most favourable, and as far as I can judge myself, he is most acceptable. He comes in on the recommendation of the committee to be appointed permanently, so that we may not in the future have to wait months and years for the report, and then have an inferior translation, but that in the future we may have the reports distributed in due time and have good, proper acceptable French. Hon. gentlemen, I have been honoured with the chairmanship of the committee this year I would not for one recommend him. We have had enough of such translation, for example, as that which adorns the preamble of our laws, for time immemorial :

Sa Majesté, par et avec l'avis et le consentement du Sénat et de la Chambre des Communes du Canada, décrète ce qui suit.

I will ask hon. gentlemen who have a knowledge of French what that is, if that preamble which goes to France and the civilized world is written in any known language, whether it is French, English, Micmac or Volapuk. If we are going to have such a thing as translation in this House, we should have competent translators or none at all, and this is one of the reasons why the committee has made this recommendation. As a matter of expenditure, we are not to any appreciable extent increasing the cost of translation. If the hon. Secretary of State wishes to have figures—and it is his duty to wish to be well posted—if he wishes to have comparative figures I can give him some of them which may possibly go to some extent towards making this report acceptable. I obtained from an employee a statement of the comparative cost of the French and English versions of our Hansard of the past few years. I do not warrant the accuracy of these figures. I could not go to the printing office myself. He told me he had gone, and I took his report. It is in French, and I will translate it as I proceed. It is as follows :

'I have been able to get some information from the paymaster of the printing office, charged to prepare a statement indicating precisely the total cost respecting the English and French versions of the debates of the Senate, and that employee told me that although the work was not all completed to date, he could give me the following figures : For the year 1900, the

cost of the English version per page was $2.96. The cost of the French version per page was $2.37, a difference in favour of the French version of 59 cents per page. As to the other alleged fact, that the translation has cost more per page since 1899 inclusive—that is, since we have had a permanent employee, here are the figures: In 1898, the translation of Mr. Desjardins—I might here draw a parentheses, it is five years since the Senate decided to have the debates translated into French. Mr. Desjardins was appointed to do the work at so much per page—a dollar and a half per page. He has done the work since the time of his appointment until two years ago. In 1898, during Desjardins's time, the cost per page, all told, was $3.20. In 1899, when Mr. Bouchard was appointed a permanent employee, the cost per page was $2.45, a difference in favour of economy of 75 cents per page. In 1900, the translation under the present system cost $2.37, and in 1901, $2.31, the difference in favour of the translation in the session of 1900 over that of 1898 being quite considerable. The difference in favour of the translation of 1900-1 over that of the session of 1898 by Mr. Desjardins was 87 cents per page. You will see, therefore, that we are not adding to the expense.

Hon. Mr. TEMPLEMAN—Before the hon. gentleman leaves that question of the printing of the Debates, will he please explain why the printing of the Senate Debates costs 40 or 50 cents per page less than the House of Commons 'Hansard'?

Hon. Mr. POIRIER—I am not in a position to explain that, because it is not within our report. It would require sending to the Printing Bureau and consulting the paymaster there, and I have not done that. It could easily be ascertained, I suppose. If we are going to have a French version of our debates, we should have it distributed as quickly as the English version, and the translation should be a proper one, and we should not be put to the necessity every session of looking for this Tom, Dick and Harry who are presenting themselves as translators. These may have some qualifications; but it would take a session before a man could translate properly and we might have him put away then for political or other reasons, and another one brought in his place. I am appealing to my English-speaking colleagues, and I urge that it is better to have competent translators. I therefore ask, since the hon. leader of the government has consented that I might go on with this report, that it be adopted now.

Hon. Sir MACKENZIE BOWELL—I am surprised to hear the hon. gentleman from Victoria, who, I understand, is a practical printer, ask the question he did. If he will compare the two books he will find that one is printed in long primer, and leaded at that, and the other is brevier, two sizes smaller. There would be about half as much again on the Commons 'Hansard' per page as there is on a page of the Senate Debates.

Hon. Mr. TEMPLEMAN—As a consequence, the House of Commons 'Hansard' is quite as cheap as the Senate Debates, and perhaps cheaper.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman asked why was the Senate report so much cheaper than the Commons. The explanation is as I have stated.

Hon. Mr. TEMPLEMAN—Yes, but the hon. gentleman was pointing out several items of economy. As a practical printer, the leader of the opposition knows that, as there must be 25 per cent more reading matter in a page of the House of Commons 'Hansard' than on a page of the Senate Debates, there is not necessarily any economy whatever, and that the House of Commons 'Hansard' may be, after all, as far as the printing of it is concerned, cheaper than the Senate Debates, and consequently there is no point in the argument of the hon. gentleman who was speaking.

Hon. Mr. LANDRY—I think the hon. minister misunderstood what my hon. friend said. He was comparing the English and French versions, and not the Senate Debates and the Commons 'Hansard.'

Hon. Mr. TEMPLEMAN—No, when he read from statistics given to him by some person in the printing office, he referred to the cost of printing per page of the Commons 'Hansard.'

Hon. Mr. POIRIER—I must have been misunderstood, or I did not express myself properly. It was a comparison between the

English and French editions of our Senate. If we are to make a comparison with the other House, I will add that in the House of Commons they have nine sessional translators for the 'Hansard.' Those men have such a severe task that I have been told one of them generally dies every session, because at the end of the session they have to work from ten to sixteen hours a day, which is too much for any man. As against nine translators, we have one. Now, we ask for two, and I think the proportion is fair.

Hon. Sir MACKENZIE BOWELL—I desire to point out to the chairman of the committee that I think his view of the government's responsibility in this matter is not strictly correct. The responsibility of the government with regard to the expenditure of money begins and ends when they make the appropriation for the contingencies of the Senate. The Contingent Account is placed at the disposal of the committee as we think proper, not as the government would dictate; otherwise under our system of government we would have to have every proposition for increasing a salary submitted by the government to the House. Under responsible government that is the principle, but they give a certain sum, when the estimates are brought down, to be disposed of and expended as the Senate thinks proper, and this is one of the cases. I merely wish to point out the difference. Upon the general principle the hon. gentleman is quite correct.

Hon. Mr. ELLIS—I must confess, after the positivism of the hon. gentleman from Montmagny in regard to absentees, that I rise with some fear and trembling, I was out of town when the committee met, and I should like to ask the chairman a question. The paragraph reads :

> Your committee also recommend that Mr. William Chapman be appointed as a permanent translator for the debates of the Senate, and that he be paid $1,000 for his sessional work.

Does that mean just as it appears there, or does it mean he is to do other work, or is he a translator for the committees, and if he does other work, is he to be paid separately for it ? Does the paragraph mean this, or is it a thousand dollars á year for his services, or simply for the work he does for the session ?

Hon. Mr. POIRIER.

Hon. Mr. POIRIER—I believe it was the intention of the committee that he should be paid a thousand dollars to do the work that falls to him during the session, but that he should remain at work as long after the session as is necessary to complete that work.

Hon. Mr. BERNIER—I did make that motion to the committee, and my intention was that it should be for a year—that the thousand dollars should be for the year.

Hon. Mr. SCOTT—Then correct the report.

Hon. Mr. ELLIS—If the report is altered to cover that it would be satisfactory.

Hon. Mr. POIRIER—The last motion was not presented to me in writing. I have no objection whatever to have it put per annum, instead of per session. With the permission of the House, I ask to have it amended, because it was not a written motion—simply a verbal one.

Hon. Mr. GIBSON—I think that is hardly explicit enough, because it seems to me we are entirely in the dark as to the work required by this gentleman employed by the committee. It is only fair that every member of this House should understand the nature of the report brought down. There has been no number of days estimated that this gentleman will be employed in the work of translating during the session. If we are to judge from the work done so far, we are in the nineteenth day of the session and supposing we were to double that, and the translation were to take 40 days, we would be paying that gentleman $25 a day. There is no estimate as to the number of days this gentleman will be required to do that work, and we are asked to appoint him whether he is fit for that position or not. It seems to me that the suggestion made by the leader of the government, to allow the matter to stand, would be the correct one for the Senate to adopt. We are simply told by the committee that the gentleman is to receive one thousand dollars a year for the work of translation required by this House. In view of the fact that a committee has been appointed for the purpose of revising the duties and reporting to the House on every gentleman in the service of the Senate, we are here departing from that recommendation by at once appointing a gentleman permanently. The word 'permanent' might be

omitted from the report, and he might be employed for one year, and then we would be in a position to know what his capacity is. That would be a business way of bringing the matter before the Senate. I, therefore, move that the word 'permanent' be left out of the report.

Hon. Mr. LANDRY—In answer to the hon. gentleman's remarks I would ask how he has been in the dark so long. When he was in the House of Commons he had there the right to see, and why didn't he see. What we are asking here is just what is done there. There are nine translators on the staff of the House of Commons who are paid each a thousand dollars a year. The hon. gentleman never saw anything wrong in it there; it is only when he was made a member of this House that he commenced to see. Before that he was in the dark. Now he wants to get out of the dark. I hope he will not press his amendment. The hon. gentleman urged on the ground of economy. He says: 'You are going to give him $25 a day,' and he moves to strike out the word 'permanent.' How will that improve the position? The remedy does not suit the disease that he wants to cure. I do not consider the amendment is relevant to the objection he made.

Mr. GIBSON—I do not propose to be lectured by the hon. gentleman from Stadacona. I notice, since I came to this House, he has been in the habit of jumping on those who differ from him. As far as any enlightenment I have had with regard to what took place in the House of Commons, I have learned for the first time this morning that it was the purpose of this committee to employ this gentleman permanently for one year. What I raise an objection to is, that the word 'permanent' should be put in that report, when we are not in a position to know whether the gentleman is fit for the work to be performed. That is why I made the motion, and I do not propose to be lectured by the hon. gentleman. I am responsible for what I do or say in this House.

Hon. Mr. WATSON—The report reads as follows:

> The committee also recommend that Mr. Wm. Chapman be appointed a permanent translator for the debates of the Senate.

This is apparently his special work. According to what we have heard this afternoon, hon. gentlemen are very anxious the debates of the Senate should be translated and printed in French at as early a date as possible after the House rises. If that is the case, this gentleman cannot be expected to stand around doing nothing all the balance of the year. The explanation we have from the hon. gentleman from St. Boniface is, this gentleman is to give his services for twelve months for a thousand dollars. This report will require further consideration, because I understand, if the report is correct, he can quit work as soon as the translation of the debates is completed, because that is what he is employed for—to translate the debates and nothing further. I think that surely, with this report and discussion we have heard here, the Debates Committee had better reconsider this report and have some further understanding. It might possibly be that Mr. Chapman would not take the position for a year at a salary of a thousand dollars. That is the understanding, that he is to be employed after the translation of the debates is completed.

Hon. Sir MACKENZIE BOWELL—There is force in what the hon. gentleman from Marquette says, and if I might make a suggestion in the way of amending this report, make it read this way:

> Your committee also recommend that Mr. Chapman be appointed a permanent translator for the Senate, and paid one thousand dollars per annum therefor.

The hon. gentleman from Welland (Mr. Gibson) says he based his amendment upon the want of knowledge of the capabilities of this gentleman who is recommended. Probably he may not have heard, from the position in which he sits, the explanation given by the Chairman, on the authority of the assistant clerk, as to this man's capabilities, and also the Chairman spoke of his qualifications as being all that is necessary. If we sat for another six months, as far as I am concerned, I should not require any further information, as I am no judge of a man's capabilities to translate correctly. All the information that can possibly be given has been furnished, and given on the authority of those who have been engaged on the work of translation for a number of years. My hon. friend from Stadacona informs me that the gentleman who desired to have the report postponed

admits the ability of Mr. Chapman to do the work. I suggest to strike out the words 'For the debates' and the words 'for his sessional work' and make it read thus :

Permanent translator of the Senate, and that he be paid one thousand dollars per annum.

Hon. Mr. SCOTT—Carried !

Hon. Mr. GIBSON—I must admit that sitting where I do, there are many things going on in the House which I cannot hear.

Hon. Mr. ELLIS—I should like to know, as a member of the committee, whether this gentleman will be an officer of the committee or of the House ?

Hon. Sir MACKENZIE BOWELL—A servant of the House. The committee will control him.

Hon. Mr. LANDERKIN—After all the discussion that has taken place on this question, would it not be a better way to refer this report back to the committee ?

Hon. MEMBERS—No, no, no.

Hon. Mr. LANDERKIN—The members of the committee differ as to the meaning of the report, and it would look the proper thing to have it referred back. It may be the wish of the committee to have it as it stands, or they might, after discussing it, change the report.

The amendment was agreed to, and the report was adopted.

SECOND READINGS.

Bill (29) An Act to incorporate the Sovereign Life Assurance Company of Canada.—(Hon. Mr. Gibson.)

Bill (37) An Act to incorporate the Sprague's Falls Manufacturing Company, (Limited).—(Hon. Mr. McHugh.)

Bill (49) An Act to confer on the Commissioner of Patents certain powers for the relief of John Westren.—(Hon. Mr. Kerr.)

Bill (Q) An Act to incorporate the Metropolitan Bank.—(Hon. Mr. McMullen.)

The Senate adjourned.

Hon. Sir MACKENZIE BOWELL.

THE SENATE.

Ottawa, Monday, April 14, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

MAIL SERVICE IN BRITISH COLUMBIA.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) rose to inquire :

If the government has taken into consideration the representations made by the British Columbia Board of Trade, as to the inefficient mail service in inferior steamers from Victoria to the west coast of Vancouver Island ? Will an increased subsidy be granted this year to make the service more in keeping with the increasing requirements of the parts of the province referred to ?

He said : No doubt the hon. gentleman for Victoria knows all about the requirements of this service as well as I do, and I have put this motion on the paper because the service over there is very inferior and because the passenger traffic is growing monthly and yearly very largely. I hope he will be able to inform the House that the government will do something in this matter and that there will be an improved service on that route.

Hon. Mr. SCOTT—Communications of this kind ought strictly to come to the Department of the Secretary of State and then be sent to whatever department is likely to take it up. I have caused an inquiry to be made in the Department of the Secretary of State and I cannot find any reference to it whatever. I sent over to the Post Office Department and they have no cognizance of any application of the kind. Perhaps the hon. gentleman will let it stand for a few days and I will make inquiry. If I had any clue as to where it went to, I would be glad to trace it.

Hon. Mr. MACDONALD (B.C.)—All right.

THE MINERALS OF NOVA SCOTIA.

INQUIRY.

Hon. Mr. CHURCH rose to inquire of the government :

1. Was there any correspondence between the government of Nova Scotia or any member thereof, and the Dominion government or any department thereof, during the period commenc-

ing from January 1, 1878, to December 31, 1882, on the subject of the transferring of the minerals of Nova Scotia to the Dominion government ?

2. If so, on what terms and conditions was such transfer to be made ?

3. What money consideration was the province of Nova Scotia to receive from the Dominion government as compensation for transferring over its rights to leasing, licensing and prospecting titles of all kinds in the mines and minerals of said province, to the Dominion authorities ?

4. Was there any correspondence between any of the mining managers or other officers of any mining company in said province of Nova Scotia and the Dominion government or any department thereof, on the foregoing subject ?

5. If so, will the government state the terms and conditions upon which said proposed transfer of mining rights was to be made.

He said : I wish to make a few remarks on this inquiry. This question of the royalty on mines and minerals of Nova Scotia became a very serious and, I might also say, a burning question just after the confederation of the provinces. Under the terms of the British North America Act the main source of supply of revenue of the Nova Scotia government was that received from the Dominion of Canada, and that item up until within the last few years was the principal item, forming more than one-half of the whole revenue that the province received from all sources towards maintaining the local services when it became incumbent upon the government to do so under the terms of the British North America Act. During the period between 1878 and 1882 the mining interests of the province were not in a very flourishing condition. The coal trade, which is the greatest mining industry of the province, was not in a very flourishing condition ; consequently, the revenue from that source only amounted to $70,000 or $80,000 a year. On a change of government, which took place in 1882, it was found that the outgoing government had estimated a revenue of some $100,000 to be derived from the mining royalties during the year 1882. The government that came in, of which I was a member, succeeded in collecting about that much, the estimate of the preceding Provincial Secretary being an accurate one. But during the term between 1878 and 1882, the revenue of the province fell so low that it became a very serious matter to know how to augment that revenue without unduly burdening the people. It was generally spoken of, and believed that correspondence was had between the government of that day and the government of the Dominion, and that some of the managers of the principal mining areas of the province had also entered into some correspondence, not only with the local government, but also with the Dominion government on this matter, and my object in asking this question is, to ascertain if that is the fact, and what is the nature of that correspondence. I might say I do not do this with any view to attaching blame to the government in power between 1878 and 1882, because that matter would have been fought out in our local arena, long ago, if such an idea had prevailed. But I want to set the matter at rest. The government of that day were handicapped. The mines yielded only $80,000 to $100,000 yearly. We could resort to self-taxation, if we chose to impose it, to increase the revenue, and it became a very serious question in 1882, whether the new government would not have to resort to direct taxation to keep up the service of the country in a proper and efficient manner. We had either to do that, or find some means to augment our revenue. The old rate of royalty, fixed after the General Mining Association's rights in all the coal area of Nova Scotia, had been handed over to the provincial authorities, after the late Judge Johnson and Governor Archibald had gone over and negotiated for the transfer, was sixpence of the currency of Nova Scotia, which, when we brought in the decimal system, was ten cents, and that was the rate which prevailed at confederation, but that was only collected on round coal, that is, coal which would not go through a three-quarter inch screen bar. All that would not go through that mesh was considered round coal, and the rest culm. That culm accumulated; it could not be sold; it had not become an article of value, and consequently the revenue was collected only on the round coal. The Cumberland mines are some of the greatest we have, and an arrangement was made to take a royalty not greater than that on round coal, for the run of the mines. By the Act of 1879 our currency was debased. We had always counted the English shilling as 25 cents. Your currency was of the same value as that of the United States, consequently our sixpence became 9 7-10 cents, and that was the basis of calculating the revenue, a very awkward figure. However, when the local government changed in 1882,

we had to decide what to do to augment our revenue. We made up our mind that all coal sold should pay a uniform rate of 7½ cents all round, and we found that we got more revenue out of a given output of the succeeding years than before, because all coal sold should pay a uniform rate of 7½ cents per ton. That is our law now. We only charge on the coal that is sold. The coal trade became rather flourishing, and we raised the royalty up to 10 cents all round. You have all heard of the Whitney syndicate. The syndicate came to us, and got some concessions, not very large concessions, but they were willing to pay us something for them. They agreed to pay 12½ cents a ton on all the coal they sold, while all the other mine-owners, and lessees of coal areas, only pay us 10 cents. Under the operations of this agreement we raised quite a revenue. The mines and mineral business of Nova Scotia, I am glad to say, has increased. When I first took office some years ago, we raised $100,000. Now we are estimating half a million dollars revenue from mines and minerals. The total amount received from the Dominion, including subsidy, interest on moneys here on deposit, &c., amounted to over $400,000 Only two years ago, our royalty from mines and minerals became greater than the subsidy from the Dominion government, and within ten years I anticipate that we can easily collect three-quarters of a million dollars, and I hope to live to see the time when we will collect a million dollars in royalties from mines and minerals. This would be a great boon, for the reason that the only other important source of revenue is Crown lands. We have practically no timber limits in Nova Scotia. Formerly all lands were granted absolutely in fee simple to those who got them. Now, we are leasing them, but fully seven-eighths of the timber lands have been granted in Nova Scotia, and the time will come very soon when we will have no revenue comparatively from Crown lands, because they will all have been disposed of. It was thought at one time that the government of that day would have been willing to sell the mining rights to the Dominion government for a consideration. It was stated at the time for about double the amount of the royalty that was then collected. It was a great piece of good fortune to the province of Nova Scotia that the negotiation was not successful, because we would have been in a very bad position compared with the one we occupy now. If there be any correspondence on the subject, I would be obliged to the hon. gentleman who leads the government if he would furnish it at a comparatively early date.

Hon. Mr. SCOTT—I have made a very careful inquiry, and am unable to find any correspondence whatever, unless the hon. gentleman could give me some clue to the department where it is to be found. I have been unable to trace it between 1878 and 1882. Official communications from the provinces ought to come to the Secretary of State's Department first. A careful investigation was made there, but no trace of the correspondence could be found.

Hon. Sir MACKENZIE BOWELL—Would not the hon. gentleman be more likely to get the information if he changed his inquiry into a motion for papers? I listened with a great deal of attention to the hon. gentleman's speech, and it reminded me of old times, when he used to hold forth in the other House. He should have gone a little further and told the House that the national policy saved Nova Scotia at the time to which he refers, when it was in financial difficulties—that the duty paid upon coal and other products assisted the province materially in being relieved from its troubles at that time. I have no doubt the Secretary of State would consent to the hon. gentleman making this a motion, and then he would be able to get all the papers.

Hon. Mr. CHURCH—I wish to say a word to my old and esteemed friend the leader of the opposition, who refers to former times in the other Chamber. I am glad to see him here, so actively leading the opposition in the Senate. I do not want to introduce party issues in this matter. I am a free trader by conviction, and a supporter of a revenue tariff, owing to our circumstances. All I can say is this: a government existed in Nova Scotia while the national policy was in operation, which failed to make both ends meet successfully, and with that same policy another government came in and rather more than made two ends meet. However, I should be most happy

to adopt the suggestion of my hon. friend later on, if, after some conversation with the hon. Secretary of State, I find it necessary, in order to arrive at what I wish to obtain. I thank him very much for his suggestion.

Hon. Mr. McDONALD (C.B.)—I cannot allow the remarks of the hon. gentleman from Lunenburg to pass without some observation. It would seem that he wants to leave the impression that the government of Nova Scotia in 1878 to 1882 had applied to the Federal government for a transfer of their mining rights in consideration of a certain amount of money. I do not know that that is correct. The hon. Secretary of State has stated that there is no correspondence in his department. I presume if the government of Nova Scotia of that day had made any such application they would do it in the regular form to the office of the Secretary of State, but I know, speaking from memory, that the newspapers of that day, not from 1878 to 1882 but from 1874 to 1878 were loaded with correspondence from the mining interests which worked the mines of Nova Scotia at that date, appealing to the Federal parliament for assistance to relieve them from the royalty which they were obliged to pay to the local government, and thus enable them to carry on the work. They were not able to obtain that, and perhaps that is the matter to which my hon. friend from Lunenburg referred. As to the statements he has made that the government of that day, from 1878 to 1882, was not able to make ends meet, to make the disbursements equal to the revenue, the fact is, that the government of Mr. Holmes of that day reduced the debt of the province, with the insignificant revenue of the day—very little, it is true, but reduced it. He managed to carry on the government of the province and give considerable money to meet the requirements of the province for education and for roads, and at the same time he reduced the debt of the province to something like $300,000. The government of which my hon. friend was a member came in afterwards, and with an increasing revenue of one million dollars last year, as compared with the revenue of perhaps $400,000 in 1882, the government of which my hon. friend was a member was not able to make both ends meet. The province of Nova Scotia to-day is over $3,000,000 in debt with all that steady increase of revenue from 1882 to date, an increase altogether attributable to the impetus which the national policy gave the coal trade of that province.

Hon. Mr. CHURCH—I do not very well understand the rules of debate in this House, but it seems to me that a long discussion sometimes arises out of these harmless inquiries. I made no reference to the government, did not even mention the government, but I had to give dates. I said distinctly I was not finding fault with the government in power from 1878 to 1882. The hon. leader of the opposition in a mild manner pointed out another way in which I might have accomplished my object and made a reference to the national policy.

Then the hon. gentleman from Cape Breton imports other matters into it. I could go on and discuss these matters at length, but I do not wish to do so now. I know exactly what the revenue of Nova Scotia was and I could put my hands on the figures year by year. When the government, of which the present Finance Minister was Premier, came into power, we had nothing like a million dollars revenue. It is only within the last two or three years we have had that revenue, and then all over the province we had heavy demands upon us. I am not going to discuss the national policy. It is not my intention at all. I do not think these broad questions should be discussed on a mere inquiry. If the matter is to be discussed, I am quite prepared to maintain the honour and integrity of the government of which I was a member for years. However, I think the country is satisfied down there and I hope it is satisfied generally.

DREDGING OF MAHONE BAY.

INQUIRY.

Hon. Mr. CHURCH rose to inquire of the government :—

1. Was any petition or petitions received by the government or any department thereof, from the inhabitants of Mahone Bay and Bridgewater, in the county of Lunenburg, Nova Scotia, praying for the dredging and deepening of the harbours of these ports, respectively, between the 1st day of January, 1878, to the 31st day of December, 1901, inclusive ?

2. Or was there any correspondence from reliable persons of the places, above named, to

the Department of Public Works, as to dredging and deepening of these harbours during the period of time above mentioned ?

3. If so, state the nature of such petitions and correspondence and what action, if any, was taken thereon by the government ?

4. Is it the intention of the government to dredge and improve the harbour of Mahone Bay as soon as the dredge that is now building for service in the maritime provinces is completed ?

5. Is it likely that such service will be performed in said harbour during the autumn of present year or in the spring of 1903 ?

He said : This is a question of a local character, involving an answer which must show dereliction on the part of somebody. It covers a period during which two governments of the Dominion have been in power, the present one and the one preceding it. There can be no doubt about the necessity. I will briefly explain, that during the year 1896, if my memory is right—and I think it is—during the regime of the Mackenzie administration I was then representing the county in the Commons at the time to which the hon. leader of the opposition has referred, and I succeeded in having a dredge go into the harbour of Mahone Bay and the harbour at Lunenburg, which is the principal town in Lunenburg county, and they performed efficient service in dredging at the time. That is a period of 26 years, and from that time up to the present hour, although that county is one of the foremost counties in Nova Scotia, is the principal county, so far as regards the fishing industry of the province, nothing has been done. I have it on good authority that representations were made to both governments, the present government and the past government in regard to this matter. There have been gentlemen on different sides in the other branch of parliament during that period, and whether they pressed upon the government of the day that they were supporting respectively this important matter, I do not know, however, I do know that nothing has been done. I wish to say that Mahone bay is a growing and important place. So far as shipping is concerned, it is second only to Lunenburg. Lunenburg is the great fishing county of this Dominion. Out of the total fishing output of $20,000,000, last year our county of Lunenburg caught and sold about one-twelfth, and she is ahead of every other county, Digby standing second. We have a fleet of 175 deep sea fishing vessels, which draw from thirteen to twenty feet of water when laden. These vessels come and go several times during the season to discharge cargoes of fish and export same when cured, and then there are some vessels which draw a greater depth of water that enter this port. Large timber vessels come there to be laden, and cannot enter and depart from the harbour at low water, owing to the fact that it requires dredging. Having only been dredged 26 years ago, there is a necessity for it being done now. There was a large gang mill over the mouth of the Mush-a-Mush river, and that mill was filling the bay with sawdust, but the sawdust law is now enforced, and if the harbour were dredged, there would be nothing but what comes down from the hill sides, and what comes from the ocean. I have seen vessels detained there for hours because of this want of dredging. The mud is soft and a dredge would do the work in a very short time. I think from what I have said the House will see that this is a matter of very great importance. I know that application has been made to the Minister of Public Works within the last few months, and furthermore a large petition, well signed, will come up, calling upon the government, through him, to look after this matter. I understand one or two dredges are now being built expressly for work in the maritime provinces, because it was found that a dredge which might be suitable for dredging other parts of the Dominion is not so well suited to the harbours on the Nova Scotia coast. This work which is of very great importance, has become necessary, and if negotiations have not taken place and terms have not been made, the government, I trust, will see at once that it will be done.

Hon. Mr. SCOTT—In answer to the first question I may say that petitions have been received. That practically answers the second question. The petitions for dredging up to 1897 were destroyed in the fire of 11th February, 1897, but no action was taken, as there was no dredge available at any time before that. As for the fourth question, it is impossible to say at what particular points the dredge will be used. The department consider the most important places should first receive attention. As to the possibility in the future, it is impossible to forecast what they will do. It will depend largely whether a dredge can be hired to

do that work. I will call the attention of the Minister of Public Works to the remarks of my hon. friend and he will give it consideration. The demand for dredging all over the country is very great, quite beyond the possibility of the available dredges, and the minister states that the dredging in the most important places will be done first.

GRADING OF THE P.E.I. RAILWAY.

INQUIRY.

Hon. Mr. FERGUSON rose to inquire :·

Whether the work of grading now being done on the railway from Charlottetown to Murray harbour, other than on section 2, is being proceeded with by day's labour. If not, he will ask how this work is being done.

He said : The question which I am asking is a sequel to some questions which I asked my hon. friend the Secretary of State last week, the answers to which were not satisfactory. I inquired on that occasion with regard to the grading and ballasting and other work on the railway in course of construction between Charlottetown and Murray harbour. I inquired of the government what contracts were made, with whom were they made, and so forth. The reply I received was that a contract was only made on one section, No. 2, and that no other contracts were made. It was stated further by my hon. friend that a contract on this section No. 2 was awarded by tender to Mr. Kitchen. If so, I am informed that no person saw the advertisement for such a contract. There were tenders called for earlier than that, and the contract was awarded to Mr. McManus, who entered upon it and after some time he abandoned the work and subsequently it came, in some way, into Mr. Kitchen's hands. However, that is not the point that I wish particularly to get information upon at this moment. It having been stated in the return in reply to the questions that I asked a few days ago that no contract existed on any other part of this railway except section No. 2, and it being stated to me by correspondents on the spot that work is going on on other parts of the railway beyond section 2, the suggestion was made by my hon. friend himself that the word contract might not cover the way in which this work was being done.

Hon. Mr. SCOTT—The answer which I have, signed by Mr. Schreiber, is that no work is being done by day's labour, nor is any work authorized by the department, to be proceeded with beyond the eleven and a half miles. When my hon. friend's remarks are printed, I will obtain a copy and send it to Mr. Schreiber. There is evidently a misunderstanding some where.

THE FISHERIES AWARD.

Hon. Mr. FERGUSON—I wish to call the attention of my hon. friend the Secretary of State to a telegram which I find in an Ottawa paper with reference to a statement made by the premier of Prince Edward Island on Thursday evening last during the delivery of his budget speech in the Prince Edward Island legislature. Mr. Peters stated that the province would receive one million dollars as its share of the fisheries award by May next. We are very near to the month of May, and if this statement is correct—which we must not doubt coming as it does from a premier of so reputable a province as Prince Edward Island—the arrangements with regard to handing over the money must at this stage be pretty nearly complete, and I hope my hon. friend the Secretary of State will be able not only to confirm this statement made by his friend Mr. Peters the leader of the government of Prince Edward Island, but he will be able to announce to the House what day next month the million dollars is to be handed over.

Hon. Mr. SCOTT—I may say that I noticed also the remark made by Mr. Peters, and was somewhat surprised, as it was the first I heard of it. I thought it rather extraordinary that an action of such importance had been taken without my being aware of it. It involved a good deal of money, more than the million dollars Prince Edward Island claimed.

Hon. Mr. MACDONALD (B.C.) There is no election coming on is there ?

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. Secretary of State to say that it has not been decided by the government—the question of the right of the maritime provinces ?

Hon. Mr. SCOTT—Oh, no.

Hon. Sir MACKENZIE BOWELL—Because Quebec, Nova Scotia and New-Brunswick would be deeply interested in the dis-

tribution of the money. No decision has been come to ?

Hon. Mr. SCOTT—No decision.

Hon. Mr. FERGUSON—No decision ?

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—It is too bad.

THIRD READINGS.

Bill (L) An Act incorporating the Molsons Bank Pension Fund.—(Mr. Macdonald, B.C.)

Bill (52) An Act respecting the St. Clair and Erie Ship Canal Company.—(Mr. McCallum.)

Bill (44) An Act respecting the Tilsonburg, Lake Erie and Pacific Railway Company.—(Mr. McCallum.)

INCORPORATION OF BOARDS OF TRADE BILL.

SECOND READING.

Hon. Mr. SCOTT moved second reading (Bill S) An Act to amend the Act respecting the Incorporation of Boards of Trade. He said :—The object to be attained by the proposed amendment is to enable the boards of trade of the several towns of British Columbia to be incorporated. Owing to a section in the Revised Statutes, Cap. 130, giving a limited definition to the word 'district' which cannot be applied in British Columbia, it has been found necessary to introduce an amendment affecting only that province. I propose at the next stage, when the House goes into committee, to adopt the suggestion of the hon. leader of the opposition to extend it to the Yukon, where the conditions will be somewhat similar.

The motion was agreed to, and the Bill was read the second time.

THE JOINT COMMITTEES.

Hon. Sir MACKENZIE BOWELL—I notice that the House of Commons seem to be jealous of the number of their members on the joint committees. As I understand, a gentleman was placed on the Printing Committee, though not a member of the House at the time, and his name had to be struck off. They have now added him to the committee, since he has been re-elected. I should like to know when the hon. Secretary of State proposes to call the Striking Committee of this House together to increase the number of Senators on the joint committees in accordance with the decision of the Senate ? If the Commons is jealous of the number of their members on these committees, I do not see why we should not be jealous of ours.

Hon. Mr. SCOTT—At any convenient time, perhaps Thursday next.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, April 15, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (U) An Act respecting the Western Alberta Railway Company.—(Hon. Mr. Lougheed.)

Bill (V) An Act to incorporate the First National Bank of Canada.—(Hon. Mr. Landerkin.)

Bill (W) An Act respecting the St. Lawrence and Adirondack Railway Company.—(Hon. Mr. Beique.)

Bill (X) An Act respecting the Montreal Bridge Company.—(Hon. Mr. McSweeney.)

ANNUAL TRAINING OF CANADIAN MILITIA.

INQUIRY.

Hon. Mr. LANDRY rose to inquire :

1. Whether it is the intention of government to call out the militia to do its annual training in camp as ordinarily, or whether the officers and non-commissioned officers only will be called out for training this year ?
2. And in the latter case, where will the exercises take place, and how long will they last ?

Hon. Mr. SCOTT—I am advised by the Department of Militia that the subject is now under consideration.

A QUESTION OF PRIVILEGE.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I wish to call the attention of the Speaker to a notice of motion which I gave on the 9th of April, for Tues-

day, 15th of April. It is on page 174 of the Minutes and Proceedings of the Senate. That motion does not appear on the Order paper to-day, and I want to know why ?

The SPEAKER—In reply to the hon. gentleman from Stadacona, I have to say that this notice has failed to appear for two or three reasons. The practice of the Senate has been that a notice shall be read by the member giving it, in his place, or that the member shall state the substance of the notice. Neither of these courses was adopted in connection with this notice. The notice, as I am informed by the Clerk, was handed in just as the House was about to adjourn, and it went on the Order paper without having been read by the Clerk. It is the duty of the Clerk to examine the notices which are sent in, and if he sees anything objectionable in a notice, anything that he considers contrary to the order of the House, to call the attention of the Speaker to the fact.

Hon. Mr. MILLER—That is in the House of Commons. Is the rule the same in the Senate ?

The SPEAKER—I say that is the practice. It is the rule in both Houses. The Clerk was busy and did not have time to read this notice, consequently it appeared on the Order paper for the next day. On the following day the Clerk consulted me with respect to the matter, and I advised him to omit the notice from the Order paper. As to the reasons why I so advised the Clerk, I may state that the hon. gentleman not having given notice that he proposed to bring the matter up, I am not prepared to give an elaborate opinion on the subject. But I instructed the Clerk, as I did for these reasons : that, as I have already said, the notice had not been given in what I considered the regular way. In the next place, that the notice dealt with a matter which was not the business of this House, and did not come properly before the House. It did not relate to any of the business of the House, and it is a rule that questions or notices which are not relevant to the business of the House shall not be given and shall not be received. In the next place—and the more important reason—this notice was, in my judgment, out of order, because it reflected upon a member of the other Chamber, and was calculated to lead to ill-feeling between the two Houses of parliament. I have given very briefly the reasons why I acted as I did. If the hon. gentleman had given me notice that he proposed to bring the matter up, I should have prepared a written and more elaborate opinion.

Hon. Mr. LANDRY—I shall give occasion to the hon. Speaker to render his decision more elaborately, because I give the following notice :—

On Thursday, April 17, 1902.

Hon. Mr. Landry will move :

That on Wednesday, the 9th instant, about four o'clock in the afternoon, the Hon. Mr. Landry gave notice of a question he intended to put to the government, notice which was handed over to the Clerk of the Senate and which was worded as follows :

' For Tuesday, April 15, 1902.

' By the Honourable Mr. Landry :—

' 1.—April 9—That he will inquire—

' Whether the government knows that there was, quite recently, in the legislature of Quebec, a member who caused himself to be paid largely for his good offices in the distribution of ministerial patronage, by extorting from employees amounts of $500 for keeping them in their positions, and causing himself likewise to be paid rather high amounts for new appointments, demanding also an usurious percentage for the remission to individuals of fines incurred for infractions of the license law, selling his influence and his vote, either way or both ways, when there was a question of supporting or of opposing certain measures or of absenting himself at times convenient for himself ?

' Is the government ignorant that this toll-gate keeper has now disappeared from the provincial scene, and that he is now in pursuit of a more lucrative position in the federal sphere ?

' Is it the intention of the government to secure for itself the services of this distinguished specialist ? And does it intend to employ the person named Béland by the job or by the day ?

' If by the day, what will be the salary ?

' At what percentage, if by the job ? '

That the Clerk of the Senate accepted the aforesaid notice and had it regularly printed in the Minutes of Proceedings of the Senate of Canada, number 18, under the head of Notices of Motion, on the Order paper of Thursday, the 10th of April, instant.

That the Clerk of the Senate in receiving such a notice and in causing it to be published has simply followed the custom laid down in such cases.

That according to usage a notice of motion or of a question to be put, when it fixes a date for its presentation, is always published day by day until such fixed date.

That, contrary to that well settled practice the aforesaid notice has been suppressed and its publication interrupted since the 10th instant up to the 15th day of the said month, which was the day fixed for its reading before the Senate.

That the Order paper of the 15th instant does not contain the aforesaid notice.

That the striking out of that notice has been done in the absence of an order of this House and contrary to the rights and privileges which

this House has always enjoyed in the direction of its own internal business.

That this House condemns that unjustifiable interference which has been substituted to its own authority and re-affirms its determined intention to maintain the proper exercise of its own rights and privileges.

The SPEAKER—I have to inform the hon. member that unless the House decides otherwise, I shall rule that that notice is not in order.

Hon. Mr. LANDRY—Will the hon. the Speaker inform us why it is not in order?

The SPEAKER—I have already told the hon. gentleman.

Hon. Mr. LANDRY—I am making a motion.

Hon. Mr. WOOD (Hamilton)—I rise to a question of order. The hon. gentleman has been told by the Speaker that the question which he wishes to put on the paper is not in order. I contend that that is quite sufficent, and the hon. gentleman has no right to question the decision of the Speaker.

Hon. Mr. LANDRY—I am not questioning the decision of the Speaker. I am asking him to tell me why that notice is not in order, and I hope the Speaker understands the matter better than the hon. gentleman from Hamilton.

Hon. Mr. SCOTT—Every one must recognize that this is a very cowardly attempt to libel and slander a member of the other House, and I think it is quite beneath the dignity of this House. The hon. gentleman proposes to make a charge, under his privilege as a member, that he would not make outside of this Chamber, and I do not think it is proper for this Chamber to lend itself to an attempt of that kind. It would lead to bitter feeling between the two Chambers, if we attempt to discuss a charge which could not be proved, and I think the hon. gentleman should withdraw the motion under the ruling of the Speaker. I trust he will not attempt to force it.

Hon. Mr. MILLER—The matter is a very serious one. I agree with His Honour the Speaker that it is necessary to read a notice of motion before handing it in to be placed on the minutes of our proceedings, and I do not know whether that course was adopted in this instance or not. If it was not, it was certainly an irregularity. I agree also with my hon. friend opposite, in a large measure, as to the propriety of the notice itself which was stricken, by the order of the Speaker, from the minutes. Perhaps it was not a notice which should be placed on the minutes of this House, although there was much provocation for it by the notice which was placed on the minutes of the other House by a member of that House. The important point here is this, however, whether the Speaker has, once a motion has got on the minutes of the House, power to order the Clerk to strike that motion off. The Speaker of the House of Commons undoubtedly has that power. He may, while a motion is being read, give his opinion that it is not in order; that it contains irrelevant or improper matter, and that it must be amended or refused, but I do not believe it would be possible for the hon. gentleman to show any authority where such power is given either to the Speaker of the House of Lords, or the Speaker of the Canadian Senate. I had occasion to consider this matter when I was Speaker of this House, and while I found it to be a practice that the Speaker of the Commons had the power which is claimed by the Speaker of this House, I could find no authority to justify the assumption of any such power as the Speaker has exercised on the present occasion. I regret that this motion was placed on the minutes of our House, because I do not think it is desirable to place motions on our Orders which might cause recriminations and bitterness between both Houses of parliament. Had the question been properly brought up by His Honour the Speaker, or by any member of the House, I think the probability is the motion would have been stricken off our Orders. But it is another question to allow the Speaker to assume an authority which has never been exercised hitherto, as I believe, and as I will believe, until I see some authority to the contrary—a power which has certainly never been assumed by the Speaker of this House before. This is the first instance of the kind, and if allowed to pass without comment would establish a precedent not justified by the usage of the Senate. I think it would not be wise to pass this matter over lightly, but if we are to establish a precedent it should be done according to the rules of the House. I per-

haps might think that the Speaker of this House should be given more authority in relation to such matters as the one we are now considering, but I would wish it to be done by an alteration of our rule, or in some way to have the authority of the head of the House properly defined, and not liable to discussions of this kind.

Hon. Mr. DeBOUCHERVILLE—I do not think there is anything in our rules that authorizes the Speaker to decide such a question, and if the House will look at May, page 186, they will see quite the contrary. He says:

> The position of the Speaker of the House of Lords is somewhat anomalous, for though he is the president of a deliberative assembly, he is invested with no more authority than any other member.

Therefore the Speaker had no right to do what he has done in this instance. I think this authority is sufficient to show that the Speaker had no power to settle such a question. It is only this House could decide it.

Hon. Mr. MILLER—The best way would be to move non-concurrence in the Speaker's ruling, not that I have a desire to have an adverse ruling to the Speaker's decision, but I think the matter is an important one, and I would not be averse to giving the Speaker greater power with reference to improper or irrelevant motions placed on the paper.

Hon. Mr. DeBOUCHERVILE—I want to read further from May:

> Upon points of order if a peer, he may address the House, though if not a member his office is limited to the putting of questions, and other formal proceedings.

The SPEAKER—I may say that there is a little difference between the position of the Speaker of this House and the Speaker of the House of Lords. The Speaker of the Lords is not necessarily a peer or a member of the House. Gentlemen have acted as High Chancellor of England who have not been members of the House of Lords, and there is a reason why the Speaker there may not do things which the Speaker here may do. I quite agree with the hon. gentleman from Richmond that the Speaker of this House has not the authority which the Speaker of the House of Commons has, but my view is that the Sepaker is the member of this House who occupies the Chair and who is charged with the duty of protecting the dignity of the House.

Hon. GENTLEMEN—Hear, hear.

The SPEAKER—It is not in conformity with the dignity of this House that such a notice as the one in question should appear upon its minutes. The House at large has no opportunity to stop the appearance of such a notice, and it is the duty of the Clerk and of the Speaker to see that no improper notice appears upon our papers. I considered it my duty, and a very disagreeable duty I felt it to be, to interfere and prevent the further appearance of that notice. The course suggested by the hon. gentleman from Richmond is the proper one to be taken. If the hon. gentleman from Stadacona feels aggrieved at the opinion which I have expressed that I should not allow this notice to appear on the minutes, he has his remedy in an appeal to the House, and I quite agree with the hon. gentleman from Richmond in thinking it desirable that there should be an expression of the opinion of the Senate on the question. If the Senate decide that this notice should appear, I shall be satisfied. On the other hand, if they think that it is such a notice as should not appear, I shall be better satisfied.

Hon. Mr. MILLER—I do not wish to prolong this discussion, because I do not know whether the hon. gentleman who has just given the notice of motion desires to test the sense of the House on the question, but I cannot see what application to the point really at issue a great many of the remarks of the hon. Speaker have. In the first place, it makes no difference whether the Speaker of the House of Lords is a peer or not. We all know the Speaker of the House of Lords need not be a peer. A celebrated instance on record is that of Lord Brougham who sat twenty-four hours on the woolsack without being made a peer. Besides, I wish to say that I have no doubt that His Honour the Speaker, in the course he pursued, acted with the single desire of maintaining the dignity of the House and preventing improper motions from appearing on our paper. I do not wish to attribute any other motives to the Speaker, but as I think this is a question on which there must be strong differences of opinion from the Speaker by men who have given parliamentary usage some study, it would be well that the notice of motion should not be allowed to go on the minutes,

that it might be fully discussed when it comes up on a future occasion. I do not think we should establish a precedent contrary to the usages of the House, and which no matter how it may be decided, is of the highest importance; it should be as authoritatively decided now that it has arisen for the first time.

Hon. Mr. LANDRY—The paper I have handed to the Clerk is a notice of motion for Thursday next. I do not ask by that notice that my former notice of motion be put in the minutes of the House. I ask only that this House should affirm its rights and privileges in reserving for itself the power to strike out or declare that notices of motion or motions are out of order. My motion is only to affirm that this House is willing and determined to stand by its own privileges and rights. I am not asking at all to have that motion put in the minutes. His Honour the Speaker said my former notice of motion was refused for three reasons. First, because I handed the motion to the Clerk of the House without reading it. If that is a good reason, then the question that I put to-day was irregularly printed on the order paper. I gave another notice to-day—just to-day. The government answered that question, and let it be known that that last question was put in the same way in the order paper as any former one I ever gave notice of. Generally I never read the motions of which I give notice. I generally send them over to the Table of the House, and that is the usage that has prevailed a long time. If the hon. Speaker will look in the debates of 1875, he will find a decision given by the Speaker of the day, the Hon. Mr. Christie, who said there was no rule on that question, that some members read their motions and some handed them over to the Clerk of the House, and if we consult May on that special question, what do we find? May says:

> Public notice may be given of an intended motion if the time of the House be not otherwise engaged after the consideration of private business is concluded and before the commencement of public business, or subsequently after the close of public business. Notice of motion may also be given at any time during the sitting of the House, by delivering the terms of the motion in writing at the Table.

That is what I did, and I did it in conformity with May and the usage, and now I am told my motion was set aside because I did not comply with the practice and usage of this House, or of the House of Lords.

Hon. Mr. YOUNG—I should like to ask the hon. gentleman if he is quoting from the practice of the House of Commons or the House of Lords?

Hon. Mr. LANDRY—It is under the chapter 'Method and order for transaction of business in parliament,' and we find here in that chapter that the division of the orders coming before the House is as follows:

> When the House meets on ordinary occasions, daily prayers having been read, the private and public business of the House is taken in their appointed order. 1. Private business. 2. Public petitions. 3. Unopposed motions for returns . . . . 4. Motions for leave of absence. 5. Notices of motion. 6. Questions by members. 7. Motions of the adjournment of the House under standing order.

The fifth order of routine business is notices of motion, and notwithstanding that particular phase of the public business of the House, it is noted by the author that notices of motion may also be given at any time during the sitting of the House, by delivering the terms of the motion in writing at the Table. That is on page 230. At page 225 of May, we find the following:

> On the morning following a sitting of the House the record of the transactions of the last sitting styled the Votes and Proceedings is delivered at every member's residence, together with the Notice paper of the House, which contains the appointed business for the next sitting, both private and public, together with the notices of motion which were handed in at the Table during the past sitting.

I think at all events it should be a disputed matter, if we cannot agree on that point, and I find it strange that a disputed matter is settled by the ipse dixit of one man alone.

Hon. Mr. YOUNG—The hon. gentleman has not answered my question.

Hon. Mr. LANDRY—I am quoting from May, from the chapter that applies to both Houses, and I do not see why I should make a distinction when the author himself does not make any. He does not apply it solely to the House of Commons, but to both Houses, and it is for that reason that I read the chapter from which I quote, 'Method and order for transaction of business in parliament,' not in the House of Lords, not in the House of Commons, but

in parliament. The same author at page 206 has the following :

Interference on the part of the House with these questions is of infrequent occurrence, but on one occasion, June 7, 1858, when a noble lord proposed to renew a notice of putting certain questions the House resolved——

Not the Speaker.

—the House resolved that the said questions had been sufficiently answered and ought not to be renewed.

Who gave the decision ? Was it the Speaker or was it the House ? Then on page 232 we find the following :

'As the notice paper is published by authority of the House, a notice of a motion or of a question to be put to a member containing unbecoming expressions infringing its rules or otherwise irregular, may, under the Speaker's order, be corrected by the clerk at the Table.

Hon. Mr. YOUNG—Hear, hear.

Hon. Mr. LANDRY—For a question to be put to a member, says May, the irregularities must be corrected at the Table. Further on he says that the House, also by order, directed that a notice of motion be taken off the notice paper. The House, by an order, has directed that a notice be taken out of the paper. That is the House, not the Speaker. I am quoting this to show that the first reason given, and perhaps the second reason also, in my humble opinion, does not apply to the present case. What I am asking to-day is only what this House has always enjoyed—the right to interfere itself in those motions.

The motion, the Speaker says, appeared to be out of order. I do not claim that it was in order ; my contention is, that if it is out of order the only thing to do is to call the attention of the Speaker to the fact. The Speaker may rule, and if his ruling is accepted by the House, then it is an order of the House that is given, and the motion must be expunged from the Order paper ; but to do the thing outside of the House, when the notice has been already printed, when it is in possession of the House, I think is an irregular proceeding, and it is for that reason I have given notice of motion to-day. The hon. Speaker's last reason is because it reflects on a member of the House of Commons. Any one who will attentively read the motion will find it difficult to conclude that that affects a member of the House of Commons. Where does that motion attack a member of the House of Commons ? Somebody may jump to conclusions, but no one can see on the face of the notice prima facie evidence that it is a reflection on the conduct of a member of the House of Commons. It is nothing of the kind. Take a stranger who knows nothing about the composition of the two Houses and give him the motion to read, and he will never discover that it attacks a member of the House of Commons. At all events, if the Speaker was led to that conclusion by what he knew outside of the motion itself, if he was under the impression that it was really a motion out of order, I claim that under those circumstances it was his duty to call the attention of the House to the fact, and this House would have to decide the matter. The Speaker complains that he was not notified that I intended to bring this matter up to-day.

The SPEAKER—I did not complain; I simply stated the fact.

Hon. Mr. LANDRY—The motion itself said it was coming up to-day. Was I notified when he struck it out of the Minutes of Proceedings ? No one had the courtesy to notify me. Had I been asked to take it out, I might have yielded. Had it been explained to me that the notice was out of order, I would have withdrawn it. My motion is made to-day merely to affirm the privileges of this House, and not to have the motions put in the Minutes of Proceedings of this House.

Hon. Mr. WOOD (Hamilton)—If the speech of the hon. gentleman were followed out to its logical conclusion, it would simply mean anything could be put on the minutes of this House, no matter how offensive to anybody inside or outside of parliament, and therefore I think it should be decided now who is the proper party to protect the dignity of this Chamber. So far as I can see, the Speaker is perfectly justified in giving instructions to the Clerk to refuse to allow anything to appear on the journals of the House that is utterly opposed to what is straightforward, upright and honourable, or affecting a gentleman in the other House. We should assert the right of the Speaker to be the protector of the dignity of this House, because if the hon. gentleman were to carry out his idea, the most offensive things might appear on the minutes, and

they could not be objected to until they appeared. That should not be, and the Speaker is the only one who should have the right to expunge anything of the kind. I simply make these remarks because I think the hon. gentleman is pushing his position altogether too far. In the first place, the motion should have never been made. I do not think the Speaker would have objected to the manner in which it was made, if it was not for the substance of the resolution itself.

Hon. Mr. LANDRY—The hon. gentleman may be right in wishing that the Speaker should have that power, but that wish of his proves of itself that the Speaker has not actually the desired power.

Hon. Mr. POIRIER—I think our Speaker deserves commendation for the zeal he has shown in protecting the dignity of the House. The motion of my hon. friend should not have been printed in our minutes. That being granted, so far as I am concerned, and I believe it is the opinion of the House also, the other point is a serious one. It affects the relative position of the Speaker and the House. It is a question of privilege, and it is therefore quite proper that we should deal with that question intelligently and calmly. My opinion in this matter is, that the motion should not have been given at all, but the diligence of the Speaker, which I have just been praising, might have been exercised before, so as not to allow the motion to appear on the Orders.

The SPEAKER—I knew nothing about it until it appeared on the Orders.

Hon. Mr. POIRIER—According to the ordinary course of things, the Speaker might have known. I am not attaching blame to him. He was supposed to have known. We are here discussing a question of privilege, and it is just as well that every one of us should express his opinion. In my opinion, supposing the Speaker had known of the nature of the motion, he should have prevented it from being printed and reported to the House. But once on our minutes, it becomes the property of the House. I am one of those who have the greatest respect for the Speaker, but I am convinced that he should not have taken it upon himself to strike that notice from the Order paper on his own motion, without consulting the House. It was the property of the House, and should have been dealt with by the House. I am not finding fault with the Speaker in this instance. He acted, no doubt, as he thought best under the circumstances, but we should express our sense of the fact that the House governs itself, and that the Speaker only has the power given him and no more. There is a difference between this House and the House of Commons. The fact that I am addressing you, hon. gentlemen, and not the Chair, is sufficient to show that in the position of the House towards the Speaker and the position of the Speaker towards us, we differ from the other House. If we grant this much to the present Speaker, another Speaker may wish to encroach on our privileges again. It is a delicate point, and the Speaker will permit me to say, without appearing to recriminate, that he has already encroached too much on our privileges in the matter of our mileage. It has been decided by competent authorities such as Sir John A. Macdonald, Sir John Abbott and Sir John Thompson, that we have no jurisdiction outside of the provinces of Canada; that our mileage should be paid by the distance travelled within the Dominion, that whatever we may do outside of the Dominion, parliament has no jurisdiction over it. Our Speaker took jurisdiction in deciding the mileage question in a different way. Our Speaker, to my knowledge, went further and took upon himself to locate one member of this House as living at a certain place, while he was actually living in another place. By thus changing the place of residence of a member to make a saving of expenditure, he wronged that member of our house. This is another little encroachment, but little encroachments aggregate a big encroachment. My opinion is that the House should express its sense of its privileges, with all the respect which we owe to the Speaker, and which he certainly deserves, so that some fixed rule should be established.

Hon. Mr. ELLIS—It seems hardly right, where a point of order is being discussed, to bring in such an illustration as the one the hon. gentleman has brought into this matter. It is an entirely different question, and cannot affect this question at all. The hon. gentleman did not seem to me to be

making his observations with his usual fairness when, even by innuendo, he refers to the action of the Speaker. The difficulty arises from the improper action of the hon. gentleman from Stadacona himself in the way he brought in his motion. Had he adopted the ordinary practice of the House, the House would have been in possession of the whole matter. But he did not do that. He got it in some other way on the record, and the Speaker taking notice of it, as Speaker of the House, dealt with it as it stands. It is only fair to regard that view of the question dealing with the case. I rose, however, rather to protest against the hon. gentleman's introduction of an entirely different matter which by no proper way could affect this question at all. I feel this way about it, that the Speaker acted, there being nobody else to act, at the right time, and whether he is strictly in accordance with the practice or not, it seems to me that he is taking action that the House must sustain if it wants to protect its own dignity.

Hon. Mr. LOUGHEED—The difficulty in this particular matter has arisen from my hon. friend from Stadacona misinterpreting what is the rule and practice of this House with reference to notices of motion. The practice is very clearly laid down in Bourinot, page 366, that a notice of motion should be read before being handed to the Clerk :

> When a Senator intends to give notice of a motion it is usual for him to rise in his place at the time fixed for routine business and read the notice which is handed to the clerk so that it may appear in its proper place on the minutes.

I am sorry I cannot accede to the position taken by the hon. gentleman from Stadacona as to his right to hand the notice at the Table. It is quite apparent if the notice is handed in at the Table, the Clerk of the House cannot exercise his discretion as to whether it should appear on the motion paper or not. If the notice of motion is read, the House is then seized of the motion, and upon any hon. gentleman rising to a point of order, the question can be decided as to whether it is in order or not. If His Honour the Speaker, with closed doors, had pointed out to the House that a notice of motion had appeared on the Order paper which was clearly out of order, the House would have pronounced upon the question, and would not thus have abdicated its functions to deal with the matter, nor the Speaker placed himself in a position to subject him to criticism. I think the House should retain all the powers vested in it, according to the authority laid down, and should not abdicate any of those rights to which it is entitled. In the House of Commons it is different. The rule there precisely provides (Rule 31) that a notice of motion may be handed in at the table of the House. Therefore a distinction evidently obtains between the practice of the Senate and the practice of the House of Commons, and in overlooking that distinction the hon. gentleman from Stadacona has made a mistake.

Hon. Mr. MILLER—When a motion appears on the Minutes, whether right or wrong, has it been removed in the proper way ? That is the simple point.

Hon. Sir MACKENZIE BOWELL—I have come to the conclusion that this discussion will have a good effect in the future. I have long been of the opinion, since I have had the honour of a seat in this House, that the Speaker is not vested with sufficient power to control and to maintain the dignity of this House. Had he had that power, I have no doubt he would have called the Secretary of State to order a few moments ago when he accused a Senator of acting from a cowardly and libellous motive in bringing that notice before the Senate. Calling a member a coward is not, I think, within the strict rules of propriety and decorum. If the Speaker had the power he might also had told the hon. member from Hamilton, that whenever a Speaker rules upon a question, any member has the right to rise in his place and object to that ruling, and at the same time to discuss it. That is laid down clearly in the authorities. The hon. member from St. John, I think, laid down the correct principle in reference to discussion upon questions of this kind : that irrelevant matter should not have been brought in. Had the Speaker the power which is vested in the Speaker of the House of Commons, he no doubt would have called him to order by saying he had drawn attention to a matter aside from the question before the Chair. The practice in this House is not exactly the same as that in the Commons.

I have given notices of motion, and handed them to the Clerk after the House rose, but in most cases I have read them from my seat, and I think after this discussion that all future difficulties will be avoided if we lay down that practice and adhere to it. I am quite in accord with the hon. gentleman from Richmond that some action should be taken by which the Speaker should have the power to rule out of order any question that he considers contrary to the usages, or calculated to interfere in any way with the dignity of the House. I am strongly of that opinion, but the point is whether, under the circumstances, the Speaker, has not acted in a way that he is not likely to repeat after this discussion. That he acted in a conscientious manner, I have not the slightest doubt. Bourinot lays down the rule that no notice can be placed on the Order paper which reflects upon any member of parliament. Whether this motion did or not I am not prepared to say, for the simple reason, speaking for myself individually, when I read the motion I was as ignorant as a child unborn, and I found other senators in precisely the same position, and I could not know until I made special inquiry, that the gentleman whose name appeared in that motion was a member of the House of Commons. Then I examined the records to ascertain what had been done in the House of Commons, and found that a notice had been placed on the notice paper of almost a similar character, and I found that that gentleman had made an attack upon the senator from Stadacona. Do not understand me to say that because a member of the House of Commons did that which was wrong, a member of this House should follow the same line. On the contrary, we should set them an example of gentlemanly conduct, and teach them at least better manners. But on reading that motion on the minutes of the House of Commons, I failed to see that there was anything particular in it. The gentleman inquired whether the hon. gentleman was paid as a census commissioner. It would be, I presume, for organization purposes in any parish in the country. That was quite legitimate and proper, but the gentleman thought, I suppose, that he could have what might be termed a hot attack on a member of this House, by putting such a notice on the paper. I am quite sure it did the hon. gentleman from Stadacona no harm. Any one who will study it will find that there is nothing in it unusual. Apart from that, I am rather pleased that this discussion has taken place, and I think if we act upon the suggestion of the hon. member from Richmond—either by a tacit understanding or by so amending our rules——

Hon. Mr. MILLER—Amend the rules.

Hon. Sir MACKENZIE BOWELL—So as to give the Speaker that power that he has exercised, and which cannot be questioned, then it would be his duty, as laid down clearly in May, when a motion is read that he thinks is out of order, or reflects upon any gentleman in this House, or any one else, to call the attention of the Senate to it, and the senator could decide as to whether it should remain on the Orders or not. After this discussion, and the general understanding and feeling that prevails, I hope my hon. friend from Stadacona will not persist in the motion of which he has given notice. He has accomplished the object he had in view, and having done so, he should be satisfied, and we will avoid any further acrimonious discussions on a question of this kind. I would submit to a good deal from the Speaker, even if he did exceed his duty to a certain extent, for the reason that I think that his influence for good would be materially affected if we, even though he were wrong, placed on the records a motion of censure. A case like that which gave him a reason for doing what he did will not, I am sure, occur again, and consequently he will not be placed in a position to repeat it. If I might give advice, I would advise the hon. gentleman to let this matter drop, as I think it would be in the interests of the dignity of the House.

Hon. GENTLEMEN—Withdraw, withdraw.

Hon. Mr. LANDRY—I do not see how I could withdraw the motion. If the hon. Speaker is willing not to rule on the case, I am willing to withdraw my notice of motion.

Hon. GENTLEMEN—Withdraw, withdraw.

Hon. Mr. DANDURAND—I do not see that there is anything before the House. A notice of motion has been given ; it has been ruled out of order, and there has been no appeal from that decision. There is nothing now before the House, and I understand the general consensus of opinion is that the Speaker was right in deciding as he did, because the notice of motion had not been read. If that notice of motion had been read, the House at the time would have been able to act upon it ; either a member of the House or the Speaker himself could have declared that the motion was out of order, but that notice of motion having been slipped in without having been read, we all commend the action of the Speaker in protecting the dignity of the House by not allowing it to be entered in the minutes of the House.

Hon. Mr. McCALLUM—I do not wish to say anything on the point of order, but I feel strongly with the Speaker in this matter. Still, he made one mistake. In my opinion he should not have taken the notice from the Order paper without consulting the House. That is the only thing, and I am sure after the discussion which has taken place he will not do so again—that he will consult the House before taking anything off the proceedings of the House. I have every confidence in the Speaker's desire to do what is right. I want to support him, but I do not want to make him an emperor. After this discussion I am sure no such thing will take place again. I think the motion had better be withdrawn. We do not want to censure the Speaker. He made a little mistake, and we are all liable to do that sometimes.

Hon. Sir MACKENZIE BOWELL—I think that the suggestion made by the hon. gentleman from Stadacona is easily reached. If he would ask permission to withdraw the motion of which he has given notice, the Speaker's ruling drops, and there is an end of it.

Hon. Mr. LANDRY—I am willing to withdraw.

The notice was withdrawn.

THE CONTINGENT ACCOUNTS OF THE SENATE.

MOTION.

Hon. Mr. WATSON moved the adoption of the 2nd report of the Standing Committee on Internal Economy and Contingent Accounts.

Hon. Mr. MACDONALD (B.C.)—I wish to express my disapproval of the last part of this report which recommends that one of the messengers in the reading room be removed to another place. There is a great deal of work in that reading room and takes two men's time. One cannot be there during the whole day. There are a great many papers to be sorted and looked after ; there are two messengers in the House of Commons reading room, and I have been assured that those men are occupied the whole of the time. There are the same number of papers there as are in the Senate room and if there are two men required in the Commons, then there are two men required in the Senate and I should like the committee not to insist on this part of the report, but let the present arrangement continue. After the session is over, of course one of those men goes to the messengers room and is not in the reading room at all, so that there is no economy in the matter. It is only a question of giving assistance for three months in the reading room. I do not know the feeling of the House in the matter. Those members who go to the reading room know the amount of work to be done there. The room can not be left alone. Some one must be there all the time, and one man cannot be there constantly. I should like the committee to drop that part if they feel justified in doing so.

Hon. Mr. WATSON—With reference to that part of the report, I may say that it is a recommendation from the Printing Committee. The Contingent Committee have no control of the messenger in the reading room. It is the Stationery Committee, and they reported that they could do with one man in the reading room on condition that he were relieved for an hour or two each day to go to his meals. The matter was brought up in this way. A request was made by the chief messenger for further assistance and the question of

economy of course, was considered, and it was thought that there was no particular necessity for two men to be employed in the reading room, and one certainly can do all the work. Of course, it is quite necessary that he should be relieved for two or three hours in the day, but it was understood that some one messenger should go to the reading room and relieve the messenger in charge during meal hours, and there is no doubt as far as the work is concerned, it can always be performed by the one man who is in charge of the reading room. I do not think it is fair to compare the reading room of the Senate with that of the House of Commons. As long as some person is there in charge to see that papers are not taken from the room which will not be returned, or that extracts are not cut out of papers, it appears to me that is all we can ask for, and there is no doubt that it will be a matter of economy to have only one person in charge of the reading room. I think the Stationery Committee fully understand the duties to be performed by the gentleman in charge and fully understand that if a messenger is allowed to go in there for two or three hours each day to relieve the man in charge, that the papers will be protected and we will have the use of an extra messenger who is now employed in the reading room.

Hon. Sir MACKENZIE BOWELL—I am fully in accord with that portion of the report, from what experience I have had in the reading room and the amount of work to be done. The messenger can be better utilized during the session of parliament by the head messenger in attending to the bells, because we sometimes have to wait, and complaints have been made in that respect. That, of course, is due to the messengers being taken away from the housekeeper. If this were not done, a new man would have to be put on the staff. I desire to call the attention of the Secretary of State and the Senate to one portion of that paragraph. It will be in the recollection of those who were present, that the hon. Secretary of State took very strong grounds in reference to the government having control of the Contingent Accounts Committee, on account of the extraordinary extravagance of the old committees, and in instancing that, special attention was called to the increase of salary of the different clerks and employees. For instance, men who were messengers had their salaries increased, and some of them whose occupation was very little more than that of an ordinary labourer had a large increase, much to the horror of the economical Secretary of State, and consequently those who controlled the old committee were condemned for extravagance. I find that one of the first reports brought down to this House is to increase the salary of a packer, an ordinary man who can nail a few boards together or pack up a few boxes. This economical committee appointed at the instance of the government who want to control the expenditure for which the government are held responsible—at least, so he told us at the time—reports as follows :—

'Your committee recommend that the salary of Wm. O'Neil, packer in the stationery office, be increased from $600 to $650 a year, such increase to date from the 30th June.'

That is commendable. It is only to commence from next year, and it does not include the last year ; but I could not resist the duty which I thought devolved upon me and each senator, to call the attention of the Secretary of State to the fact that they are responsible, according to his own showing, for this monstrous increase that he said took place in the past. There were certainly none of them to equal this. I am not prepared to say I would vote against giving this man $650 for the work, but I must say there are thousands of men in this Dominion who would be glad to take the position of a packer, which requires no special skill, for $650 a year, which is the consideration paid ordinarily to a skilled mechanic. I hope the hon. Secretary of State will control those gentlemen who support the government in future, and not allow them to put their hands into the coffers of this Dominion and deplete them by acts of this kind.

Hon. Mr. WATSON—In reply to the hon. leader of the opposition, I may say that we are pursuing a policy of economy, because he must admit that in making the changes we are taking a messenger out of the reading room, thus saving about $400 a year, because he has been employed in the reading room all the year round, and his services

will be available to answer the ring of the bell, and we will save the expense of an additional messenger. If we save $400 in that way, and increase one salary by $50 a year, we are saving something. I understand O'Neil is a man skilled in the Stationery Department, and quite an assistant to Mr. Young, being a practical man and a good packer as well, and it was recommended to our committee that his salary be increased. I understand he is entitled to some increase. He is only getting the same increase as other members employed a similar time in the service.

Hon. Mr. POIRIER—I was not here when this discussion took place, and I do not know exactly what was said, but I assume that the point I am raising has not been raised. I feel that one of our employees is suffering a hardship—very likely it is unintentional, but he suffers a hardship. I refer to paragraph 4, which reads as follows :—

> Your committee, after fully considering the duties performed by two messengers in the reading room, recommended that the said duties be performed as formerly by Mr. Wm. Lambkin without any assistance, and that Mr. Arthur Ralph return to his duties as messenger.

The facts of the matter are these : When Mr. Lambkin went to South Africa to fight for his country, Queen and empire, he was replaced by Mr. Ralph, with the idea that should he return he would get his position, which was quite correct and fair. He did, thank God, return safe, and was restored to his position ; but Mr. Ralph, who replaced him, who during his absence in South Africa had been taken from the packing. He was not restored to his former place, and in good justice, he should have been. Now what is being done ? Justice is being meted out to Mr. Lambkin, and Mr. Ralph is degraded ; or it amounts to lowering down in grade. He is taken down to what is considered an inferior position to the two positions he held before this, by the recommendation of this committee. I feel hon. gentlemen that this is a hardship. Mr. Ralph, as our employee, has been dutiful, effective, and an intelligent servant, and I for one will certainly protest by my vote against his being made to suffer for having filled Mr. Lambkin's place in his absence. The usage, the intention of the House here have always been to deal fairly and liberally with our employees, and to give an increase to those deserving of it.

Hon. Mr. FERGUSON—I think the hon. gentleman from Portage La Prairie must be a student of Bleak House. I would infer that from the manner in which he goes about saving money. Richard Jarndyce, in Bleak House, had a peculiar way of economising. He would lay out to expend fifty pounds in a certain way. He would determine that he would make that expenditure, and then change his resolution, and thus save fifty pounds when he changed his mind. My hon. friend is pursuing the same method of economising. He takes a messenger from the reading room and brings him in the hall to answer the bell at the same salary he had before, and still he finds we are saving money. I do not see it in that way. I wish to make this observation in support of what my hon. friend from Shediac has said with regard to our messenger, Mr. Ralph. I did not notice, until the point was made, that this messenger, who was the packer originally, and who was placed in the reading room to take the place of Mr. Lambkin when the latter went to South Africa, is not put back to his former position when we have restored our officials to their former positions. Mr. Ralph is very unassuming and faithful, an old servant of this House, and if the facts are as stated by my hon. friend from Shediac, that he should now, after Lambkin is restored to his position in the reading room, and Ralph's services are no longer required there, be replaced in the position of packer that he had before. An old messenger should not be put in the position of answering bells around the halls. I think it is only necessary to mention it and the committee will look into it and provide a remedy.

Hon. Sir ALPHONSE PELLETIER—As chairman of the sub-committee on stationery, I should like to make an explanation as to the reason why we had to make the change suggested. The first point raised is that the increase of fifty dollars should not have been made, and that we are preaching economy in one way and increasing salaries in another way. The members of the committee unanimously decided that O'Neill, having performed the duties for two years very faithfully and ably, it was just to

put him under the same salary as the gentleman who previously occupied the position had received. I think Ralph had a salary of $650, and O'Neill was appointed only at $600. We thought there was no reason why O'Neill, who is a good officer and a very efficient man, for the duties he has to perform, should not get the same salary as the previous packer. A good many salaries were increased two years ago, and O'Neill was the only one without increase, and it is only justice to give him an increase now. We had no other motive in our recommendation. The increase of fifty dollars is really not an increase, because the man who occupied that position two years previous to him received $650. That is one point. My hon. friend from Shediac was protesting against degrading one of the messengers. Well, there was no talk of that—I believe I am speaking the unanimous sentiments of the sub-committee—when we appointed him. We decided to send Ralph to the messengers' room, where he was formerly. We did this because we thought that two messengers in the reading room were too many. The remark had been made by several members that while Mr. Lambkin was there before he went to South Africa, he was doing the duty alone, and very efficiently. Then when he went to South Africa, at his own request, Mr. Ralph came down to the reading room, but after the return of Mr. Lambkin, several members mentioning that two messengers there were too many, we were obliged to reinstate Lambkin. There was no reason why we should not reinstate him, and we did reinstate him. As to Mr. Ralph not being put back to the stationery room, we had no desire to do him an injusice. He is a messenger the same as the others.

Hon. Mr. POIRIER—He suffers nevertheless.

Hon. Sir ALPHONSE PELLETIER—His salary is the same.

Hon. Mr. POIRIER—The position is not the same.

Hon. Sir ALPHONSE PELLETIER—The packer does the same work as a messenger.

Hon. Mr. POIRIER—And so is the newspaper man a messenger.

Hon. Sir ALPHONSE PELLETIER—The newspaper man has nothing to do with the distribution of papers. He remains in the reading room and takes care of the papers.

Hon. Mr. POIRIER—But he is a messenger nevertheless.

Hon. Mr. MACDONALD (B.C.)—I move that clause 4 of the report be not now concurred in. I hope the House will agree to that, because I am perfectly certain, from my knowledge of the reading room, that two messengers are required there.

Hon. Mr. SULLIVAN—The committee are not only economical, but they seem to carry it to the verge of cruelty. I find on the first page they pay Mrs. Kimber $50, and they state in the paragraph below that it is to purchase the Black Rod. To buy the Black Rod from Mrs. Kimber for $50 is, I think, pretty small. I should have been disposed to give her fifty dollars, and let her keep the Black Rod as a souvenir of her husband. It might be useful to her for culinary purposes.

The amendment was declared lost.

Hon. Sir MACKENZIE BOWELL—Might I suggest to the hon. gentlemen that if this man O'Neil is more than a packer, we should say so. If his duties are of a more onerous and responsible character than a packer's, why not say so, and not let the outside world imagine you are giving an ordinary labourer $650 a year.

The SPEAKER—I would respectfully suggest to substitute for the word 'packer' the word 'assistant.' He is really the assistant in the stationery office.

Hon. Mr. WATSON—Well, change the report in that way.

Hon. Mr. POIRIER—I would ask the chairman of the committee if he could, even by a title, do something to set Mr. Ralph right. Would it be agreeable to him or to the House to have him appointed, just pro forma, assistant in the reading room? With such a title, if the other man wants to go back to South Africa or leave, Ralph would have the right to succeed.

Hon. Mr. WATSON—That is a matter certainly I cannot speak for the committee on. Any suggestions of that kind which the House may make the committee can

consider. I would just say, as far as Mr. Ralph is concerned, I understand when he took that position he was told the probable chance was he would not be back in the stationery room if he left it. He took his chances, and went to the reading room, with the probable chance of Lambkin not coming back from South Africa, knowing very well that he lost his position in the stationery room. I understand Mr. Young is well pleased with the man he has there now.

Hon. Mr. DeBOUCHERVILLE—Is the second messenger to lose his place entirely ?

Hon. Mr. WATSON—No.

The report was amended by substituting 'assistant' for 'packer,' and as amended was adopted.

SECOND READING.

Bill (35) An Act to incorporate the Nipissing and Ottawa Railway Company.—(Mr. McMullen.)

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, April 16, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE PRIMITIVE METHODIST LAND GRANT.

ORDER POSTPONED.

The Order of the Day being called :

By the Honourable Mr. Perley :

That he will ask the government if they have made any exchange of lands with Mr. Bee or any one else in behalf of the Primitive Methodist calling during the past two years, and if not, is there any exchange in contemplation or waiting the report of the Dominion lands homestead inspector, and what lands ?

Hon. Mr. SCOTT—Stand.

Hon. Mr. PERLEY—When will the hon. gentleman be able to give an answer to the question ?

Hon. Mr. SCOTT—I really do not know. I asked the Department of Interior yesterday and they said they were looking it up.

Hon. Mr. PERLEY—It will come in due time, I suppose ?

Hon. Mr. SCOTT—Oh, yes, I think we will perhaps get it to-morrow. I hope so.

BROWN DIVORCE BILL.

THIRD READING.

Hon. Mr. LANDERKIN moved the third reading of Bill (D) 'An Act for the relief of James Brown.'

Hon. Mr. CLEMOW—I have read the evidence in this matter and certainly it seemed to me the most extraordinary evidence that I have ever seen in a similar case. If hon. gentlemen believe the two men who swear so positively, of course there can be no doubt about the guilt of the respondent. I think it is an impossibility to believe such evidence. These two men come forward voluntarily and swear positively that the offence was committed. I do not accept their evidence as reliable, and therefore I have come to a determination to oppose this Bill, in order to show the country that the Senate in the future will not pass such Bills without a certain amount of credible evidence which reasonable men could accept. One man swears that he had connection with this woman once. The other man swears to eight or nine times. There is not one collateral evidence in support of the evidence. This was done on the road and in the bush, but no one is produced who saw them together at all. Therefore, all the circumstances which are most important in matters of this sort are removed. I place more reliance, in a great many cases, upon circumstantial evidence than upon direct evidence. When we have a variety of circumstances pointing to guilt, it is more conclusive and reliable than direct testimony.

Hon. Mr. McMILLAN—Perhaps they were purchased.

Hon. Mr. CLEMOW—I cannot tell that. It is an unpleasant thing for me to bring this matter before the House, but I think we are in duty bound to consider and discuss it at this time and give our deliberate opinion on the question whether these Bills should pass on such evidence. I was not in the room when the evidence was taken,

and I do not know anything about it. If hon. gentlemen doubt the testimony, as I do, they will not vote for the Bill. I say positively I do not believe one word of it. I have no feeling in the matter, but I think it is necessary that the case should be ventilated. If hon. gentlemen come to the same conclusion that I do, they will oppose the Bill. Other hon. members may say that the evidence is conclusive. If I could conscientiously believe it, I would support the Bill, but I cannot, and, on that ground, I do not think the petitioner is entitled to the relief he asks.

Hon. Mr. KIRCHHOFFER—I am sure that every hon. gentleman in this House has the highest regard for the hon gentleman's capacity for dealing with questions of this kind. We recognize the fact that he is the Minister of Divorce and has introduced many divorce Bills, and that he is not opposed, on general principles, to divorce. In this case he has given a dissertation on his views of human nature, and I respect them largely. But we must be guided by the evidence, and we have nothing else but what comes before us.

Hon. Mr. CLEMOW—That is if the committee believe it. I do not believe it.

Hon. Mr. KIRCHHOFFER—And the committee are the best judges when they find a case such as this. Two credible witnesses come forward and prove the only act by which we are entitled to grant a divorce. We get that evidence, and it is not controverted. There is nothing throwing any doubt on the credibility of the witnesses, and we have no other course open to us except to report the Bill. I respect any hon. gentleman's prejudices in this matter, but the committee had only one course open to them.

Hon. Mr. CLEMOW—I do not object to the action of the committee, but I want to appeal to members of the House as to whether they believe that evidence. The committee may not have taken the trouble to investigate the character of these two men; I do not know whether they did or not, but to my mind it is so improbable and it looks to me, so to speak, like a purchaseable thing, that I have made up my mind not to support the Bill.

Hon. Mr. CLEMOW.

Hon. Mr. LOUGHEED—Being a member of that committee, I may be pardoned if I say that the hon. gentleman from Rideau has not been very complimentary with reference to the ability of that committee both to take and to weigh evidence. My hon. friend says that the evidence which he has read, he regards not only as improbable but impossible, and also extraordinary. I should judge that my hon. friend's knowledge of human nature would lead him to the conclusion that the evidence which was taken before that committee on the part of the two witnesses is neither improbable, impossible, nor yet extraordinary. It seems to me it reveals a condition of human nature which need not be doubted for one moment, and in fact it is the very class of evidence which almost without exception is accepted as the very best evidence to establish an act of adultery. My hon. friend shakes his head and seems yet to regard the fact of the committee accepting this evidence, as a most extraordinary thing. I might say that the respondent in this case was served with the papers and did not appear. The two witnesses who established the case—and established it beyond a peradventure—came there reluctantly. They were subpœnaed and compelled to attend. True, they might have perjured themselves like gentlemen, but they were quite willing, when confronted with the fact of their having been guilty of the act, to admit it. They mentioned the circumstances in such a way as to lead any hon. gentleman who will read that evidence to come to the conclusion that their statement was an accurate one. There was not a member on that committee who had the slightest doubt as to the truth of the statements made by those witnesses. They were workingmen. They perhaps might be termed illiterate men. They were not men of fine sensibilities. They were not men who regarded themselves as placed in a very embarrassing position by reason of the evidence which they gave, but they were, you might say, the average witness who would appear in a court of law in such a case as the present. The case is not one in high life, where the evidence might have been of a very much more elaborate and romantic character, but the case was one occurring in real and,

perhaps, the lower strata of life. As I have said, every hon. gentleman who sat upon that committee had not the slightest doubt as to the accuracy of the statements of these witnesses, and the members of that committee are accustomed, not only to examining witnesses, but to weighing evidence and to weighing it carefully. During my twelve years on that committee, I must say I never listened to evidence with which I was more impressed as to its absolute truth. I think, under those circumstances, the chamber should accept the report of the committee on the ground I have mentioned.

Hon. Mr. McMILLAN—I am very glad my hon. friend from Rideau has taken the initiative in this matter, for I have on two or three former occasions been opposed to such uncorroborated evidence as this is. I remember a case last year in which the hon. gentleman who has just resumed his seat had spoken, and had made a strong speech upon the occasion. I objected to the evidence for the reasons that the person who was guilty had come forward of her own accord and gave evidence that she had committed this offence. Upon this occasion, I think the case is a little stronger than it was then, because here we have a man coming forward and admitting that he had committed this crime with this woman, and at the same time acknowledging he is a married man with a family living close by.

Hon. Mr. WATSON—His wife was away.

Hon. Mr. McMILLAN—I do not think it would be necessary to do that if his wife had been in China. But I take the same view of the evidence that my hon. friend from Rideau does. I do not believe it. I simply cannot believe it. I do not believe it is human nature for a man to come forward and acknowledge guilt of that kind. If he does he is lower than the brutes. It is not human nature. It looks as if that evidence had been purchased for the occasion. My hon. friend says the witnesses were subpœnaed to come here. There have been a great many occasions on which people had been subpœnaed to attend committees of this House, but did not come forward, and they refused to attend. These two men could have done that. Take it home to your neighbourhood and ask yourselves how many men of your acquaintance would come forward and swear positively they had had connection with a married woman. I hope there are very few men in this country who would do it. I will second the motion for the six months' hoist in order to show the country that we will not pass these Bills on trivial and uncorroborated evidence.

Hon. Mr. FERGUSON—When I looked over the evidence, I must say I was quite disgusted with these two witnesses, and had there been any material contradiction, I would be disposed to doubt the propriety of granting a divorce, but when we remember that this respondent was charged with adultery and served with all the proper notices, and that she did not come forward to clear her character, I think we have a right to take this evidence as conclusive. Had the woman appeared and denied emphatically under oath the statements of these two witnesses, I think it would be quite a serious matter, and I do not say what I would do in that case, but it would have put the matter in another position altogether. But seeing that she was served with the papers, and that she did not appear to defend the case and deny the charges, I think there can be no question about her guilt.

Hon. Mr. MILLER—There was no question about the service of the notice?

Hon. Mr. FERGUSON—No.

Hon. Mr. McMULLEN—Being a member of this committee, I simply want to add a word to what has been said by the Chairman and the hon. gentleman from Calgary (Mr. Lougheed). I fully endorse the remarks that have been made by these two hon. gentlemen with regard to this case. There is one point that has not been referred to, which is that this woman deliberately, and without any cause, without any previous intimation, and without any evidence on her part of any discontent, left her husband, and remained away. That fact of itself is very strong evidence that there must be something wrong on her part. Then, as has been truly said, she was served with those papers. Had she any grievance against her husband, had he been untruthful or unkind to her, she had every opportunity of coming before the committee, and making her representations and opposing the divorce. She presented no de-

fence at all. With regard to the evidence of the two men, I must express my sincere regret that humanity does stoop to such a low point that men will be guilty of the crime that these men committed. It is to be regretted, but after having been dragged before the court and compelled to give their evidence, they did so, and the committee unanimously came to the conclusion, after reviewing the whole case, that the woman's treatment of her husband in leaving him, added to the evidence of these two men, entitled the petitioner to the relief prayed for. The committee also came to the conclusion, from his general appearance, from his conduct before the committee and his general character, that the husband was a decent, respectable, well-behaved man. I think every member of the committee came to that conclusion and that of itself, added to the opinion that the committee formed otherwise, justified us in deciding that he should be released.

Hon. Mr. McCALLUM—My hon. friend gives the man a good character. I have no objection to that. I have no fault to find with the man, but it is a great pity the woman did not come here to defend the case. Was there any inquiry made as to whether she was able to come and defend herself? Just think of these two men coming here, one of them a married man, to swear away a woman's character. Think of that. Any man guilty of such a crime would go to the ends of the earth and hide himself before he would come here. That is the way it strikes me. As for the petitioner's respectability, I cannot say anything about it. I did not see him as the hon. gentleman from Wellington did, but I have strong doubts as to the evidence of these men who come voluntarily forward. Were they compelled to come here? Who compelled them to come? Were not they paid to come? Were they not paid by the gentleman he speaks of to come here and give evidence against this woman? I am in doubt about the case. I do not care about voting for a divorce unless the evidence is very clear. I never did, but in this case I cannot believe the evidence given by these two men who come voluntarily forward to help this man to get a divorce. The question arises in my mind that they have probably been paid to come here. They were not compelled to come to pubish their own shame. I will have nothing to do with it.

Hon. Mr. LANDERKIN—I was in charge of this Bill, but did not know the nature of the evidence that was to be adduced. The very fact alluded to by the hon. senator from Wellington, of this woman leaving her husband, makes a stronger case to my mind than the evidence of the two witnesses. If there is any ground at all on which I would concede a claim for divorce, it is the fact of her leaving her husband and remaining away under the circumstances. But when I read the evidence I was forced to the same conclusion as some hon. gentlemen here who have spoken, that the evidence is not such as would warrant this House in granting the petitioner a divorce; and although I had charge of the Bill, I intend to vote against it, merely on the ground that I believe those two witnesses are not credible witnesses—that the men who came forward to swear away the character of this woman and at the same time to publish their own shame, are not witnesses who should be believed. I think it would be a premium on rascality for this House to admit the truth of what men of such character would say. Hence, feeling strongly on this matter, I am constrained to vote against the Bill, though I introduced it.

Hon. Mr. KERR—I have listened with very great attention and interest to this discussion. Of course, I concede the right of this Senate to reject any report that comes from any committee—that the Senate is not bound by the report of any committee. But I suppose the Senate would require pretty strong reasons for taking such a course. The committee was in number about complete, and unanimous in its conclusions. For myself, I have always approached applications for divorce with a good deal of reluctance, and I always try to find some proper ground on which to reject a petition, for I would rather vote at any time for the rejection of a petition for divorce than in favour of it. I watched those witnesses who were called, not only the petitioner, but the others. I think the other members of the committee did the same. We were sitting there discharging two-fold functions, both as jury and as judges, and at the close of the evidence, I asked myself this question: suppose the same evidence that has

been submitted to this committee to-day on this application was submitted to a jury empanelled to pronounce a verdict on the case, could they come to any other conclusion than that the allegations of the petition had been made out? The witnesses appeared to be intelligent, and only for the very disgraceful conduct they had been guilty of, one would suppose they moved in fairly respectable society. It is impossible for this Senate, and I say it with all possible respect and deference, as a body, not having seen the witnesses, not having heard their evidence, not having watched closely their manner of giving evidence, to come to as safe and correct conclusions as the committee did who watched the evidence, watched the demeanour of the witnesses and all the surrounding circumstances. For my own part, when the evidence was all in, I had no hesitation in saying that this case is only too plain. I regret that it is so plain. I felt it necessary to say this much in vindication of the action of the committee. I am sure that the evidence could not have been more closely scrutinized, but I am not surprised at the hon. gentlemen who have risen and said it is incredible. One would almost think it incredible, but during an experience of many years, every year in courts of law hearing evidence of a similar kind, a professional man would not be so surprised. It is lamentable that human nature should fall so low as the nature of these two witnesses. At the same time, I could only come to the conclusion, and the committee could only come to the conclusion, that notwithstanding all these circumstances, the witnesses were swearing actual fact. I have no hesitation in saying, that I should vote for the adoption of the report, preferring at the same time, if I could see my way clear, to vote against it, for, so long as I am a member of that committee, wherever I have any doubt about the evidence, I shall always vote for the rejection of a petition for divorce.

Hon. Mr. CHURCH—I should like to give an intelligent vote on this question. I have listened attentively to the trend of this discussion. A great deal has been said about the character of these men who came forward against this poor woman who, from the report of the Chairman and others of the committee who have spoken, I think, we must consider was guilty of the act charged against her, and that is a reason why this tribunal, or any other, should grant relief to the party who has been injured, and pronounce against the party who committed the crime. A great deal has been said about the woman; but what about the husband? It appears that this man, from the statements of members of the committee, was a respectable man. Under the circumstances, I view his case with sympathy. I have little or no sympathy with the woman, according to the account submitted to this hon. Senate to-day. The husband is said to be a credible and good man. He may want some one to look after his household. I shall vote for the report of the committee. I think they have done their duty intelligently. While on my feet, I must say, as a Nova Scotian, this whole procedure appears very strange to me. We have no such procedure as this in Nova Scotia. We have a court of marriage and divorce, and all these cases go before a judge, who examines the evidence, and pronounces his decision accordingly. I really think the time has come when divorce cases should not come before the first body of representative men in this country—that some other tribunal should be charged with the settlement of such cases. Under the circumstances, I shall stand by the report of the committee, and give my vote in favour of the Bill.

Hon. Mr. CLEMOW—I move that the Bill be not now read the third time, but that it be read this day six months.

Hon. Mr. SULLIVAN—Although I do not believe in divorce, and would vote against it, I do not think I can give a vote on this Bill. As a Roman Catholic, I must vote against divorce. At the same time, I know there is a committee authorized by this House to examine into such cases, and grant divorce on proper grounds. That committee has a very arduous and disagreeable duty to perform, and if we want to believe it is for the benefit of the morals of this country that divorce should remain under the jurisdiction of this House, it is our duty to give that committee every possible support that we can. As a Roman Catholic, and viewing that as the best that can be done in this country, I am inclined to sup-

port the committee, but I do not think any man here can give an impartial vote on this case. I have not read all this evidence, and I suppose there are many more who have not read it, and I do not see how they can form any opinion. As to what men will do, men will do anything. There is nothing so cruel and brutal that men and women have not done it. The improbability of the event occurring I do not think ought to weigh in the mind of any intelligent man. Now, I think there is a medium course to pursue. This case could be referred back to the committee. If they will be inclined to take that view of it, members of the House at all events would have an opportunity of looking further into the evidence. But so far as I can go, recognizing the very arduous and painful duties which this committee have to perform—and I presume they are the best selection that could be made of the legal talent of this House, men of high legal standing in the country—I would be inclined to support them as far as I can. I shall therefore move, if any one will second it, that the report be referred back to the committee for further consideration.

Hon. Mr. TEMPLEMAN—I do not know what is to be gained by referring this case back to the committee, unless the whole of the evidence is to be heard over again, which I presume could not be done. It would be utterly impracticable. As a member of the Divorce Committee, I rise simply to corroborate the expressions of opinion of my colleagues on that committee. It seems to me an extraordinary thing that after a committee composed of seven or eight members of this House have devoted several hours to a careful examination of the evidence submitted to them, and they come here with a unanimous report, all agreeing to the finding of the committee, that some gentlemen, after reading the evidence, take a different view of it. It seems to me that one of the essential conditions on which to found a correct opinion on the evidence given, is to listen to the evidence as it is being taken, to see the witnesses on the stand, to hear what they have to say, and the manner in which they say it. I, as one of that committee, was fully impressed with the fact that these witnesses told the truth, however discreditable that truth may be to themselves. These witnesses did not elevate themselves, in my opinion, in any degree whatever by the facts that they related ; nevertheless, they seemed to me two intelligent-looking, simple-minded young farmers of the country. They were rather ashamed of the position they occupied, but nevertheless they seemed to me to tell the truth, and I, as a member of that committee, do not think that this House would be doing the right thing to reject their evidence. It would be reflecting on the intelligence of the committee if the House did not accept this report. I do not think the suggestion of my hon. friend from Kingston can be carried out, inasmuch as it would be altogether unlikely the evidence could be taken over again.

Hon. Mr. SULLIVAN—I did not intend that the committee should go over the evidence. I simply put that in the way of a postponement, so that the members of the Senate, if they intend to vote on this report, would have time to consider it.

Hon. Mr. TEMPLEMAN—If there is any desire on the part of the House to postpone consideration of the report, to give hon. gentlemen an opportunity to read the evidence, that is another matter.

Hon. Mr. LOUGHEED—I might suggest that the committee, if the report were referred back, would not have the slightest hesitation in making a report as to the character of this woman. We adhered strictly to what might be termed direct evidence, not hearsay, but there was evidence as to the character of the woman before her marriage and since she deserted her husband. We considered the evidence was incontrovertible as establishing the charge of adultery, and we thought it unnecessary to go outside of that.

Hon. Mr. CLEMOW—I do not look upon my motion as being a reflection upon the committee, I should be the last man to reflect on a committee. We know that judges often give an opinion, and the jury may not agree with that opinion. We are the jury. The committee, I have no doubt, discharged their duties conscientiously, but they cannot look upon it as an infringement of their rights, if the House differ from their conclusion. How often do we

find juries differ from the direction of the judges. This is simply differing from the opinion expressed by the committee.

Hon. Mr. MILLER—I do not see any sense in referring the report back to the committee. I cannot see for what purpose it should be referred back.

Hon. Mr. SULLIVAN—To allow members to read the evidence.

Hon. Mr. MILLER—That is not the way. If we refer back the report, it would be with a knowledge of the fact that other evidence had been discovered, or with instructions to the committee to change their report; but if it is merely time that is wanted to study the evidence, the proper course would be to move to discharge the order of the day, and that it be an order of the day two or three days hence. I must say, for my own part, I do not see any necessity for such a motion. The case is one of the simplest, so far as the facts given to us by members of the committee who have spoken are concerned, and I can not see any reason for a postponement of the matter. Therefore, as there is no reason for referring it back, I am prepared to vote on the question myself.

Hon. Mr. VIDAL—I entirely concur in the remarks of the hon. gentleman from Richmond. Notwithstanding the fact that my hon. friend from Rideau division says that he implies no censure whatever on the committee, I think the motion which he has made conveys a very strong censure upon the committee, and worse than that, I think it is an insulting motion to the committee.

Hon. GENTLEMEN—No, no.

Hon. Mr. MILLER—I do not regard it in that light. It is not a proper motion to make.

Hon. Mr. VIDAL—It is a well known fact that that committee is very carefully selected—that it contains the most eligible men in this Senate to deal with legal matters. They had given the greatest attention to this case. None of them like divorce or care to encourage it, but it is their duty to hear petitions and examine evidence. Every one of those members was competent to judge whether the witnesses spoke the truth or not. There is a way a witness will speak or behave by which those who hear him will understand if he speaks the truth or intends to deceive. I think every member of the committee is competent to form a judgment as to the testimony of those two witnesses, and they have all agreed that it is to be received. The committee is entitled to the support of this House. The hon. gentleman from Rideau implies a charge of perjury against two men against whom no charge of any kind is made. Why should these two innocent men be charged here publicly and openly with perjury? It is nothing more nor less than that. It is a very grievous charge to make against them, and I think the circumstances which have been brought before the House do not require that this report should be postponed, or anything further done with it than to accept the report of the committee as presented. The evidence which has been alluded to, together with the absence of the woman from her husband tell against her, and the opinion which the committee formed of the man was favourable to him. He was quite unsuspicious that his wife was acting badly until the evidence became so strong that he could not refuse to believe it. I think the evidence of that man should be taken and relied upon. It was mentioned, I think, in the course of the examination that the woman would agree to his going on with the divorce if he paid her a thousand dollars. She wanted to make some money out of it. That is not a good indication. If she was a good woman and valued her character she would not take any amount of money and let the case go on. The fact that she did not appear in her own defence or make any accusation against the witnesses—that she refrained from making any vindication whatever to the committee, denying the charge—everything appears to me to be against her. Although I have strong prejudice against divorce, I think the committee should be sustained in this case in the judgment at which they have arrived.

Hon. Mr. KIRCHHOFFER—There seems to me to be a misapprehension as to the way in which this debate has arisen. This is not a motion to adopt the report. The report has already been adopted by the House, and this debate is on a motion for the third

reading of the Bill. I do not see how, on a motion of that kind, the report could be referred back.

Hon. Mr. MILLER—The Bill could be referred back.

Hon. Mr. KIRCHHOFFER—Yes, but not the report. I do not see how the committee could alter a report that has been adopted by the House. If there are any gentlemen in this House who have not read the evidence, and wish to do so, and would like to have their minds disabused of any doubts, there is no objection to the order being discharged and put on the Order paper for next Monday or Tuesday.

Hon. Mr. McMILLAN—Six months.

Hon. Mr. KIRCHHOFFER—No, we want to do justice. There is not a member of the committee who has any interest whatever in granting a divorce. We want simply to see justice done. The duty is a very disagreeable one, but we discharge it to the best of our ability, and we are really the only ones who can properly judge of the evidence in the case, because you have to see and hear the witnesses, and hear other extraneous circumstances connected with it, in order to weigh the evidence properly. These collateral advantages are denied to those who are not on the committee, and therefore the members of the committee are the ones best qualified to judge on the evidence. There was not a member of the committee who had the slightest doubt with regard to the case. The House can reject the Bill if they like. I long ago made up my mind never again to fight for a report of the committee. There are a certain number of gentlemen in this House who cannot give an independent opinion on it—they cannot vote on the evidence—they must vote on conscientious scruples, and therefore justice cannot be done entirely irrespective of what their views may be. Hon. gentlemen can do as they please with the Bill; the committee have done their duty, and if it is referred back to them there is not a member of the committee who will not re-affirm the report already given, and unless you bring the parties together again, and re-examine them, I cannot see what is to be gained.

The amendment was declared lost.

Hon. Mr. KIRCHHOFFER.

The SPEAKER—The question is now on the motion for the third reading of the Bill.

Hon. Mr. LANDRY—I rise to a point of order: the members should be called in.

The SPEAKER—No one asked that the members be called in, and it is too late now.

The Senate divided on the motion, which was carried on the following division:—

CONTENTS:

Hon. Messrs.

Bowell (Sir Mackenzie),	McKay (Truro),
Carling (Sir John),	McLaren,
Church,	McMullen,
Ellis,	Miller,
Ferguson,	Owens,
Fulford,	Reid,
Gibson,	Robertson,
Gillmor,	Templeman,
Kerr,	Vidal,
Kirchhoffer,	Watson,
Lougheed,	Wood (Westmoreland),
Lovitt,	Yeo,
Mackay (Alma),	Young—26.

NON-CONTENTS:

Hon. Messrs.

Bernier,	Landerkin,
Bolduc,	Landry,
Boucherville, de (C.M.G.),	McCallum,
Casgrain (Windsor),	McHugh,
Clemow,	McMillan,
Cochrane,	Montplaisir,
Fiset,	Power (Speaker)—14.

The Bill was then read the third time and passed.

SECOND READING.

Bill (U) An Act respecting the Western Alberta Railway Company.—(Hon. Mr. Lougheed.)

Bill (46) An Act to incorporate the Strait of Canso Bridge Company.—(Hon. Mr. McDonald, C.B.)

INCORPORATION OF BOARDS OF TRADE BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (S) 'An Act to amend the Act respecting the incorporation of Boards of Trade.'

In the Committee.

Hon. Mr. SCOTT—The object of the Bill is to enable boards of trade in the smaller towns of British Columbia or in the Yukon Territory to establish and incorporate boards

of trade. It is found necessary on account of the legal interpretation of the word 'district,' which does not apply in British Columbia. I propose to add the Yukon Territory to the Bill, as the conditions there are similar to the conditions in British Columbia.

Hon. Mr. ELLIS, from the committee, reported the Bill with amendments, which were concurred in.

JOINT STOCK COMPANIES INCORPORATION BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (R) 'An Act respecting the incorporation of Joint Stock Companies by Letters Patent.'

Hon. Mr. FERGUSON—I have been requested by Senator DeBoucherville to ask that this Bill be not proceeded with to-day, as the copy had not reached his hands and he wished to give it further consideration.

Hon. Sir MACKENZIE BOWELL—We can take the second reading now, and discuss its provisions on going into committee. There is no great objection to the principle of the Bill, and we can discuss it fully clause by clause.

Hon. Mr. SCOTT—Yes. It will be better understood when the details are gone into. I merely desire to foreshadow the prominent features of the Bill. The law as it stands was enacted in 1877. I had charge of it in the other Chamber in that year, and very little alteration has been made in it since that time. The object of the present Bill is to assimilate the law of Canada with the law of England, which removes very many obstructions existing in our law, and probably, as the hon. leader of the opposition suggests, it would be better that I go more fully into the Bill at the next stage.

The motion was agreed to, and the Bill was read the second time.

Hon. Mr. SCOTT—I move that the Bill be referred to a committee of the whole House to-morrow.

Hon. Mr. BEIQUE—If the hon. Secretary of State has no objection, I would suggest that the Bill be referred to a special committee. I think there are a number of suggestions which can be considered more advantageously in a smaller committee.

Hon. Sir MACKENZIE BOWELL—It can be discussed just as well in a Committee of the Whole House, because if it is referred to a small committee, that committee will report and then it will have to go back to Committee of the Whole to discuss the whole matter again. The suggestion can be made in Committee of the Whole just as well as in any other committee. I have some suggestions to make myself, and there is a freedom of discussion in the Committee of the Whole where it is more conversational, and I think the object can be better attained that way.

The motion was agreed to.

BILLS INTRODUCED.

Bill (75) An Act to incorporate the Knapp Tubular Steamship Company.—(Hon. Mr. Dandurand.)

Bill (79) An Act to incorporate the Crown Bank of Canada.—(Hon. Mr. McMillan.)

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, April 17, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (Z) An Act to incorporate the Union Life Assurance Company.—(Mr. Landerkin.)

THE PRIMITIVE METHODIST LAND GRANT.

INQUIRY.

Hon. Mr. PERLEY inquired of the government:

If they have made any exchange of lands with Mr. Bee or any one else in behalf of the Primitive Methodist colony during the past two years, and if not, is there any exchange in contemplation or waiting the report of the Dominion Lands Homestead Inspector, and what lands?

Hon. Mr. SCOTT—The government have agreed with the Reverend Mr. L. Bee, on

behalf of the Primitive Methodist Colonization Company, Limited, during the past two years, to make an exchange of certain lands.

The following lands were surrendered to the Crown by the company, and in exchange therefor the company have selected the several parcels enumerated hereunder.

Lands surrendered to the Crown, under duplicate certificate of title No. 144 G., dated 13th December, 1898.

All section ..	7	21	8	W. 2nd Mer.
All section ..	9	21	8	W. 2nd Mer.
All section ..	17	21	8	W. 2nd Mer.
All section ..	27	21	8	W. 2nd Mer.
E ½ section..	19	21	8	W. 2nd Mer.
S.W. ¼ sec...	19	21	8	W. 2nd Mer.
W. ½ section.	23	21	8	W. 2nd Mer.
N.W. ¼ sec..	25	21	8	W. 2nd Mer.
L.S. 5 & 6, s.	33	21	8	W. 2nd Mer.

Lands selected to be taken by the company in exchange for those surrendered to the Crown.

N.W. ¼ section..	6	22	8	W. 2nd Mer.
N.E. ¼ section..	18	22	8	W. 2nd Mer.
N.W. ¼ section..	14	22	9	W. 2nd Mer.
N.W. ¼ section..	16	22	9	W. 2nd Mer.
N.E. ¼ section..	18	22	9	W. 2nd Mer.
N.E. ¼ section..	32	22	9	W. 2nd Mer.
N.W. ¼ section..	34	22	9	W. 2nd Mer.
S. ½ section. ..	34	22	9	W. 2nd Mer.
S. ½ section. ..	36	22	9	W. 2nd Mer.
L.S. 12 & 13, sec.	20	22	9	W. 2nd Mer.
All section.. ..	2	23	9	W. 2nd Mer.
All section.. ..	4	23	9	W. 2nd Mer.
S. ½ section. ..	19	21	8	W. 2nd Mer.
N.E. ¼ section..	19	21	8	W. 2nd Mer.

Where the lands so selected are available steps are being taken to issue letters patent therefor in favour of the company, and the department is awaiting the receipt of the report of the agent of Dominion lands as to whether, according to his records, the remainder of the lands selected are available. No other exchanges have been made and none are under contemplation.

Hon. Mr. PERLEY—I must say I am very much surprised, because this is the third time I have had to ask this question, putting it with all the ingenuity of which I am capable, and it is only now that I receive the answer which I should have had the first time I asked the question. I am surprised at the government—I will not say humbugging——

Hon. GENTLEMEN—Order ! order ! order !

Hon. Mr. SCOTT—I could not quite catch the observation of my hon. friend. He asked a number of questions. I sent them over to the department and they assured me that they were giving me the fullest answers to the hon. gentleman's inquiry. It is quite impossible for me to say whether the answer is correct or not, I am unable to tell.

Hon. Mr. PERLEY—This is the answer to the question I asked the first time. I have asked this questions three times, and the answer I have received to-day is the reply which should have been given on the first occasion. I am satisfied now and I will not ask it any more.

A QUESTION OF PRIVILEGE.

Hon. Mr. LANDRY—Before the Orders of Day are called, I should like to bring up a question of privilege. Yesterday I handed in to the Clerk of the House a notice of motion, which was returned to me with a memorandum on the part of the clerk stating that he could not receive the motion because it had not been read to the House according to the rules of the House ; and moreover, because he had received from the Speaker a distinct order not to receive it. The notice of motion itself deals with public business, asking for correspondence which took place between the government, the Department of Militia and some officers of the militia force, in reference to the nomination of honorary colonels. There is nothing in the motion itself that could be suspected of being out of order. The only point is that the motion had not been read. If we consult the rules of this House, I think we cannot find any of them which would warrant the refusal of a notice. Bourinot was quoted from the other day, and he says that it is usual for a member giving notice of motion to read it to the Chamber, but what I contend is that Bourinot does not give all the usages followed here. I have been a member of the Senate for ten years, and have made motions more than once in this House, of which I gave notice every time, and every time I handed it over to the clerk at the table without reading it to the House. I never have read them, except the one I read the other day when I brought up a similar question of privilege. That is the first notice I have read in this House. My practice has always been to hand my notice of motion to the clerk, and it has always been accepted. If there is a rule on the subject, I suppose the clerk would be governed by it, but

I asked him, in a letter that I wrote to him, to show me the rule which obliged him to refuse my notice of motion. He answered by sending me a book, and pointing to a certain paragraph. I asked if that was the rule of the House, and he smiled, and that is the only answer I got. In the absence of any rule, what is the practice? The practice, as I have said, if what we are doing every day constitutes the practice, is both ways. The practice is to read motions or hand them in to the clerk in writing, and both have always been accepted by this House. But, as we all know, the rules of the House of Lords apply to this House when we have no special rule governing any particular case. In this instance, what is the rule of the House of Lords? I call attention of this House particularly to the usage in the House of Lords. In the House of Lords the routine business is divided, as in our Order paper, in different items, the public business, the private business, bringing up petitions, reading petitions, as we have it here, notices of motion, and motions. Notwithstanding the fact that there is this division of the work by the rules and usage of the House of Lords, we find in May, at page 230, this paragraph :—

> Notice of motion may also be given at any time during the sitting of the House, by delivering the terms of the motion in writing at the table.

That is the doctrine laid down by May in his tenth edition. I complied with the usages of this House and with those of the House of Lords. Was there anything in my motion that was out of order? I did not give the notice of motion with the avowed intention of making the motion to-day, but only to-morrow, so that the House would have time to see my motion in print on the Order paper of to-day, affording an opportunity for hon. gentlemen to decide whether it was in order or not. I know some members of this House read their motions to the House. A great many of the members do otherwise. When my hon. friend on my right (Mr. Poirier) read his motion the other day in French, he did not effectually bring it to the cognizance of the English members. What is the difference to those members of the House who do not understand French whether it was read to the House or handed in? All that the House wants to know is before the motion comes up, what its nature is, and that is gained by the publication of the motion some time before it is brought up. I am willing to comply with the wishes of the House, but I am not ready to comply with the wishes of the clerk. That is the question, and I say the clerk has no recognized authority to refuse a motion that I hand to him. If the House orders him to do so, it is all right, but I want to lay the case before the House to-day, to show that in this matter, as a member of the Senate, I cannot consent to be governed by the will of the clerk. I am willing to accept the ruling of the House, whenever the House thinks fit to establish a rule, but until then I think I am in my right when I follow a usage I have followed for ten years, and which is the usage in this House and in the House of Lords. I bring this matter to the attention of the House, and reserve my right at a future day to present a motion which might define the rights of hon. members of this Senate.

Hon. Mr. SCOTT—I gathered from the debate we had the other day, when a motion had been presented to the clerk, and was afterwards rejected, that there was no absolute rule which justified that action, but there was, as I gathered, a universal consensus of opinion that the Speaker very properly interfered in a case of that kind. It was an extreme case, and the suggestion was made that the rule should be altered so that the House itself might be possessed of the contents of a motion when a notice of motion was being given. No further action was taken. It was simply an expression of opinion which seemed to be pretty general, I suppose it was in pursuance of that unwritten law of the House, expressed by a number of senators at the time, that the clerk must have declined to receive the motion. I am quite aware that the usage has been as the hon. gentleman has said on very many occasions, that probably there has been no uniform rule. Where a motion has not been read, of course the House has not been seized of it, and it only appears on the paper the following day, when, if it is objectionable, the notice of motion is given publicity. Practically the object that the mover might have had in view is attained of giving it publicity, and therefore it probably might be well that we should amend our rules in the direc-

tion of compelling the mover of a motion to read it so that the House would understand the motion before it went on the Order paper.

Hon. Mr. LANDRY—The observation made by the hon. minister does not settle the question ?

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—In the meantime must I be governed by the good-will of the clerk ?

Hon. Mr. WATSON—Read your notice.

Hon. Mr. LANDRY—The clerk has the notice. It is a question of principle. If I read the motion I comply with what I am complaining of. I want to know if I have a right to do what I have done, and who is going to tell me if I have that right ? Will it be the Clerk of the House, or the Senate ? That is what I want to know.

Hon. Mr. WATSON—It appears to me the hon. gentleman is looking for trouble all along the line.

Hon. Mr. LANDRY—I rise to a point of order. This is the second time motives have been imputed to me. I did not object to the Secretary of State when he did so because he was not cognizant of the facts, but the hon. gentleman had no right to impute motives.

Hon. Mr. WATSON—It is more than the second time; it is the fourth or fifth time. The second offence we might forgive, but it is the continuation of the same kind of thing that I object to. It was distinctly understood by the House yesterday, and by the Speaker, that the practice of giving notice was by reading the notice to the House. Notwithstanding that, the hon. gentleman follows it up by putting in another notice without reading it.

Hon. Mr. LANDRY—And I will do it again.

Hon. Mr. WATSON—That will be another time. What I suggested at the opening of my remarks is borne out by the hon. gentleman's remarks, he is looking for trouble.

Hon. Mr. McMULLEN—In the discussion we had in the House the other day, the Hon. Sir Mackenzie Bowell drew attention to the fact that there was no distinct rule in our proceedings that directed the manner in which resolutions should get on our Notice paper, but that Bourinot clearly pointed out that when motions were made, they should be read to the House. Now, in the absence of any fixed rule of this Chamber directing that resolutions shall be read, we have Bourinot who states that the proper custom is, when a resolution is introduced, that it shall be read. That was the ruling given the other day.

Hon. Mr. LANDRY—There was no ruling.

Hon. Mr. McMULLEN—If we are to conduct the business of this House properly, and keep off our notice paper resolutions or motions that should not appear, they should be read to the House when they are handed to the clerk. Then the House would be seized of the matter that the member proposed to bring up for consideration, and if they, when the motion was read, thought it was something that should not appear, then it would be for the House at the moment to decide that it should not appear amongst the printed proceedings of this House. From the discussion that took place on the very same point a few days ago, I would consider the clerk was perfectly justified in declining to place my hon. friend's question upon the notice paper when he did not first read it to the House. I think it should have been read to the House. He himself knew that on a previous occasion a difficulty of this kind had arisen, and in the face of that he proceeds with another question on the very same lines, and now tries to load the clerk with the responsibility of rejecting it. Our procedure, whatever it may have been in the past, is good rule, and should be adhered to, and it should be understood as the intention of this House, that when any hon. gentleman proposes to put a resolution on the notice paper, in order to guard our proceedings from having questions placed on them that should not appear at all, the questions should be read to the House and then the House should be responsible for its appearing in our printed proceedings, and it would prevent all this trouble.

Hon. Mr. LOUGHEED—A couple of days ago I undertook to express my opinion upon this question. It is highly desirable that

it should be settled, inasmuch as there does not seem to be any expressed ruling on this point by any of the previous speakers, or by the House, so far as one could learn from Bourinot, or any other authority upon the subject. It seems to me to interpret the rule which we have, namely, one intermediate day's notice in writing must be given of all notices. It seems to me we cannot interpret that rule otherwise than by holding that the notices must be read. Otherwise, if the notice is handed in at the table and placed upon the Order paper for the next day, it must be manifest to hon. gentlemen that it will be impossible for the House to have the advantage of the intermediate day's notice which is already provided for in our rule. Rule 13 provides that that time shall be given. The Commons rule is entirely different. There it is expressly provided that a notice may be laid on the table before five p.m., and that it shall appear upon the motion paper of that particular day, and two days' notice of that particular motion shall be given. But we have no rule analogous to that in the Senate. It is impossible for it to appear on the notice paper until the following day; consequently, if the motion is not read by the member in his place, but simply handed in at the table, as I have said, it is quite manifest that the rule would be meaningless, and the House would not have any notice of the motion. I think it is highly desirable, in order that we may have an intelligent grasp of the subjects which are to be discussed, that we should have a sufficient notice of the motion before it comes on for discussion. It can only be done in that way, in my judgment.

Hon. Mr. MACDONALD (British Columbia)—Supposing a notice of motion is read now, the House does not know anything at all about it. Hon. gentlemen hear it read and do not take it in, and do not understand it, so that it is impossible to discuss a notice of motion the day it is given. It must go on the Order paper and be taken up, say, 24 or 48 hours afterwards. The hon. gentleman from Wellington said the clerk very properly kept the motion off the order paper. It is impossible for the clerk of the House to make himself a judge as to whether my motion, or another hon. gentleman's motion, is to go on the Order paper or not. It is not his function, and he has no right to do it. It is for the House to say, after they have seen it on the Order paper, whether it is a proper motion to come before the House. The Speaker gave his ruling, but he knows it was done in a sort of extra-judicial capacity, and he was not really entitled to do it, and the clerk has far less right to do it. How can he constitute himself a judge of my motion or anybody else's motion? I think the House should come to some understanding, and pass an order about this question, to say that anything of this kind, reflecting unjustly on anybody, in this House or out of this House, should be brought to the attention of the Speaker by some member of the House, and not by the Speaker himself, or the clerk, refusing to place it on the order paper.

Hon. Mr. BEIQUE—Referring to Bourinot at page 366—I think it is the page referred to by the hon. leader of the opposition, or some other member of this House—we find the following:

> When a senator intends to give notice of a motion, it is usual for him to rise in his place at the time fixed for business and read the notice, which is handed to the clerk so that it may appear in its proper place in the minutes of proceedings.

Referring to the 'Debates' of this House, in 1875, at page 210, I find that:

> The Hon. Mr. Bellerose inquired whether, by the rules of the House, members had to read the notices of motion before they were handed to the clerk or whether it was only optional. The Speaker believed there was no express rule on the subject. The practice in the House of Commons and the Senate had been for the members to read the notice of motion. The practice in the Commons was for the hon. member to state his motion when reading it. The hon. gentleman then read his notice of motion.

It seems to me that is equivalent to a ruling. It was accepted by the House and sanctioned by the reading of the notice of motion. Unless the hon. member is able to show that this practice has been departed from since that date, it seems to me that this tends to establish the practice as it existed then.

Hon. Mr. MACDONALD (British Columbia)—These were not the grounds on which the motion was taken off the Order paper. It was not because the motion was not read, but on other grounds.

Hon. Mr. BEIQUE—But the question came up in the other House as to whether the practice was to read the notice of motion, and the Speaker affirmed that it had been the practice and the House assented to it. It seemed to me that that was the sense of this House the other day, if I am not mistaken. The hon. leader of the opposition, and members on both sides of the House, agreed that, to put an end to what was described the other day as an abuse, the better practice would be to read notices of motion instead of merely handing them to the clerk.

Hon. Sir MACKENZIE BOWELL—What was the hon. gentleman reading from just now ?

Hon. Mr. BEIQUE—The decision of Hon. Speaker Christie in 1875, page 210 of the Debates.

Hon. Sir MACKENZIE BOWELL—In order to put an end to this discussion, we should adopt some rule. This question first arose in 1875. If hon. gentlemen will look at rule 50, page 91 of the rules of the House, they will see a head-note there—I do not know by what authority it appears. It says at the head, under notices of motion or inquiry :

Must be read by senators when given.

Hon. Mr. LANDRY—These are not the rules at all.

Hon. Sir MACKENZIE BOWELL—I said so. I said there was a note at the head of that Rule, by what authority I did not know. I was calling attention to rule 50, page 91, in which there is a head-note placed there by some authority I did not know about. I said that the rules provide that when the Speaker calls for notices of motion, notices intended to be moved on a future day must have at least one intervening day's previous notice in writing. Why and by what authority that note was put there I do not know. That is a point I desire to call attention to. Bourinot says, at page 360, that when a senator intends to give notice of a motion it is usual for him to rise in his place and read the notice before handing it to the clerk, so that it may appear in the proper place on the minutes and proceedings. That is the strongest opinion I have seen yet, but in order to prevent these discussions in future, if the government does not take action I will assume the responsibility of placing on the paper a notice to-morrow defining the manner in which these notices shall be given.

Hon. Mr. SCOTT—Perhaps we should alter the rules.

Hon. Mr. MILLER—The usage of this House, as I understand it, has been to read notices of this kind. I think it is a good usage. I find, from inquiry within the last few days, that many members have been in the habit of not reading them. I think it is not at all regular, and our usage is quite enough to establish a precedent. There is another reason why it is more necessary in this House to read notices than in the other House, and that is because our Speaker has not the power of the Speaker of the other House. A notice may be put on the minutes of the other House before a certain hour, and not read, but if the clerk call the attention of the Speaker of that House to it at any time before the printing of the minutes, he has the power to strike it out if it is irrelevant, or improper. I do not consider the Speaker of this Chamber has that power, although I should like to give it to him, and therefore it is all the more necessary that notices in this House should be read before they go on the Table, in order that the Speaker, or members, or the clerk should have the opportunity of knowing at the earliest moment whether or not there is anything improper or irrelevant in the motion. Then the printing of it might be prevented by a member of the House, or the Speaker. But very often when the improper motion goes on the Order paper, perhaps the object of putting it on is accomplished if it once gets on our minutes. Some steps should be taken, as I suggested the other day, to place the matter beyond controversy, by adding a rule to our standing orders on the subject.

Hon. Mr. DeBOUCHERVILLE—It seems to me that we are going outside of the question. The hon. gentleman from Stadacona has placed a notice of motion on the paper. He has given that notice. The hon. gentleman from De Salaberry has cited the case of the Hon. Mr. Bellerose who, on one occasion asked whether his motion should be read, or whether he should put it on

the Order paper. Then the Speaker, Mr. Christie, said that it was the practice to place it on the paper.

Hon. Mr. BEIQUE—No, to have it read before it was put on the order paper.

Hon. Mr. DeBOUCHERVILE—That is what I intended to say. Well, that is not a rule. It is merely the opinion of the Speaker.

Hon. Mr. SCOTT—It is the usage.

Hon. Mr. DeBOUCHERVILLE—It is simply the opinion of the Speaker, that it ought to be read. But to prove that it is not the usual practice the hon. gentleman from Stadacona has said—and nobody will doubt his word—that he has very often given notice of motion by merely putting the paper before the clerk; therefore usage cannot be proved to be as has been stated. The hon. gentleman from Calgary says that the necessity for a notice of it is that members may know what is going to be brought before them. How does the hon. gentleman know that this notice, put before the clerk yesterday, was for to-day. I have not read the motion, but I understood it was only for to-morrow. Therefore, there was one full day for the notice, giving the full time so that all hon. gentlemen could know what it was. I intend to call attention to this: the question is not, has the hon. gentleman the right to put his notice before the clerk. The real question is, who has the right to tell the clerk—because I do not suppose the clerk would act of his own free will—who has the right to tell the clerk not to accept that motion. There must be somebody else besides the clerk. I understand the Speaker gave the order.

The SPEAKER—No, I did not. The clerk gathered from the discussion yesterday that the sentiment of the House was in the direction in which he acted, and the clerk, having acted, asked me my opinion on the subject, and I told him I thought he had acted properly.

Hon. Mr. DeBOUCHERVILLE—I am very glad the hon. Speaker did not tell the clerk to act in that way. He did not give the order.

The SPEAKER—I do not intend to shelter myself behind the clerk, because if the clerk had asked me in advance I should have told him not to put it on.

Hon. Mr. POIRIER—But he did not do it.

Hon. Mr. DeBOUCHERVILLE—He did not do it, therefore, it was the clerk that took upon himself to decide that a notice given by one of our confreres should be thrown aside, and I think, if the House does not want to do away with all its privileges, that we should not allow that to be done in the future.

Hon. Mr. CHURCH—As a young member wanting to know how to do things properly, and without desiring to waste the time of the House, I should like to be informed on this matter. I once heard a celebrated man at the other end of the Chamber rise in his place to a point of order, and if it were properly expressed you might say that he rose to a point of disorder. I do not say that this is a point of disorder, but it seems to me that there was a consensus of opinion the other day that any hon. gentleman who wished to found a motion or inquiry, should first read it in his place, before handing it to the clerk. I, as a young member of this House, would certainly feel myself bound, after the expression of opinion in this House, to take that course. Now I find a gentleman who has been a member of this House for many years coming forward and putting his question in the hands of the clerk, after hearing that expression of opinion. Well, it does look to me as if it were a sort of challenge against what certainly seemed to me to be the expression of opinion of the great majority of members of this House.

Hon. Mr. DEVER—There was no vote.

Hon. Mr. CHURCH—No, but silence often gives consent, and consent is often expressed without yea or nay being given. I have only been here a few weeks and I have seen that frequently, simply because nobody opposes what seems to be the desire of the House. I am very glad to hear old members of this House, the hon. leader of the opposition and the hon. gentleman from Richmond, state that if the rule is not clear and definite and well defined now, it should be so, and I trust it will be made so. The clerk of the House has laid himself open to censure from the hon. gentle-

man who is now seeking to have his motion recognized. He acted on what appeared to be the consensus of opinion of the great majority of this House the other day. The hon. Speaker says if the clerk had applied to him he would have directed him to do what he did. I only rose for the purpose of receiving information. I had the honour the other day of putting two inquiries to which I received courteous answers, and I want to know in the future what I have to do. Following the practice as I have found it here, listening to the arguments the other day, and to what I conceive to be the opinion of the majority, I shall feel myself bound to put my motions in writing and read them before handing them to the Clerk of the House. If there is no absolute rule to that effect, there should be a rule, because I do not think, in a question of this kind, that any latitude should be given. An hon. gentleman might put a motion in the hands of the clerk, and the clerk might not feel he had the right to refuse it. It might reflect on a member of another body, and might get on the Order paper and be made a matter of public notoriety before any action could be taken to have the matter rectified. I think in this case, the hon. gentleman from Stadacona is pressing the matter rather too far. It does not become me to give an old member advice, but I think it is his duty to withdraw the motion and get it on the notice paper in the proper way.

Hon. Mr. MACDONALD (Prince Edward Island)—I do not take the same view as the hon. gentleman who has just addressed the House on the action we took the other day with regard to the motion of the hon. gentleman from Stadacona. The reason the members of this House expressed their dissent to that motion was, it reflected on a member of another branch of the legislature. On that there was a general consensus of opinion, but as I understood it, there was no decided expression of opinion respecting the manner in which the motions were to be made. It is within my recollection that since I have been in this House, every session members have made motions by handing them in to the clerk, and having them entered on the Order paper without reading them from their place. The hon. member from Stadacona, I take it, was quite in order in the course he pursued up to the present time in handing that motion to the clerk if there was nothing objectionable in the resolution itself. It is for the House to lay down a rule, and then if they decide that a motion must be read, the hon. member not following the rule will be out of order, but I maintain the senator from Stadacona was quite in order in the course he followed.

Hon. Mr. BERNIER—It may be advisable to make it compulsory that every motion be read before handing it to the clerk, but the question does not present itself at present. If we take into consideration matters as they are at present, we must come down to the conclusion that the gentleman from Stadacona was right. First, there is no rule of the House on the subject. Then, as to that, the hon. gentleman cannot be out of order. If we refer to the practice, we come to the same conclusion. It is true that Bourinot has been quoted, but the expression used by Bourinot himself implies that the contrary may be done. Bourinot says: 'It is usual.' These words imply, as I have said, that the contrary can be done also. Even if nothing of the kind was implied, we have departed from the practice mentioned by Bourinot. The hon. gentleman from Stadacona has said that he never read his motions to the House, and that they have always been accepted. I have very often done the same thing and the notices of motion were always accepted. Therefore, it is a well established practice, and I fail to understand why we should be out of order now in doing what we have been doing for years, handing our notices to the clerk at the Table, and never having them refused. But Bourinot is not the only authority to which we may refer. May says very clearly that a notice of motion may also be given at any time during the sitting of the House by delivering the terms of the motion in writing at the table. That is as clear as possible, and under the circumstances it seems to me that the clerk exceeded his duty in refusing to put the notice of motion on the Order paper.

Hon. Mr. SCOTT—I propose to give a notice in the following words: That tomorrow I shall move that the following rule be made an order of the Senate: Every

senator desirous of making a motion or asking a question shall read the same from his place in the Chamber before handing it to the clerk.

Hon. Mr. LANDRY—That is my vindication.

Hon. Mr. MACDONALD (British Columbia)—Does it go far enough ? Who is to be the judge, whether it shall go on the Order paper or not ?

Hon. Mr. SCOTT—When the matter comes up to-morrow it can be elaborated if necessary. There is no doubt the past usage of the Senate has been, with occasional exceptions, to read the notice, and there is no doubt the clerk was quite justified in the conclusion he drew, because there was a general expression of opinion from the members of the Chamber that the Speaker acted properly in stopping the other notice.

Hon. Mr. LANDRY—I think it is quite the contrary.

Hon. Mr. SCOTT—He acted on it at all events.

Hon. Mr. LANDRY—If the hon. leader of this House thinks proper to give notice to-day of a motion to establish a rule, that is proof that the rule does now exist, and if the rule does not now exist, why did the Clerk of the House write me a letter telling me that it was against the rules of the House, and why, when I asked him to point out that special rule, did he just give me what the leader of the opposition has quoted as rule 50 ? I call the attention of the hon. gentleman, and of this House to the fact that rule 50 is not a rule of the Senate, and I challenge any member of this House to say that it is. It is merely a little memorandum, made by I do not know whom. The hon. leader of the opposition has been misled by some one who has represented it as a rule of the House. I was shown it yesterday by the clerk, and I went to him and asked him if it was a rule of the House, and I only got a smile. In rule 50, rule 13 is alluded to. Rule 13 answers what the hon. gentleman from Calgary said a moment ago. He said one intermediate day's notice in writing must be given, and he concluded that it must therefore be given in writing, otherwise we would not have time.

Hon. Mr. LOUGHEED—My hon. friend gave his notice of motion for to-morrow.

Hon. Mr. LANDRY—Yes, but it was given yesterday.

Hon. Mr. LOUGHEED—The members could not have had notice of it until to-day, consequently an intermediate day could not have elapsed. We have to have a clear day, and if we have notice of it to-day, and it be read to-morrow, we certainly cannot have an intermediate day's notice.

Hon. Mr. LANDRY—If the hon. gentleman will look at the debates of the Senate, he will find that one of the Speakers of this House (Hon. Mr. Allan) decided that question in 1889.

Hon. Mr. LOUGHEED—I have looked for it, and cannot find it. It must be a clear day.

Hon. Mr. LANDRY—It was on a question brought up by Mr. Kaulbach.

Hon. Mr. MILLER—It must be a clear day.

Hon. Mr. LANDRY—That question was decided by Speaker Allan. He decided if a notice was given to-day, it could not come up until the day after to-morrow.

Hon. Mr. MILLER—That is right.

Hon. Mr. LANDRY—But there is nothing in that which says it must be in writing.

Hon. Mr. LOUGHEED—The House had no notice of the motion when it was not read.

Hon. Mr. LANDRY—The hon. gentleman does not understand what I mean. I mean the Speaker decided what was the meaning of that rule, and his decision does not agree with what the hon. gentleman said in coming to the conclusion that it must be read, and not handed in in writing.

Hon. Mr. LOUGHEED—It is a matter of opinion.

Hon. Mr. LANDRY—It is a matter of opinion, and he will find the opinion of the Speaker in the debates of 1889. I am not opposed to the ruling of this House, saying that in the future we must proceed in such a way, but I claim as a matter of right that until that rule is established I shall not receive orders either from the clerk or from the Speaker.

Hon. Mr. DeBOUCHERVILLE—A change of the rules cannot be made without a longer notice than the Secretary of State has given.

Hon. Sir MACKENZIE BOWELL—It would be much better to change the rule than to make a special rule. Rule 13, which reads this way :

One intermediate day's notice in writing must be given of all motions deemed special, and any motion is deemed special which initiates a subject of discussion.

I was going to suggest something like this ; instead of making a new rule, to make rule 13 read something like this :—

One intermediate day's notice in writing must be given of all motions deemed special, the same being read by the member giving said motion to the Senate at the time it is given, and any motion, &c.

Hon. Mr. SCOTT—That will cover it.

Hon. Mr. MILLER—I think it would be just as well not to come hastily to a conclusion on a motion. With regard to the question of rules, I remember that a ruling on a point of order in this House, decided by the Speaker, became binding on this House, in 1875.

The SPEAKER—The House will perhaps allow me to say a word. I understood the hon. gentleman from Stadacona, when he raised this question of privilege, to state that he intended bringing the matter formally before the House to-morrow, and asking a ruling of the House. I quite concur with the hon. gentleman from Richmond in thinking that when this question has been ruled upon by the House, it covers the whole ground, and that there is no necessity for making a special rule about the matter. If the House solemnly decides the matter, it stands for ever, and I hope the hon. gentleman will carry out his declared intention of bringing up the matter in such a way that the House can rule.

Hon. Sir MACKENZIE BOWELL—Then I will give notice of the motion I have just read, and when it is discussed, we can take the two motions, that of the hon. Secretary of State and this one, and so word it that it will suit the case.

Hon. Mr. WATSON—In giving this notice would it not be well to understand it further, and give the Speaker power to examine those motions ?

Hon. Mr. LANDRY.

Hon. GENTLEMEN—No, no.

Hon. Mr. McKAY (Truro)—I would like to call the attention of the House to rule 16, in order to get an interpretation of it. It provides that :

No motion for making any order of the Senate a standing order can be adopted unless the senators in attendance on the session shall have been previously summoned to consider the same.

Hon. Mr. SCOTT—We all understand that. They have to be all specially summoned.

THE TREADGOLD MINING SYNDICATE.

Hon. Mr. MACDONALD (British Columbia)—Before the Orders of the Day are called, I wish to call the attention of the hon. Secretary of State to the distribution of the Treadgold Mining Syndicate papers previous to the papers coming down here. What I wish to ask the Secretary of State on Monday is this : Is there any addition to the papers we now have ? The dates are June 12 and June 29, and December 7. There are three different papers in this distribution. What I should like to know on Monday is, if the Governor in Council have any alterations to these now before us ? I will ask that question on Monday.

Hon. Mr. SCOTT—All right.

Hon. Mr. DeBOUCHERVILLE—There is a question of privilege before the House. The hon. gentleman from Stadacona has brought a question of privilege before the House, and we have to decide whether the clerk had the right to strike out his motion or not. If we do not decide it one way, we will decide it another way. If we pass it over we will admit that the senator was wrong in putting before the clerk a notice of motion, and the clerk was right in refusing what the senator asked him to do. If we do not decide against the clerk, then we decide against the hon. member from Stadacona.

The SPEAKER—The hon. gentleman did not catch what I said. I said the hon. member from Stadacona stated he proposed to bring up this question of order to-morrow, formally; he simply rose to a question of privilege to-day, but he did not conclude with any motion.

Hon. Mr. LANDRY—If I am allowed—

Hon. GENTLEMEN—Order, order.

Hon. Mr. SCOTT—The hon. gentleman has spoken half a dozen times, and we surely should have some order in the Chamber.

Hon. Mr. LANDRY—Before the Orders of the Day are proceeded with, I want to point out what the Speaker said for future action. I am not going to discuss what has passed. I think the Speaker did not catch what I said, when he says that I intended to bring it up to-morrow. I said at a future date. I did not point out any date in particular.

THIRD READINGS.

Bill (F) An Act to incorporate the Bishop of Moosonee.—(Hon. Mr. Lougheed.)

Bill (K) An Act to confer on the Commissioner of Patents certain powers for the relief of George M. Depew.—(Hon. Mr. Lougheed, in the absence of Hon. Mr. Kirchhoffer.)

Bill (22) An Act to incorporate the Board of the Presbyterian College, Halifax.—(Hon. Mr. Ferguson.)

Bill (37) An Act to incorporate the Sprague's Falls Manufacturing Company, (Limited).—(Hon. Mr. Gillmor.)

Bill (49) An Act to confer on the Commission of Patents certain powers for the relief of John Western.—(Hon. Mr. Kerr.)

Bill (29) An Act to incorporate the Sovereign Life Assurance Company of Canada. —(Hon. Mr. McCallum, in the absence of Hon. Mr. Drummond.)

Bill (39) An Act to incorporate the St. Lawrence and Northern Railway Company. (Hon. Sir Alphonse Pelletier.)

Bill (M) An Act respecting the Atlantic and Lake Superior Railway Company.—(Hon. Mr. Owens.)

Bill (N) An Act respecting the Great Eastern Railway Company.—(Hon. Mr. Owens.)

Bill (O) An Act respecting the Algoma Central and Hudson Bay Railway Company.—(Hon. Mr. Landerkin.)

Bill (P) An Act respecting the Manitoulin and North Shore Railway Company.—(Hon. Mr. Landerkin.)

Bill (S) An Act to amend the Act respecting the Incorporation of Boards of Trade.—(Hon. Mr. Scott.)

OTTAWA, NORTHERN AND WESTERN RAILWAY COMPANY BILL.

THIRD READING.

The Order of the Day being called:

Third reading of Bill (B) An Act to amend the Acts relating to the Ottawa, Northern and Western Railway Company.

Hon. Mr. LOUGHEED said: The promoter of this Bill, Mr. Campbell, of Montreal, when he was before the committee yesterday, expressed his desire that instead of the amendment being made which was suggested, and which was embodied in the report, namely, that the consent of the Governor in Council should be first obtained, that the words 'the Ottawa and New York Railway Company' be stricken out of the clause. Hon. gentlemen will remember that the hon. gentleman from North Wellington suggested it would be good policy to submit the agreement between this company and the United States road to the Governor in Council before the ratification of the agreement. It was suggested in the alternative by Mr. Campbell that as this precaution was taken on account of the United States road being mentioned in clause 6, he would willingly consent to the name of the road being stricken out and the clause to remain as it stood. As the object of the amendment was to protect Canadian interests in the event of an amalgamation with the United States road, I think that by striking out the name of that road, the Ottawa and New York Railway, it will obviate the necessity of the amendment which the hon. gentleman from North Wellington moved, and of which the committee approved. The impression prevailed among several members of the committee that the committee had accepted the suggestion of Mr. Campbell, but when the report was brought down, it was found that the first suggestion was embodied in the report. I understand the promoter of the Bill has discussed this with my hon. friend from North Wellington, and as the legislation is being passed with a view, I understand, to the early absorption of the road by a very large railway company here, and as it will involve some little time to bring it before the Governor in Council, I move that the Bill be not now read the third time, but that it be amended by striking out the words

'if the consent of the Governor in Council be first obtained,' and also the words 'The Ottawa and New York Railway Company.' My hon. friend from Wellington states that he is satisfied the Bill should go as it was presented to the committee, having had an explanation from the promoter of the Bill. I move that this Bill be not now read the third time, but that it be amended by striking out the words of the amendment, namely, 'if the consent of the Governor in Council is obtained,' and that the Bill be now read the third time, as amended.

Hon. Mr. BEIQUE—I was present at the Railway Committee when this Bill was amended, and I understood that the amendment was—and I intended to draw the attention of the committee to it—to introduce a provision which it has been the practice to incorporate in such Bills, providing for the approval of the amalgamation by the Governor in Council. It has been the uniform practice in all these railway Bills, when an amalgamation is to be made, that it must be with the approval of the Governor in Council. That was the object of the amendment, and now the hon. gentleman from Calgary asks nothing short of striking out the amendment of the Committee on Railways, Telegraphs and Harbours. I think it is good legislation and that the practice should be followed; I do not see what objection there could be in this case, to have the approbation of the Governor in Council.

Hon. Mr. McMULLEN—I might say that in committee, when the amendment was proposed by me, my reason for doing so was because there was a United States line included along with the others. Since then, I have learned on good authority that the line that the Bill refers to is about being leased, or is practically leased to the Canadian Pacific Railway. Under those circumstances, I have no desire whatever to press the amendment.

Hon. Mr. ELLIS—I sustain, as far as my vote would go, the proposition to amend the Bill as the committee reported it, not for the reason assigned by the hon. gentleman, because I do not think that is a good reason at all. I do not think there is the slightest harm in amalgamating with a United States road. Our own roads are in our own country and we can control them, and there is nothing to prevent United States stockholders coming in, so that the reason he assigns cannot appeal to the common sense of hon. gentlemen, but it does appeal to hon. gentlemen that these roads shall have an amalgamation without the consent of the Governor in Council, or some authority. Therefore I object to the proposition the hon. gentleman makes.

Hon. Mr. FERGUSON—I cannot agree with my hon. friend. The proposed amalgamation cannot be made without the authority of this parliament, and I think that is authority enough. I do not see why any company should be obliged to go to the Governor in Council to ratify a bargain which this parliament has ratified.

Hon. Mr. LOUGHEED—Then I shall give it as a notice of motion for to-morrow.

SECOND READINGS.

Bill (W) An Act respecting the St. Lawrence and Adirondack Railway Company.—(Hon. Mr. Beique.)

Bill (75) An Act to incorporate the Knapp Tubular Steamship Company.—(Hon. Mr. Dandurand.)

Bill (79) An Act to incorporate the Crown Bank of Canada.—(Hon. Mr. McMullen.)

JOINT STOCK COMPANY'S INCORPORATION BILL.

The House resolved itself into a Committee of the whole on Bill (R) 'An Act respecting the incorporation of Joint Stock Companies by letters patent.'

(In the Committee.)

Hon. Mr. SCOTT—I will explain the clauses in this Bill in which changes have been made, I suppose 80 per cent of the clauses are in the law as it now stands, which has been tested for the last 20 or 25 years, and therefore I have made no changes in those clauses which I thought were applicable to the altered condition of the present Bill. The interpretation clause comes first, and the only change there is that loan companies are omitted. The Act has no reference to loan companies. We passed an Act two years ago consolidating the law in reference to loan companies, and it is entirely left out in reference to this particular Bill.

Hon. Mr. DeBOUCHERVILLE—I understood the hon. gentleman was to explain the whole Bill to-day. There is only one point on which I wish to be instructed. Is there a clause under which the local rights are protected ? That is to say, can the federal government with this law give incorporation to any educational system ?

Hon. Mr. SCOTT—That question does not arise under this Bill in any sense. It stands just as it did under the old law. I may say that in a number of the provinces they are passing legislation. In some instances it has been considered, although I do not now express any opinion, that they have been encroaching on the federal power. The rights of the provinces are not affected by the new law. They stand just as they were, and the federal government can claim no power that they did not receive under the British North America Act. Any legislation by us could not affect the rights of the provinces.

On the first clause.

Hon. Sir MACKENZIE BOWELL—There is no objection to the first clause, but I was under the impression, when the Secretary of State rose the other day, that he had the intention of explaining the Bill more fully at the committee stage. I understood him to say that the provisions of this Bill are similar to the law as it stands upon the statute-book to-day, regulating the obtaining of letters patent for carrying on business and that the proposed Bill only simplifies the method of obtaining charters. I notice, however, that there is only one repealing clause. I am speaking of the Bill generally now, because I may forget it when we reach these clauses. I find there is no reference to the repealing of any clause or any portion of the old Act with which this may come in conflict, except one, and that clause is simply one enabling companies, after making the deposit which is necessary to be made, upon application for a charter, to get the money back again. It lays down the mode by which the money can be withdrawn from the bank. I would suggest to the hon. gentleman, if he has not considered that question, whether it would not be better to have a clause repealing all other laws inconsistent with this, or that this should take the place of the law as it stands now upon the statute-book regulating the granting of patents.

Hon. Mr. SCOTT—That clause will come in at the end.

Hon. Sir MACKENZIE BOWELL—I find in the Bill introduced in 1894, which received the approval of this House, which dealt with loan companies and companies of the kind, having the same object in view that the hon. gentleman has indicated this Bill has, simplifying the mode of obtaining letters patent, it went further and laid down schedules as to the character of the returns which should be made to parliament, and also the fees which should be charged for obtaining letters patent, also another schedule, giving the names and so on of those who are connected with it. Whether the hon. gentleman thinks that is necessary or not, is a question to consider, and I think it would be well if provision were made in the Bill regulating the rate and the amount that should be paid by parties applying. In the debate which took place at the time, an explanation was given. My hon. friend the Secretary of State took some interest in it, and particularly the present Speaker, who was then a member of the Senate, discussed the different clauses at some length. The simple object of this Bill which I hold in my hand, which was introduced in 1894, and which received the sanction of parliament, was to simplify the mode of obtaining these letters patent, and increasing the fees that should be paid for obtaining them, or to repeat the expression used by the Secretary of State at that time, when he was on this side of the House, the object is to simplify, and to get more money, to which I replied that is the object of the Bill. What I desire to ask is, whether the government intend, as they are taking the power to regulate the fees, to adopt that principle or not, or whether they intend to reduce the fees that are to be paid in addition to the simplifying of the mode of obtaining them. I suppose the same mode obtains now as in 1874, of obtaining those letters patent, and in order that those who were not present at that time may understand exactly what routine has to be gone through, I will read a short extract in which at that time I explained to the House what had to be done. It was simply this. I said :—

By way of illustrating the simplicity of the procedure under this Bill, as compared with that under the existing Act, I may point out that parties desiring to obtain a charter under the present law must, first, petition to be sent to the Secretary of State; second, the Secretary of State sends it to the Justice Department; third, the Justice Department examines petition and returns it to Secretary of State; fourth, Secretary of State enters it in a book, and sends it to Finance Department; fifth, Finance Department examined papers, and returns to Secretary of State with report (that is, that it does not interfere with any other bill); sixth, if approved by Justice and Finance Departments, Secretary of State prepares a report to Council; seventh, if Council approves, reports returned to Secretary of State; eighth, the Secretary of State sends to Justice Department to prepare draft of letters patent; ninth, Justice Department prepares draft of letters patent and sends to Secretary of State; tenth, Secretary of State engrosses draft, signs it, and publishes in official Gazette.

Hon. Mr. SCOTT—Then the four months' notice anterior to that.

Hon. Sir MACKENZIE BOWELL—I was going to say that. This was the process to obtain letters patent, and has been the practice for years, ever since the law has been on the statute-book. Then, as the Secretary of State says, that has to be published in the official Gazette before the parties get to work. The present law, as I understand it, transfers the whole power to the Secretary of State, who is called the registrar, to grant letters patent, without any of this process. Now, would he have the power, in case an application were made for incorporation with a title similar to that of a company still in existence, to say we cannot grant it. I take it for granted he would.

Hon. Mr. SCOTT—Oh, yes. If you issue a title under a misconception you can cancel it.

Hon. Sir MACKENZIE BOWELL—These are the only points to which I wish to call attention. What do they propose to do in reference to the fees? Is it proposed to increase the present sum, as provided in the Bill I hold in my hand, or leave the fees as they are at present? The English Act has been referred to. The amount of money required to get letters patent in England is very high. I gave an illustration in this debate, of one case in which a Nova Scotia company required letters patent for commencing some business, and it was refused because it was thought the powers were too extensive, and that they were to operate over nearly all the world. They applied to England, and received a patent from the British government, but it cost them 600 pounds sterling. I do not propose that there should be any such charge here. But I do think, in order to prevent bogus companies from being organized, and companies that are organized simply for the purpose of selling out or for some other improper purpose, or without any intention of proceeding with the enterprise that they proposed in their charter to go on with, that there should be a sufficient sum imposed upon them to prevent that abuse of the law. These are points which suggested themselves to me in looking over the Bill, and I thought it well to call attention to them in order that we might know what it is proposed to do.

Hon. Mr. SCOTT—I am very much obliged to the leader of the opposition for the manner in which he has gone over the details, because it will save explanations later on. In reference to fees under the law, the Governor in Council is charged with the fixing of the fees, but since the time the hon. gentleman refers to the fees have been largely increased. Before the Bill goes through, I will lay a table of fees before the House. In regard to the return, there is very full provision made here that a certain proportion of the shareholders are entitled at any time to call a meeting and have the affairs of the company fully examined, and the Secretary of State is empowered at any time to call on the company to give the full detail of its shareholders, the amount of stock subscribed, the amount paid up, the amount unpaid, and so on. All that information can be given.

Hon. Mr. CLEMOW—In the short title, why not call it 'Joint Stock Company's Act,' instead of 'Company's Act.'

Hon. Mr. SCOTT—This is to take the place of the Joint Stock Company's Act.

On clause three,

Hon. Mr. BEIQUE—Would it not be advisable to amend this clause? It has come to my knowledge on many occasions that parties who have joined the company while the company is in course of formation are left out of the incorporation on account of the wording of the law which has been on

the statute-book for a good many years; therefore I would suggest that in the fourth line the following words be added :—'Who have become subscribers to the memo. of agreement hereinafter mentioned, and I notice in the Ontario Act they have adopted a wording of that nature.

Hon. Mr. SCOTT—I have no objection. I do not think it necessary, because they must all sign the memo. of agreement, and give an undertaking, each with the other, that they will continue to be shareholders and pay their shares.

Hon. Mr. LOUGHEED—I see this difficulty about that: supposing you make a subscriber a provisional member of the company, and he proceeds no further; supposing he dies; supposing shares are not allotted to him, he has no substantial interest in it at all. How are you going to get rid of him?

Hon. Mr. BEIQUE—The mere fact that he has subscribed shares is sufficient. The memo. of agreement is sent to the Secretary of State, asking for the incorporation, and then the public are canvassed, shares are subscribed on duplicate memo. of association, and according to the wording of this clause, they do not form part of the company at all. I could refer the hon. senator to a decision in Quebec, where the question came before the courts, and it was held they were not members of the company, and it has given rise to litigation. If the hon. gentleman refers to clause 9 of the Companies' Act of Ontario, he will find that they adopted a wording such as I suggest.

Hon. Mr. SCOTT—In the contract they are obliged to sign, page 22 of the Bill, it provides as follows :

NEW MEMORANDUM OF AGREEMENT AND STOCK BOOK.

We the undersigned do hereby severally covenant and agree each with the other to become incorporated as a company under the provisions of The Companies Act, 1902, under the name of the.....company of.....(Limited), or such other name as the Secretary of State may give to the company, with a capital of ——————dollars, divided into.....shares of.....dollars each.

And we do hereby severally, and not one for the other, subscribe for and agree to take the respective amounts of the capital stock of the said company set opposite our respective names as hereunder and hereafter written, and to become shareholders in such company to the said amounts.

In the application, the names of those who are chosen as the first provisional directors appear, so there is no necessity for that, and I have no objection to it.

Hon. Sir MACKENZIE BOWELL—If it is in the Ontario Act, it must be good, of course.

Hon. Mr. DANDURAND—The petition only covers the case of those who subscribed after the memo. has been filed.

Hon. Mr. LOUGHEED—But you did include them from the fact that they become shareholders.

Hon. Mr. DANDURAND—We are making it clear.

The clause was amended and adopted.

On the fourth clause :

Hon. Mr. BEIQUE—Sub-clause (a) provides :

(a.) The proposed corporate name of the company, which shall not be that of any other known company, incorporated or unincorporated, or any name liable to be confounded therewith, or otherwise, on public grounds, objectionable.

It is frequently the case that another name is adopted, with the consent of an existing company, and I see that in Ontario they have a provision to that effect. As it is here, if it is the name of another company it must be excluded.

Hon. Mr. SCOTT—I had considered that, as I have very often to consider similar applications. One must exercise discretion in that direction. It depends on whether there is any substantial objection to it or not. The parties may agree.

Hon. Mr. POWER—There may be other parties interested besides the two companies.

Hon. Mr. SCOTT—Then the law stands as it is.

Hon. Mr. POWER—It would be better to let the clause stand as it is.

Hon. Sir MACKENZIE BOWELL—In the interest of the public, I do not think any one company should be allowed to assume the name of another company, even though it be with the consent of the other. Take

stocks, for instance—one might be buying the stocks of an insolvent company, when by the name he would naturally suppose they belonged to another company.

Hon. Mr. BEIQUE—I will not insist. What I wanted to cover was such cases as this. Very frequently I have to get letters patent for companies incorporated under the laws of Quebec. They obtain letters patent from the Governor in Council, and adopt of course, the same name, with the consent of the old company. It is practically the same company, and this wording excludes this being done. I do not insist, because it has been the practice of the Department of State to permit its being done, and I assume that the practice will be continued.

Hon. Mr. LOUGHEED—I might point out to my hon. friend that I regret no provision has been made for the issuance of stock at the time of application for letters patent to the owners of an enterprise which may be turned into a company, say a going concern for personalty or for other valuable consideration. Now, one of the particular features of the law of New Jersey, and one reason probably why so many companies become incorporated there is this, that a going concern can turn its undertaking into a joint stock company, and have stock issued, as may be decided by the directors, for the amount of the purchase money. That is a difficulty which confronts applicants almost every day who may desire to convert their business into a joint stock concern. They get over it by a kind of fictitious financiering and fictitious sales. There is no reason why it should not be done open and above-board. In New Jersey it is permitted to be done. The directors place a valuation on the property taken over by the company, and separate stock is issued for that particular class of property. It appears on the face of the stock, the consideration given for the property in question, and a distinction is drawn between that stock and stock which is sold to shareholders for cash consideration.

Hon. Mr. FERGUSON—Will it rank differently for dividends ?

Hon. Mr. LOUGHEED—No.

Hon. Sir MACKENZIE BOWELL—How is it done under our law ?

Hon. Mr. LOUGHEED—Under our law you cannot do it at the time of the application for letters, except as regarding real estate.

Hon. Mr. SCOTT—Oh, no. My hon. friend will see that subsection (g) contemplates that :

(g.) The amount of stock taken by each applicant, the amount, if any, paid in upon the stock of each applicant, and the manner in which the same has been paid, and is held for the company.

That is where the stock is taken by the transfer of land to the company.

Hon. Mr. LOUGHEED—You cannot find any such provision as that.

Hon. Mr. BEIQUE—I think section 26, is ample enough to cover a case of that kind. Under section 26, which is a copy of section 27 of the old law, it is provided :

26. Every share in the company shall be deemed to have been issued and to be held subject to the payment of the whole amount thereof in cash, unless the same has been otherwise agreed upon or determined by a contract duly made in writing or by a by-law approved by the shareholders in accordance with the provisions of section 20 of this Act, but the contract or by-law shall be filed with the Secretary of State at or before the issue of such shares.

Hon. Mr. LOUGHEED—A by-law may be passed for less than its par value. I think that is the meaning.

Hon. Mr. BEIQUE—No. This clause is ample enough to cover a case of that kind. Under the old law, as embodied in the Company's Act, it is limited to contracts made and filed with the Secretary of State before the issue of the stock. But in this clause, the limitation does not exist, and it would permit what the hon. member contemplates. For instance, in a number of cases, there were agreements lodged with the Secretary of State, pursuant to section 27 of the Company's Act, providing for the issue of paid-up stock, because there was an agreement which provided for it, and the moment it was lodged with the Secretary of State the public was notified of it, and was supposed to be properly informed, and therefore the public was not taken by surprise.

Hon. Mr. LOUGHEED—That referred to real estate only. The Act has always provided for the company taking over real estate and issuing stock therefor, upon the

condition that an agreement be entered into, and filed with the Secretary of State.

Hon. Mr. BEIQUE—Read section 27 of the Company's Act. It says 'Every share'; it is not limited at all. I may cite instances. The Dominion Cotton Company was organized for the purpose of taking over the old Hochelaga Cotton Company, which was purchasing the other mills, and I had the company organized with a capital of $100,000 only, so to give life to the company; and an agreement was then made with the different mills whereby the company as thus organized with a capital of $100,000 purchased the other mills, and agreed to pay the purchase price in paid-up stock to be distributed to the shareholders of these other companies pro rata to the shares that they held, and immediately after the agreement was filed with the Secretary of State, then I had an application made to increase the capital from $100,000 to $5,000,000, and the same thing was done in the Canadian Coloured Cotton Company. I could name half a dozen companies, where the same thing was done. It is not limited at all to real estate.

Hon. Mr. LOUGHEED—Was that incorporation under the Joint Stock Company's Act?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—My hon. friend must have turned it in as real estate. A mill such as he mentions with machinery would be realty. Subsection 5, of section 5, chap. 119, 49 Victoria, reads:

> Such aggregate shall be paid in to the credit of the company or trustees therefor, and shall be standing at such credit in some bank.

And so on. It has always been the trouble in incorporating companies under the Joint Stock Company's Act that you can turn in real estate and take stock: therefore by filing an agreement with the Secretary of State there is no reason why personalty should not occupy as good a position under those conditions as real estate, inasmuch as it is usually personalty that is transferred. But under the present law the company has to enter into an agreement outside of this. The stock is issued as paid up stock, and it leads to a very great deal of trouble. It has been a standing complaint for some years.

Hon. Mr. BEIQUE—Permit me to call attention to the fact that subsection 5 of section 5, which provides that the stock may be paid by real estate in certain cases only: then section 27 is general, and says that that is only subject to section 5, &c. If those words had not been put there, section 27 would have been contrary to subsection 5.

Hon. Sir MACKENZIE BOWELL—I should like to ask, for the sake of information, from a layman's standpoint, do I understand the hon. gentleman from Calgary to say that if two companies desire to amalgamate by selling the stock of the one company to the other, that the man holding the stock in the one company that is to be transferred to another cannot take the stock of the one in exchange for the other, or must he be paid cash?

Hon. Mr. SCOTT—He can take the stock at par or at a reduced figure.

Hon. Sir MACKENZIE BOWELL—A man may own $1,000 of stock in Company A, and Company B is about purchasing the assets of Company A. A shareholder owns $1,000 in Company B; can he not take the stock of Company A in lieu of that which he transfers?

Hon. Mr. SCOTT—If they make an agreement ratified by the two companies, he can.

Hon. Mr. LOUGHEED—The two companies must have the power of amalgamation.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Calgary says you must take the cash. There is a law on the statute-book of Ontario which provides for the union of companies of that kind, and that you can take the one stock for the other.

Hon. Mr. LOUGHEED—As an illustration, here is a property consisting of real estate, and personalty—ten thousand of real estate and ten thousand of personalty. Under the Act as it now stands, a company at the time of applying for letters patent can take over the ten thousand dollars of real estate, and issue paid up stock for it with the owners, by entering into an agreement and filing it with the Secretary of State. They cannot do similarly with reference to the ten thousand dollars personalty.

Hon. Mr. SCOTT—Where a large mercantile concern wanted to convert themselves into a joint stock company, and take in their family and friends, there would be no difficulty in doing it under a contract.

Hon. Mr. LOUGHEED—In that case the promoters enter into an agreement to purchase a certain running concern, and then they pay for that by issuing paid up stock.

Hon. Sir MACKENZIE BOWELL—I think it is a point the hon. Secretary of State should consider, because it is an important one.

Hon. Mr. LOUGHEED—I will hand to my hon. friend an article recently written by Mr. Dill, of the New York bar, the gentleman who as legal adviser incorporated all those large trusts, and who is considered the best authority in the United States on that question, and in this article that phase is particularly dealt with. I may say that I have been approached by professional men from Toronto and elsewhere on the subject.

Hon. Mr. SCOTT—If the hon. gentleman would draft a clause, I would be glad to consider it.

The clause was adopted.

On clause five,

Hon. Mr. POWER—I wish to direct the attention of the committee to the fact that the language used in this clause is very awkward, and not strictly grammatical.

Hon. Mr. SCOTT—It is taken from the Ontario statutes, and where language has been in a law drafted for some years I like to retain it.

Hon. Mr. POWER—I do not think we should take the Ontario statutes for a model. I do not know much about Ontario legislation, but I have heard a good many gentlemen who were authorities say that they were not the best models.

Hon. Sir MACKENZIE BOWELL—I think the hon. Speaker is quite right. We have heard of judges saying they could not interpret the Ontario statutes.

Hon. Mr. JONES—They have had a long, undisturbed experience.

Hon. Mr. SCOTT—We can recast that.

Hon. Mr. FERGUSON—I wish to call attention to the remaining section of that clause. In section 4 it is provided that the application shall give the corporate name of the company which shall not be that of any other known company incorporated or unincorporated, or any name liable to be confounded therewith. Now, when we come to what is to be proved before the Secretary of State, I think one of the most essential points is there left out. It says that it must be proved to the satisfaction of the Secretary of State that the name is not the name of any other known incorporated or unincorporated company, and I think we should add the words: 'Or any name liable to be confounded therewith.' I think those words are essential in this clause 5. I think it should be also put in as a fact to be established to the satisfaction of the Secretary of State.

Hon. Mr. LOUGHEED—Are you going to require statutory declarations?

Hon. Mr. SCOTT—Statutory declarations. The list is kept in the office of all the companies incorporated in the provinces.

Hon. Mr. LOUGHEED—No provision is made for form. It should be made obligatory upon all the applicants to attach a declaration, and the nature of the proof should be defined.

Hon. Mr. SCOTT—We get that later on.

Hon. Mr. POWER—As a matter of information, I should like to ask whether, if it should happen that there is a company incorporated or unincorporated in one of the provinces, if the Secretary of State is not allowed to give the new company to be incorporated under the Dominion parliament the name of one of these provincial companies. I should like to know if it is the intention that it will be allowed or shall not be allowed?

Hon. Mr. SCOTT—It is laid down very clearly that it is not to interfere with any incorporated or unincorporated company.

Hon. Mr. JONES—Could the Secretary of State be prevented from using that name if it is the desire of that company? Would it be possible to take over the company, and have a Dominion instead of a provincial charter?

Hon. Sir MACKENZIE BOWELL—Oh, no. The intention is to prevent one company assuming the name or names of another company.

Hon. Mr. POWER—There is just this about it, that sometimes a company which has been organized under the Dominion charter may wish to have its powers extended ; and I am not at all clear that it is a good thing to hinder that company from taking the name of the provincial company.

Hon. Sir MACKENZIE BOWELL—That would be the same company. If a company doing business in the province of Quebec, under a particular name, being restricted in its business operations to that province, desires to have a Dominion patent, they might apply for a Dominion patent for the purpose of doing business throughout the whole Dominion. The hon. Secretary of State would not deny them the right to continue that same name ?

Hon. Mr. SCOTT—Oh, no. Provision is made for that.

The clause was adopted.

Hon. Mr. ELLIS, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again to-morrow.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, April 18, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

GASPE AND WESTERN RAILWAY COMPANY BILL.

MOTION POSTPONED.

Hon. Mr. SULLIVAN rose to move :

That the 49th and 50th rules of the Senate be suspended in so far as they relate to the petitions of Michael Connolly and others, of Montreal ; praying for the passing of an Act incorporating them under the name of the Gaspé and Western Railway Company, as recommended in the sixteenth report of the Standing Committee on Standing Orders.

Hon. Mr. MACDONALD (British Columbia). I have to ask my hon. friend to let this motion stand till Monday. There are a number of gentlemen who take an interest in the matter and know the locality, and they would like to be here to discuss it. They are not present to-day. If he does not feel justified in consenting to that, I should fall back on the rule that a clear day's notice has not been given. But I do not think I will be required to do that. I think he will be courteous enough to let it stand, out of deference to the wishes of a number of gentlemen who desire to be present.

Hon. Mr. TEMPLEMAN—My hon. friend might name Tuesday next, instead of Monday, because some gentlemen interested in the matter will not be here on Monday and prefer Tuesday.

Hon. Mr. SULLIVAN—Then I will let it stand till Tuesday.

The SPEAKER—The motion stands till Tuesday.

Hon. Mr. LANDRY—I wish to ask how it is that a motion of that kind, which requires a clear day's notice, has been allowed to be printed and brought up to-day, against the rules of the House ?

Hon. Mr. DANDURAND—It was openly read to the House yesterday.

Hon. Mr. LANDRY—But the clerk of the House, who has such a supervision of those motions should have seen that it was against the rules of the House and set it aside.

Hon. Mr. DANDURAND—But the Senate was seized of it and no one objected to it.

Hon. Mr. LANDRY—I want to know how it happened ? If the hon. gentleman could tell me how it happened that the clerk did not see it——

Hon. Mr. DANDURAND—No one slipped it on the Table of the House. It was read in the House.

Hon. Mr. LANDRY—That is not an answer to my question.

Hon. Mr. LOUGHEED—The clerk perhaps did not regard it as a special motion. If he did not regard it as a special motion, he could make it returnable to-day.

Hon. Mr. LANDRY—Then what is a special motion ?

Hon. Mr. LOUGHEED—A motion that causes discussion.

Hon. Mr. LANDRY—There will be a discussion on this one.

Hon. Mr. LOUGHEED—Then this is a special motion.

Hon. Mr. LANDRY—For that reason the notice is given in a way which is against the rules of the House.

The order of the day was discharged and placed on the orders of the day for Tuesday next.

BILLS INTRODUCED.

Bill (16) An Act respecting the Manitoba and North-western Railway Company.—(Hon. Mr. Kirchhoffer.)

Bill (53) An Act respecting the Canadian Northern Railway Company.—(Hon. Mr. Kirchhoffer.)

Bill (59) An Act respecting the James Bay Railway Company.—(Hon. Mr. De Boucherville.)

Bill (57) An Act respecting the Ontario Power Company of Niagara Falls.— (Hon. Mr. Gibson.)

Bill (42) An Act respecting the Klondike Mines Railway Company.—(Hon. Mr. Kirchhoffer.)

Bill (66) An Act respecting La Compagnie du Chemin de fer de Colonisation du Nord.—(Mr. Beique.)

Bill (70) An Act to incorporate the Ross Rifle Company, Limited.—(Mr. Gibson.)

Bill (72) An Act to incorporate the Pacific, Northern and Omenica Railway Company.—(Mr. Macdonald, B.C.)

OTTAWA NORTHERN AND WESTERN RAILWAY COMPANY BILL.

THIRD READING.

The Order of the Day being called for the third reading of Bill (B) 'An Act to amend the Acts relating to the Ottawa, Northern and Western Railway Company,' as amended.

Hon. Mr. LOUGHEED moved: that the Bill be not now read the third time, but that it be amended by striking out the words 'If the consent of the Governor in Council is first obtained,' in the sixth clause. He said: I took the opportunity yesterday of stating to this House that when this Bill was before the Railway Committee, Mr. Campbell, the promoter of the Bill, consented to strike out the words 'Ottawa and New York Railway Company,' rather than consent to the amendment moved by the hon. gentleman from North Wellington that the agreements should first receive the consent of the Governor in Council. The impression of the committee, I think, was that the words 'Ottawa and New York Railway Company' should be stricken out, and that the necessity of submitting the agreement should not be imposed upon the company. The hon. gentleman from North Wellington, upon afterwards being apprised of the fact that the intention of this Bill was to promote a sale being made of the various properties mentioned therein to the Canadian Pacific Railway Company, at once withdrew his opposition, and said that he had no objection whatever that the Bill should go through in the form in which it was printed, and he also informed me that had he known at the time it was for the purpose of facilitating the sale of these roads to the Canadian Pacific Railway Company, he would not have moved the amendment. Hon. gentlemen will observe, from looking at the Bill itself, that there is really no necessity for submitting the agreement in question to the Governor in Council. It has been arranged between the shareholders of the company and the absorbing company, in terms manifestly agreeable to all parties, otherwise they would not be here. As the report was adopted, the amendment practically became part of the Bill, and I therefore move the amendment of which I gave notice.

Hon. Mr. WATSON—That matter was discussed in the Railway Committee, and it is not enough to say that the hon. member from North Wellington, who moved the amendment, consented. The consensus of opinion in the committee was, that that was a right and proper amendment to have, and I think it is well to retain some control over all those amalgamations by reserving the right for the Governor in Council to approve of any transfer or amalgamation between different roads. We all know that the trend of opinion at the present time is for monopolizing the different lines of railways, and

the public ought to be protected. It is in the interest of the public to say that the Governor in Council should have to give their consent before any transfer or sale is made of a railway. I for one object to seeing that amendment struck out. I think it is a right and proper thing to put in all Bills; and the government then is responsible before any arrangements are made between companies for transfer or sale. We know that the rights of individuals, and corporations are often interfered with by small companies having agreed to do things for a bonus. I know of cases in Manitoba and other parts of the country where that has occurred. The road is absorbed by a large corporation, and the people have no recourse. So long as the road belongs to an independent company, the municipality has some recourse, and I think it is well to state in all Bills, where they ask for power of amalgamation, that the consent of the Governor in Council must be obtained before the amalgamation takes place.

The Senate divided on the motion, which was adopted contents 19 ; non-contents 11.

The Bill was then read the third time and passed.

THIRD READING.

Bill (35) An Act to incorporate the Nipissing and Ottawa Railway Company.—(Hon. Mr. Ellis.)

SECOND READINGS.

Bill (X) An Act respecting the Montreal Bridge Company.—(Hon. Mr. McSweeney.)

Bill (Y) An Act to incorporate the Union Life Assurance Company.—(Hon. Mr. Landerkin.)

Bill (E) An Act for the relief of Thomas Henry Radford.—(Hon. Mr. Watson.)

FIRST NATIONAL BANK OF CANADA INCORPORATION BILL.

SECOND READING.

Hon. Mr. LANDERKIN moved the second reading of Bill (V) An Act to incorporate the First National Bank of Canada.

Hon. Mr. CLEMOW—Before that motion is passed I should like to inform the hon. gentleman that there is already a bank of that name in this country, and therefore we must change the name. There are so many banks applying for incorporation that we must look into it when the matter comes up in committee. I do not know whether it is necessary for us to incorporate any more banks. My own opinion is that we have sufficient banks. I would not favour any more, because I think the present banks are equal to performing the financial business of the country. However, this will come up more properly in committee. I understand it can be done in committee.

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. CLEMOW—I merely referred to the matter because there is a bank of that name, and I do not think it would be fair to them to incorporate another bank of the same name.

The motion was agreed to, and the Bill was read the second time.

JOINT STOCK COMPANY'S INCORPORATION BILL.

ORDER OF THE DAY POSTPONED.

The order of the day being called :

House again in Committee of the Whole House on (Bill R) An Act respecting the incorporation of Joint Stock Companies by letters patent.

Hon. Mr. SCOTT—Two gentlemen who have taken a very great interest in this Bill have come to me and asked me if I would not let it stand till Monday evening. I acquiesced with very great reluctance. They pressed upon me that it was impossible with their engagements to be here, and as they wanted to make suggestions, I felt somewhat embarrassed in refusing. With the approval of the House, I move that the order of the day be discharged and placed on the orders for Monday. If the House would consent to sit on Monday evening, we might postpone the afternoon sitting. I am quite well aware that it is making an unreasonable request of the House.

Hon. Sir MACKENZIE BOWELL—I understand these gentlemen will not be back until Monday evening, and consequently we could not well go on in the afternoon with it. We would have to proceed at eight o'clock. I see no reason why we should not sit for a couple of hours on Monday. I have not the slightest objection.

The motion was agreed to, and the order of the day was postponed.

ST. JOSEPH AND LAKE HURON SHIP CANAL COMPANY.

SECOND READING.

Hon. Mr. LANDERKIN moved the second reading of Bill (T) An Act to incorporate the St. Joseph and Lake Huron Ship Canal Company.

Hon. Mr. McCALLUM—Explain.

Hon. Mr. LANDERKIN—I might say, that this canal is to be built from St. Joseph to Lake Huron.

Hon. Mr. McCALLUM—Where is St. Joseph ?

Hon. Mr. LANDERKIN—The point which it is proposed to connect with on Lake Erie is in the neighbourhood of Port Stanley, and from there it connects with Lake Huron. I have not been fully advised in the matter, but if it goes to committee, the promoters will have an opportunity to explain the proposal and will be able to give reasons for it.

Hon. Mr. McCALLUM—This is a Bill containing 29 clauses, and it has just been laid before the House. It looks to me like speculative legislation. Part of this Bill, except the word 'St. Joseph,' is a copy of another Bill which has been passed by this parliament, and the promoters of the project are doing their best to carry it out. I believe they will carry it out and make a great saving of time between Lake Huron and Lake Erie. My hon. friend cannot tell us where St. Joseph is. I think that this can be nothing else than a speculative charter, because it is covering ground already covered by a charter to other parties. There will be two years to commence work and seven years to finish. If I thought for a moment they would be able to do it, I would not oppose the Bill. I do not say that it should not go to committee, but I say that we should take action against any speculative charters of this kind, which are simply obtained to make other people pay them something so that the holders of the charter can make money out of it. The Bill does not even say where they are going to begin or where they are going to end. I shall ask my hon. friend, when the matter comes before the committee, to be prepared with maps to show us where this canal is to be constructed. Is it going to run parallel with the Detroit river ? The object is, to get from Lake St. Clair to Lake Erie, and I think the measure is drafted in this way in order to cover up what they intend to do. I do not accuse the hon. gentleman of anything wrong. I am satisfied he would not be a party to wrongdoing. I feel sure that when he finds out what the Bill really is, in place of promoting it he will oppose it. I have nothing further to say, but will let it go to committee ; I have such confidence in the hon. gentleman that I know he will not be a party to such a scheme.

Hon. Mr. LANDERKIN—I have such confidence in this Committee of Railways, Telegraphs and Harbours that I will ask them to consider the measure, and I have more confidence in that committee, inasumch as I am a member of it myself. That committee will be able to deal with it. As to its being a speculative charter, it is no speculation for me. I have been asked by a very respectable citizen of Canada to introduce this Bill, and if hon. gentlemen will read the Bill, they will get an idea who the promoters are. The House will get all the information desired in committee. I have no interest in the matter, except to introduce the measure, and if the committee find, upon reflection, that it is not in the interests of Canada to pass the Bill, they can dispose of it as they think best. When it goes to committee I intend to consider the Bill, with the other members of the committee.

The motion was agreed to, and the Bill was read the second time.

AN ADJOURNMENT.

Hon. Mr. SCOTT—Some gentlemen on the opposite side of the House have suggested, as there was nothing on the Order paper for Monday, that we might adjourn until Tuesday. I cannot go on with my Bill before Tuesday. I therefore move that when the House adjourns to-day it do stand adjourned until Tuesday next.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, April 22, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

GASPE AND WESTERN RAILWAY COMPANY'S BILL.

REPORT OF STANDING ORDERS COMMITTEE ADOPTED.

Hon. Mr. SULLIVAN moved :

That the 49th and 50th rules of the Senate be suspended in so far as they relate to the petition of Michael Connolly and others, of Montreal ; praying for the passing of an Act incorporating them under the name of the Gaspé and Western Railway Company, as recommended in the sixteenth report of the Standing Committee on Standing Orders.

Hon. Mr. MACDONALD (British Columbia)—I regret exceedingly having to oppose any motion brought forward by my hon. friend from Kingston. He does not trouble the House often, and for that reason I regret to have to oppose his motion. Sometimes, however, we ought to adhere to the rules of the House. There are cases when a Standing Committee wisely recommends a suspension of the rules. That is especially so when there is no opposition to a Bill and no petition against it, and when there are public works proposed that might go on if a charter was granted by parliament. There are other cases where very important measures are opposed by eminent counsel, as being unjust or injurious to the people who are not properly notified. In such cases I do not think the committee ought to recommend the suspension of any of its rules. In the case now before us, the notices are incomplete, and I am informed that if the legislation should be had that the petition calls for, there would be great injury to the bondholders of two lines, that is the Baie des Chaleurs and the Atlantic and Lake Superior Railways. I cannot go into the merits of the measure, of course, on this motion : I shall confine myself to the non-observance of the rules of our House. The rules provide :

A notice inserted in the 'Canada Gazette,' in the English and French languages, and in one newspaper in the English, and in one in the French language in the district affected, or in both languages in one paper, if there be but one in the said district, or if there be no paper published therein, then, in both languages, in a paper in the nearest district in which a newspaper is published.

That is what the rule of the House requires. The report of the Standing Committee on Standing Orders reports with regard to the petition the following :

Your committee have examined the following petition :—

Of Michael Connolly and others, of the city of Montreal ; praying for the passing of an Act incorporating them under the name of 'The Gaspé and Western Railway Company,' and find that the local notices required by rule 49, have been published in one newspaper in the French language only. Reason being given to your committee why the local notice had not been published in the English language, they recommend the suspension of the 49th and 50th rules in so far as they relate to this petition, as it will be competent for the committee to whom the Bill shall be referred, to provide that no injury to any party shall arise therefrom.

That is the finding of the Standing Committee on Standing Orders. If this matter had not been contested, I think we might probably have adopted the recommendation of the committee and suspended the rule, but being strongly contested, we should not. There are gentlemen in this Chamber who know more about the bearing of the question than I do, and they will probably explain to the House. It is not my intention to move an amendment to the motion of my hon. friend from Kingston. I merely ask the House to negative his motion.

Hon. Mr. McKAY (Truro)—I think it my duty at this stage to make an explanation of this matter as it appeared before the committee. As has been said, it was necessary that this petition should have been published in the English and French languages in two papers. It turns out that there is only one French paper in the district and no English paper. The notices were published in the 'Canada Gazette' and in the French papers, according to the rule. The promoters of the petition made an effort to do the next best thing. In the adjoining district an English paper was published, and they sent the notice to that paper. It was accepted and a draft made on the petitioner for the money. He paid it and did not discover that that English paper had gone out of existence some time previous, and this was not known until it was too late to publish it in another English paper. The promoters thought that the notice was in that English paper, and that it met all the requirements of the rule. In addition to that,

we had before us a petition from the inhabitants of the place asking for an amendment to the Bill. That was presented to us merely to show that the notice had been well understood in the district. Then we had before us the solicitor of the bondholders. One of the objections to the suspension of the rule was the argument that the bondholders had not received any notice on account of it not being printed in an English paper in the district. I presume, and the committee presume, that the bondholders would get their notice in the 'Canada Gazette.' In addition to that, we had the solicitors of the bondholders before us, which would show that they knew the notices had been given in the 'Canada Gazette.' That, to my mind, shows they were not taken by surprise, and from the fact that petitions largely signed were before us asking for amendments to the Bill, the committee considered that the people in the district had received due notice, and that is one of the objects in giving notice in a paper published in the district. Further, Bourinot says that the rule may be suspended (I quote from page 712) :

> When the committee has been convinced that the public in the locality specially affected have been made fully aware of the proposed legislation.

With that evidence before us, we believed that the district was fully aware of the legislation asked for, and that the bondholders had received notice. We have been recommending the suspension of rules already this session. We suspended rules 49 and 50 in the case of the Ross Rifle Company Bill the other day, and of the Western Alberta Railway Company, whose notice had been running for only three or four weeks. People who are so very delicate about notices now made no complaint in these cases. When this petition was before the House of Commons they passed it in short order. They made no recommendation. They reported that the rules had been complied with. It has been said this is bad legislation. It may be bad legislation ; I am not sure that it is not, but I maintain it was not the duty of the Committee on Standing Orders to look into the merits of the legislation. That is the duty of the Railway Committee, and I feel it my duty to vote to have the rules suspended. The Bill, when it comes before the House, can be looked after, and the House can see that no legislation is passed injurious to the bondholders. The case is quite strong in itself.

Hon. Mr. FISET—I have no objection to rules 49 and 50 being suspended, but that is not the point. I have received from the parishioners in Gaspé and Bonaventure over 20 petitions which I have submitted to this House, all of them against this Bill. It is good ground for this Chamber to reject the Bill. If they would look at the petitions I have presented, I am sure hon. gentlemen would be unanimous in rejecting the Bill, because it is only a speculation that the promoters want to make.

Hon. Mr. OWENS—I quite agree with the last speaker, that the Bill is a vicious one, and in many respects not a serious one.

Hon. Mr. SULLIVAN—I object to a discussion on the merits of the Bill. It is not before the House. This is merely the entrance of the Bill ; you can show that the House ought not to suspend the rules, but not discuss the merits of the Bill.

Hon. Mr. OWENS—We are not trying to discuss the merits of the Bill. I had occasion to be at the meeting of the Committee on Standing Orders when this Bill was before them. In so far as the notices for this Bill are concerned, notice was only given in one French paper in the province of Quebec, and we must not lose sight of the fact that this railway is in the province of Quebec. If there was not an English paper in that district, there certainly were English papers in the other districts of the province of Quebec. In the city of Quebec, where there are influential English people, there are English papers which are generally read, and the public would naturally look in the papers of Quebec for the notice. There was no notice sent to any English paper of Quebec or elsewhere in the province. The promoters of this Bill came before the committee to show that they had sent notice to a defunct paper, which had been published in the province of New Brunswick, and consequently parties interested in this road and this legislation, would not be looking for it there. It was only a small local paper, and it had gone out of existence ; therefore there was no notice given. The chairman of the committee, who did perfectly right to bring the matter before the

House, has said that the bondholders were aware of this Bill being before the Senate because the solicitor was present, but was he the authorized solicitor of the bondholders ? He came here to say that this Bill had passed the committee of the House of Commons, as the chairman stated, in short order. It passed in short order because no person was aware of it, neither the bondholders nor any one else interested in the matter. The solicitor of the bondholders heard of it merely by accident the night before, and came before the Committee on Standing Orders to opppose it, and as he stated, he had no opportunity of communicating with the bondholders in England, or other parties interested, and it was impossible for him to receive instructions concerning it from the bondholders. Therefore, the fact that the solicitor of the bondholders appeared before the committee is only evidence that the bondholders had no information, because the solicitor stated positively he had heard of it by accident only the evening before, and had no opportunity of communicating with the bondholders, and no opportunity to receive instructions from them.

Hon. Mr. McKAY (Truro)—The solicitor was a member of parliament and received the Canada Gazette.

Hon. Mr. OWENS—We had the word of the solicitor that the bondholders had received no information about it.

Hon. Mr. TEMPLEMAN—What bondholders is the hon. gentleman referring to ?

Hon. Mr. OWENS—The bondholders of the Atlantic and Lake Superior Railway who are affected by the legislation. We cannot go into the merits of the Bill or we could explain how they are affected. There are other parties interested, as shown by the petitions against this Bill. The notices were not given, and I shall vote with the hon. senator from Victoria that the rules be not suspended.

Hon. Mr. LANDRY—I am in a very peculiar position. Sometimes I have asked permission of this House to suspend the rules, and it was graciously accorded me, and I think, under the circumstances, what I asked for myself I should not refuse to others.

Hon. Mr. MACDONALD (Prince Edward Island)—As a member of the committee I should like to say a word on the matter. We know that several petitions have come before the Standing Orders Committee in connection with which the rules had not been strictly complied with, and those petitions had been reported to the House, and on every occasion on which a report to that effect has come from the committee, the House has adopted the recommendation of the committee. I do not see why there should be any distinction made between this Bill and other Bills in a similar position which have come before the Senate. The notice is all we have to do with here. We have nothing to do with the principle of the Bill, or the bondholders at the present moment. This is a matter to be dealt with by the Railway Committee to which the Bill will afterwards be referred. We have here to adopt or reject the report of the committee, and no reason has been given why this report should be dealt with differently from other reports under similar circumstances.

Hon. Mr. POIRIER—I think this Bill should have a chance to be dealt with on its merits. The committee report that the notices were incomplete and, having done their duty and reported this to us here, we can, and I believe we should, give the Bill a chance to be considered on its merits. No one has been taken by surprise that I know of. As a proof of it, the hon. gentleman from Rimouski stated that he had himself got no less than 20 petitions showing that the public are well aware of the nature of the Bill.

Hon. Mr. FISET—The petitions were against the Bill.

Hon. Mr. LANDRY—Yes, but they are evidence of the fact that the petitioners know of the existence of the Bill.

Hon. Mr. POIRIER—The nature of the Bill must be known, since the hon. gentleman has received 20 petitions, as he says, against it. It is but justice to the promoters, as well as the opponents of the Bill, that it should be judged on its merits. No wrong can be done if we examine how far those petitions which were sent to my hon. friend are based upon facts. If they are un-

challenged, the Bill will be killed where it should be killed, but I do not believe we should deal more harshly with this Bill, when no surprise has been sprung on anybody, than we have with others under similar circumstances. I, for one, am not committed in any way on the Bill. I shall give it the chance that other similar Bills have had in this House, and vote for the suspension of the rules.

Hon. Mr. MILLER—We have nothing to do with the merits of the Bill in considering the present motion. I was given to understand the report was adopted on the casting vote of the chairman in order to bring it before the House. From the statement of the chairman, I was incorrectly informed, and therefore the report is before us as adopted by a large majority of the committee. I think we should not, without the best of reasons, reverse the report of the Committee on Standing Orders.

Hon. Mr. SULLIVAN—On first looking at this report, it appears to be one of ordinary routine, but it is not so. Opposition to it has rendered it one of the most important Bills that has come before the Senate. I ask, therefore, your earnest attention to the few words I shall address to you on the subject. Although the Senate is not directly responsible to the people, it must certainly retain the confidence of the public—at least of the thoughtful and intelligent. Besides the important duty of guarding the rights of minorities, and of scrutinizing carefully the legislation of the House of Commons, it must have high ideals before it; it must cultivate a noble patriotism, a high regard for truth and justice, purity of conduct, inside this Chamber and outside, and a nice sense of honour as that term is best understood; it should have a sturdy independence, and above all, it should be the champion of the laws and customs of parliament. The Senate relegates, as the House of Commons does, various duties to its committees. The committee to which this Bill was referred, that of Standing Orders, guards the portals of the Senate, investigating carefully the right of any Bill to come before this House. The proper idea of these guardians is not as a soldier with a sword, or a policeman with a club. It is rather that of a courtly usher, who, with an agreeable smile of openness welcomes a visitor. It examines his right to come here, and if correct, gives him admission. These duties are set forth, and you know them well. The duties of this committee are simply to investigate the right by which a Bill shall be presented. One of the requisites by which a Bill qualifies is that due notice shall be given. By pure accident I have been entrusted with this Bill. It was only in the absence of the promoter that I was asked hurriedly to take charge of it. As to the insufficiency of notice, there never was a lamer and more untenable excuse advanced than that of these gentlemen. The bonds are held by English bondholders. God help them I say; but they have nothing to do with this subject. If any bondholders are interested in this scheme, let them come before the other committee which in due course is empowered by this Senate to examine such matters, and do justice to all. The only objection—and I was present at the meeting of the committee—was made by Hon. T. Chase Casgrain—a gentleman at the head of the Quebec bar, who is a member of parliament. A clever politician, a sharp, cautious lawyer, who knew well what was going on, and who said his clients, bondholders of another road, did not know anything of this matter; if so, it is certainly his own fault. I was not a member of the committee or I would have told him so. I will tell the House why. All the publication required was done by the promoters of this Bill. They advertised it in French in the 'St. Laurent Gazette,' with a circulation in that district of 800 subscribers. Then they tried to advertise in an English paper called the 'Telephone.' They sent the notice to the proprietor of that paper, enclosing a cheque for the amount, and he sent them back a receipt thanking them very cordially for their patronage. Strange that paper did not then exist. It only shows the depravity of human kind, that there are depraved men in that county as in others, particularly about the Baie Chaleur. To come to the point about Mr. Casgrain, do you imagine for a moment that Mr. Casgrain would take an insignificant journal in a country district to send to the English bondholders? He had the 'Canada Gazette' before him. It was published in that 'Gazette' the time required by law. Any one guarding the interests of the bondholders would have sent them a copy of the 'Canada Gazette,'

so that you can see there is no ground for that argument. We are a company asking a charter. The bonds may affect us, and so may many other things. I do not see how they could give notice to every one of the bondholders, as bonds may pass from one to another, although I venture to say that the bonds of these people will not pass from those who have them. If you reject this motion, what do you do? You censure the committee which passed it and its chairman. They acted, as they thought for the best. You not only censure them, but you open the door of the Senate to intrigue, and to all sorts of abuses. Stamp that out now for ever and rise to the dignity and level that the Senate ought to occupy. Do not let any one come here to tramp on it. I was not astonished to see that the first gentleman who opposed this Bill, was one I am accustomed to see perform various singular feats in the Senate. He opposed the motion and did not give any reason for doing so. Then when it was to come up again the hon. senator from Victoria opposed it. He seemed to regret opposing me. Well, from what I know of the hon. gentleman, I am sure had he looked into the matter he would not have endorsed the sentiments implied by negativing this motion. I said that it will be a vote of censure on the committee. It would also be a vote making a dangerous precedent in the Senate. It is something unheard of. To prove the truth of what I say, and also to show that it is contrary to our custom, I will read from Bourinot and may ask the Speaker to declare it out of order. It is contrary not so much to the written law as to the custom of the Senate. The constitution of Canada is based on custom as well as on written law. The law of custom in England is as strong as any law in the land. Never, since 1867, has there been such a motion as this brought before the House. The negation of this motion would destroy all public confidence in the Senate. You make me and every senator feel that the Senate is dishonoured. You are called honourable, be honourable in your conduct. After a lengthy description of the duties of the Standing Committee on Standing Orders of which I need not read the details, he goes on to confirm the argument I have made, that the duties of this committee are simply to allow the entrance of all measures. Talk of insufficient publication. Bills have passed with only three days a week, or without notice at all. We did not turn out many other Bills which gave far less notice than this. The hon. gentleman from Rimouski says there are twenty petitions against this road. Where are they? I am told there are more than twenty in favour of it. Will not the hon. gentleman give evidence of these petitions. Are they on the table, or where? Speaking about its being opposed to the law and custom of parliament, here is what Bourinot says, and I commend it to the hon. gentleman from Victoria, and I ask him to withdraw his motion when I read it:

> The report of this committee is almost invariably accepted by the House as conclusive and there can not be found a single instance since 1867-68 where the House has directly overruled their decision.

There is the authority. I defy any man to contradict the statements I have made. Do not establish a precedent founded on such a sandy foundation as this. Think of what you do. You would exclude a man trying to present a Bill to this Senate for no other reason than because an hon. gentleman stands up and says he has not had sufficient notice. My hon. friend from Argenteuil spoke against this motion also. I was astonished. I had a higher opinion of him than to suppose he would take such a course. I have, I think, laid before you sufficient to give a favourable impression of this motion. If I have said anything but the truth I pledge myself to vote against it. I defy any one to say that I have not stated the truth. Having advised you as to what I consider the proper course, I can take my seat saying 'Truth is powerful, and will prevail.' Will it do so with you? We will see.

Hon. Mr. McCALLUM—The hon. gentleman discussed the Bill. The Bill is not before the House. The question is, have the promoters of this Bill given the proper notice required by parliament? It is not a hard thing to do. They have lost time. There is no ground for any excitement in the matter. The rules of the House say what notice should be given. Have they complied with the rules? Not even the hon. gentleman from Kingston has shown that they gave the proper notice.

Hon. Mr. SULLIVAN—I assert that they have.

Hon. Mr. McCALLUM—If the hon. gentleman will look at the rule again he will see that they have not. Have they published it in the proper number of newspapers ?

Hon. Mr. SULLIVAN—Yes, they have.

Hon. Mr. McCALLUM—As I understand it, they have not. The hon. gentleman is discussing the Bill, showing the advantage of it to the country. People coming to parliament ought to treat the Senate with proper consideration, and give proper notice. I have no feeling in the matter. I care nothing about it but to have the rules of parliament carried out. I shall have to vote that the rules be not suspended.

Hon. Mr. SULLIVAN—Are there not hundreds of Bills passed through this House on the same principle as this by suspension of the rules ?

Hon. Mr. McCALLUM—If we did wrong yesterday it is no reason why we should do wrong to-day. I want to discontinue that. If it is a bad practice we should not continue it a moment longer. I have no feeling in the matter. I rose to say that I consider it my duty to vote against the suspension of the rules.

Hon. Mr. DANDURAND—The hon. gentleman from Kingston has said that we would censure the Committee on Standing Orders by rejecting the conclusion to which they came. The hon. gentlemen undoubtedly thought that they were laying down the same principles that governed them in other cases, acting in accordance with them and reported recommending the suspension of the rules ; but we are a little better informed than the hon. gentlemen were at the time they came to the decision. I quite understand how such reports are made on Bills where there are no serious objections either by the people of the country which the Bill affected. or in the clauses of the Bill itself. A number of these reports have been adopted, but what have we to-day ? We have the knowledge from the hon. gentleman from Rimouski that all the municipalities through which this railway is to be built object to the giving of this charter.

Hon. Mr. McKAY—Surely then they must have had notice.

Hon. Mr. DANDURAND—Are not we better informed than the committee ? There are many serious objections to the Bill. We know that the whole district through which this railway would pass objects to the granting of this charter. In cases where we have been lenient, we will continue our leniency, but insist upon the rules since the people interested are opposed to the Bill. It is because of the Bill itself that we insist upon the form, but it is a good reason why we should treat differently Bills coming before us when people do not object to them being received. We should then be more lenient on a question of procedure, but when we have the representative here in this Chamber of the district affected by this Bill, saying that everybody in his district objects to this Bill, then perhaps we should be a little more severe.

Hon. Mr. LANDRY—Before the question is put I should like to call the attention of my hon. friend from Kingston to the position I took when the matter first came before this House. There was a report from the Standing Committee recommending the suspension of the rules. The suspension of the rule was asked, but by persons who forgot the 17th rule of this House which says that no motion to suspend, modify or amend any rule or part thereof shall be in order except on one day's notice in writing, specifying the rules to be modified or suspended, and the purpose of such suspension. Surely the hon. member cannot reproach me with insisting on the observance of the rules of this House. I rose to show that the rule had not been complied with. If there had been a vote taken, as will occur to-day, surely the demand to suspend the rules would have drawn from the Speaker or the House a decision that the suspension could not be granted.

Hon. Mr. SULLIVAN—If the hon. gentleman will read further he will see that he is fighting a windmill.

Hon. Mr. LANDRY—'But any rule may be suspended without notice by unanimous consent of the Senate.' But you could not get the unanimous consent of the House, because there is the same opposition against

the Bill that you find to-day in this House, and because you could not get unanimous consent. I asked that the rules of the House be complied with and that one clear day's notice be given for the introduction of this notice. I was simply complying with the rules of the House, and the hon. gentleman from Kingston has no right—

Hon. Mr. SULLIVAN—I said the hon. gentleman did not give any reason for opposing it.

Hon. Mr. LANDRY—I had no reason to give. No one can ask for a reason when I object to a violation of the rules of the House. I opposed the suspension of the rules, but I did not say I was opposed to the Bill. I am a constant victim of the putting in force of the rules, and I should have a voice in this case. I do it as a matter of principle. The hon. gentleman who fights in the name of principle should understand that I am doing the same. The position I took the other day meant simply that I wanted the rules to be followed. To-day I shall vote for a suspension of the rules. I said so before, because I find that in this particular instance the suspension of the rules may be granted because the notice has been sufficiently made public to the interested parties. The fact that the hon. senator from Rimouski says that there are twenty petitions against the Bill proves that the people are aware that the measure is before the Senate, and that is one of the strongest reasons why we should support the report of the committee.

Hon. Mr. POIRIER—It has been said that there are twenty petitions against this Bill. Are there any means by which we could see those petitions? If they can be seen by the Railway Committee, that is a good reason why the Bill should go to the Railway Committee.

Hon. Mr. SCOTT—I invariably take a very liberal view of this matter of notice, and my desire is to sustain the action of the committee of this House. But one cannot divest oneself, if you have it, of knowledge of a case, and it must override one's judgment otherwise formed. I do know something about the Bill, and I do not think it is a measure which should go through this House. It should be met at the outset with a negation. I understand, as evidence of fraud in this matter, the hon. gentleman from Rimouski says that his name is on the petition although he is opposed to it. It was put there improperly by somebody. In a case of the kind, one feels that he must oppose the measure from the outset. Unfortunately I know a good deal about the merits of the question, and therefore I feel that I must oppose the Bill from the outset.

Hon. Sir MACKENZIE BOWELL—The position taken by the Secretary of State is an extraordinary one. He may have good reasons for opposing the Bill, but the proper place to give them is before the Railway Committee. He may have private information of which no other member may have any knowledge, and that may suggest the propriety of taking the course which he proposes to take, but we are not to presume, because he has private knowledge of the demerits of this whole transaction, that therefore the rest of us have, and if it comes before a proper committee, the Committee on Railways, Telegraphs and Harbours, when these objections to which he has referred, these frauds which he has mentioned can come before that committee, and we can reject the Bill if the statements be correct. I am not prepared to discuss, nor do I think it would be proper to discuss the merits or demerits of this Bill at present. We have had some experience connected with the Baie des Chaleurs roads, and the demands made by certain parties. Beyond that I do not propose to go. The statement made by the hon. gentleman from Rimouski, and it was enlarged and intensified by my hon. friend (Mr. Dandurand) is the very best reason to my mind why we should in this case, as we have in the past, sustain the report of the committee. I may say further, my own individual opinion is, I am in accord with the hon. gentleman from Monck. I have two or three times this session expressed the opinion that the Standing Committee on Standing Orders are too lenient in making their reports, and it would be better if they adhered strictly to the rules unless in a case of absolute necessity that a Bill should pass or better reasons be given than we have in this case. Bourinot has pointed out that in thirty or forty years there has been no case in which the Senate have rejected a recommendation of this Committee on Standing

Orders, but mark you, that does not bind any member of the Senate to support the Bill either in principle or in detail. If we adopt the report of the committee, as it is presented to us to-day, we should only be doing what we have done a dozen times this session, and almost every session we have had. When the Bill comes before the Committee on Railways we can deal with it on its merits. The fact that the whole neighbourhood, as I understand from the remarks of the hon. gentleman from Rimouski —has petitioned against the Bill itself shows that they were not taken by surprise, that they must have known that a Bill of this character was to be introduced, and they only know that through the publication in the newspapers. If they had that knowledge, then if there ever was a case in which we are justified in following the precedents that we have adopted—I was going to say improperly—it is this. But I think the relaxation of all our rules, and the free and easy manner in which we have been legislating, ought to be stopped. The fact that my hon. friend from Stadacona has brought this matter so prominently before the House will be a lesson to us in the future. I think those who opposed this motion have given good reasons why the report of the committee should not be rejected. I give no opinion as to the merits of the Bill, good, bad or indifferent. From what I have seen of Bills from that section of the country, I might have grave doubts as to the propriety of this one, but I do not think this is a case in which we should depart from the precedent which has been established in the past. Lay down the principle if you like for the future that the rules should be adhered to strictly and it shall have my support.

The Senate divided on the motion, which was adopted : Contents, 28 ; non-contents, 27.

Hon. Mr. THIBAUDEAU (De la Vallière)—I call for the yeas and nays.

The SPEAKER—The yeas and nays cannot be demanded after the vote has been taken.

MAIL SERVICE TO THE WEST COAST OF VANCOUVER ISLAND.

INQUIRY.

Hon. Mr. MACDONALD (British Columbia) inquired :

If the government has taken into consideration the representations made by the British Columbia Board of Trade, as to the inefficient mail service in inferior steamers from Victoria to the west coast of Vancouver Island ? Will an increased subsidy be granted this year to make the service more in keeping with the increasing requirements of the parts of the province referred to ?

Hon. Mr. SCOTT—There must be some mistake, because I have inquired everywhere whether such a petition was sent to the government and I cannot find any trace of it. There was a subsidy given to a line from Vancouver north, but none from Victoria. My hon. friend must have been misinformed, because I can find no such petition in any of the departments.

HISTORIC SITES OF CANADA.

INQUIRY.

Hon. Mr. POIRIER rose to :

Draw the attention of the government to the state of dilapidation and ruins in which the ancient fortresses, the old battlefields and the historic sites of Canada are to be found, and inquire whether the government propose to take some measures for their preservation.

He said : On reading over this motion again, I find that my question has a larger scope than I intended to give it. It reads as if all the old battlefields and historic sites of Canada were in a state of ruin, which I did not mean to assert. In fact, there are quite a number of old fortresses in a fine state of preservation to-day, some of which have actually been restored. But, going over the list of them, I find that my inquiry is correct as far as the oldest forts are concerned. The forts which have been restored and are in a good state of preservation are those connected with the wars of 1812 and the Fenian raids. For example, in Ontario, Lundy's Lane, near Niagara Falls, where perhaps the most bloody engagement in the war of 1812-14, was fought is in a first-class state of preservation. In fact a monument has been raised there by a local Historical Society, aided by the Department of Militia, and they have the grounds of the old fort in a really commendable state. At Chrysler's Farm, in the county of Dundas, a monument has been built by the Historical Society also, aided by the Department of Militia and Defence. The site of the battleground of Stony Creek, at Hamilton, now called the Gage Homestead, where such signal success was ob-

tained by the Canadians, under Col. Harvey, has been purchased by the ladies of Hamilton. It is intended to have monuments erected on the battleground as well as on the Burlington Heights overlooking Hamilton. In fact, the people of Hamilton are going further; they have purchased Dundurn Park, the old homestead of Sir Allan McNab, intending to use the castle as a museum for historical treasures. On the other hand, Fort Amherstburg, opposite Detroit, where some of the engagements of 1812 took place, is now a heap of ruins. So also Fort Erie, opposite Buffalo, of Fenian celebrity. The Loyalists of Ontario are not unmindful of their past glorious records. They have lately—thanks to the Rev. Mr. Forneret—erected a pretty memorial church in the old historic township of Adolphustown, in the Bay of Quinte, with appropriate tablets. But the oldest forts of Ontario are sadly neglected. For example, take Fort Frontenac, or Cataraqui, at Kingston. Of the old forts blown up by the French, the foundations alone remain, and these are going to decay, very little being done to preserve them, although it is occupied by the military. Toronto fares a little better. Its old French fort, Fort Rouville, built in 1725, was completely demolished, but the Historical Society of Toronto, aided again by the government, some twenty years ago, erected a cairn on the old site. It is fairly well kept and at all events the grounds are secured as public grounds. Other forts, such as the fort at Sault Ste. Marie, the theatre of exploits of Cadotte, first, and of the English, afterwards, have been altogether neglected and abandoned. Quebec fares about in the same way as Ontario concerning its old forts. Those connected with the wars with the United States are in a good state of preservation, while the oldest forts are very sadly neglected indeed. For example, at Chateauguay, where the battle of Chateauguay was fought, the Department of Militia have erected a monument perpetuating that glorious event. The fort of Chateauguay is the only one I can find taken hold of by the Department of Militia, with the exception, however, of Eccle's Hill, in the county of Missisquoi. Here a battle was fought, in 1870, against our friends the Fenians, the commander on our side being Mr. Chamberlain, for a long time Queen's Printer here, and whom most of us have known. A cairn, similar to that of Fort Rouville, in Toronto, has been raised there by the Department of Militia, and placed under the care of a local historical society. Neither shaft, nor statue, nor cairn tells the present generation where Dollard Desormaux and his 16 immortal companions laid down their lives, somewhere at Carillon, in the county of Argenteuil, to save Montreal and the French colony from the ferocious Mohawks. There is nothing to mark the spot where that feat of arms, perhaps the most glorious in the annals of Canada, was performed. Of course, the fort of the city of Quebec itself is in a fine state of preservation, but hon. gentlemen will remember that the whole of the fortifications of Quebec are of comparatively recent structure, and that of the old fortifications, nothing now remains but perhaps one or two of the city gates, St. Jean and St. Louis, which have been renewed and completely rebuilt. But Quebec has not forgotten its heroes. The statue of Champlain, its founder, has been erected within its precincts, and a shaft rises high in honour of Wolfe and Montcalm, to the equal glory of the victor and of the vanquished, the emblem, the symbol of the unity of the two races that fought one against the other, in 1759, and who now live and will ever live side by side in amity and good will, not only within its walls, but all over this immense Dominion. In Sorel, Three Rivers and Montreal, nothing, or very little, remains of the old blockhouses. The site of the old French fort at Three Rivers has been converted into a public park, although the property of the Militia Department, while in Montreal all that can be seen to-day of its old fortifications are two old towers of doubtful origin. But our metropolis, like Quebec, has not forgotten its founder, de Maisonneuve, to whom a fine monument has been erected in one of its squares. Two other old battle grounds of the province of Quebec are under the fostering care of the Department of Militia and Defence, that of l'Ile-aux-Noix, in the county of St. John, where many fierce encounters have been witnessed, and that at Chambly, which latter runs back to 1711. In New Brunswick, none actually of the old forts exist. In St. John, the theatre of the heroism of Madame Latour, the spot where the old fort was, is to-day a matter of conjecture. It is not known where it stood. It is a pity, be-

cause that is a spot which should be commemorated by some monument; but it behooves the city of St. John to take care of its past glories. Such other old fortified grounds as Jamsec, Gaspareau, Baie-Verte, are laid waste and unlooked after. There was, not many years ago, in New Brunswick, a fort, the only one dating back to the time of the great war for supremacy between the French and the English, which was in a remarkable state of preservation. I remember when I was very young having gone there myself and having taking some United States and Canadian tourists who wanted to see it—I refer to Fort Beausejour. There were at that time seven of the old French cannon still mounted. In fact, the structure was a fine specimen of the old-time fort. Under an inglorious Minister of Militia the cannon was sold for scrap iron for the manufacture of stoves and ploughshares, and nothing remains of those valuable works. It is a lone and deserted place. It is on the line of the Intercolonial Railway, near the boundary between New Brunswick and Nova Scotia. It is to-day a barren and desolate field, and the young generation who read history cannot go, as at one time they could, and learn the history of their country from the very monuments that made it. That fort, which was an object lesson, is gone, and gone for ever. This is an irreparable loss for all time to come. If we go to the province of Nova Scotia, we find there again that the old block-houses have all been demolished, except the one at Windsor. At Annapolis, the old Port Royal, I remember having seen, not many years ago, a block-house which had stood two or three sieges, one by the English when it was taken, and two in defence of the place for England. That block-house was demolished by the guardian, with the authority of the minister, for the purpose of making fuel. So, Annapolis-Royal is, to-day, without its old fortification. The fortresses, however, were rebuilt by local societies when they heard that the Dominion government was about to sell these old historical sites. They saved them from destruction and from the government. This happened in 1892. They are to-day in a good state of preservation. So also are the old fortresses at Lunenburg. An hon. friend from the other House just tells me that there are two block-houses at Lunenburg which have been restored and rebuilt. The oldest of them all is at Windsor. It is well cared for, and so are the grounds. If we go further, to that great historic fortress of Louisbourg, we find it a field of desolation and ruin. I was sent there myself last fall by the Royal Society to examine the old fortress and report on it. I found that during the course of the year the owners had been able to find along the foundations and the debris about ten thousand of the old bricks, which they sold for eight or nine dollars a thousand, and that is about the end of that unique battlefield—unique in the annals of North America. Hon. gentlemen will remember that the fate of this country once depended on the old fortress of Louisbourg. It had been built by the French at an immense cost, something like 25,000,000 or 30,000,000 francs. The English had to take the fortress of Louisbourg before they could take Canada. It was taken twice, the first time by the Americans and the English combined, the militia of the United States under Pepperell and the English under Warren. It was taken the first time in 1745, and returned to France by the treaty of Aix-la-Chapelle. It was taken thirteen years later by the English alone, the second in command of the forces being the hero who the year afterwards took Quebec, General Wolfe.

Hon. Mr. ELLIS—I understood the hon. gentleman to say that Louisbourg was first captured by the troops of the United States and Britain. That is an error. It must have been the colonial troops.

Hon. Mr. POIRIER—In 1745 it was captured by the troops of the American colonies, that is to say by the New England militia, in combination with the English, but the second capture was effected wholly and solely by the English. That was the difference I wished to make. After Louisbourg was taken, the troops captured Quebec, the consequence of which was the cession of the whole of New France to England. Those historic battlefields recall nothing that is bitter. The two parties at war were equally brave, and equally did their duty, at least so far as the capture of Quebec, and the second siege of Louisbourg are concerned. If we to-day wish to preserve what remains of those old forts, it is to commemorate among us

a spirit, not of rivalry, but of union, and of peace founded upon those acts, the performance of which reflects discredit on none, but rather military glory on both. I would refer to Louisbourg especially. It is really a great pity that those immense ruins should be left to decay and perish. Not only in view of the historical events they represent, but in view of the future prospects of Louisbourg, those grounds should be marked as a public garden for public purposes. The people of the United States have already begun to come thither, and before many years they will gather there by thousands and thousands, as the Arabs go to Medina, to view that port, which they justly consider as one of the most glorious achievements of their arms. Every American who knows enough history to go back to 1745, will visit Louisbourg to see where the great feat was performed by one of their own countrymen. United States capitalists are now building a road connecting Canso with Louisbourg. I am no prophet, but it is only necessary to open one's eyes to predict that Louisbourg will again come to the front. It is, in my estimation, the finest seaport on the Atlantic coast. It is the nearest to England. It is so much ahead of the ports of the two Sydneys, and of the other adjacent ports that the Sydney people have built docks there in order to take in their coal, and now the Dominion Steel Company take in their ore in winter, while Sydney and other ports are blocked by ice. The port of Louisbourg is open the whole year round. With these advantages Louisbourg must have before it a great future. The piece of land where the old fortification stood is occupied by squatters. The new town is not built there, but at the other end of that port, two or three miles away. The old place is occupied by six or seven persons who have been there for ten, twenty, or thirty years, and some longer. Some have prescription in their favour. Those grounds could be got now on easy terms. Some doubts exist as to who are to-day the legal owners or possessors of the site of old Louisbourg. In 1882 the Imperial government vested in the Dominion government the old and more recent military properties of Nova Scotia. These comprise lands in Lunenburg, Liverpool, Shelburne, Yarmouth, Digby, Annapolis-Royal, Guysborough, Sydney and Pictou. Louisbourg is not included in the list. On the other hand it was never handed to the Nova Scotian government; so that the title to Louisbourg must still be with the Imperial authorities. The Nova Scotia government make some claim to it, by virtue of the law of prescription; but while occupation would give a good title to squatters or old occupants, I fail to see how the Halifax authorities can step in. However, they are desirous that something should be done for its preservation; and the Hon. Mr. Longley, whom I consulted about this matter, told me—and I expected nothing else from a gentleman of such a high and scholarly standing—that they would cheerfully concur with the Dominion government, in taking means for the preservation of old Louisbourg. While I was there I was informed that the Americans, who are enterprising in all matters, seeing the future possibilities and value of the site, had taken an option of all the ground where the old Louisbourg fort stood, except the burying ground where French and English soldiers sleep together their eternal slumber. What I want to call the attention of the government to is this fact, that if they thought proper last session to spend sixty or eighty thousand dollars for the purchase of the Plains of Abraham, where it is not at all sure that the battle between Wolfe and Montcalm was fought, for the mere field—the same government should redeem from the hands of strangers a place where fortifications once stood, the most formidable in America, where two sieges were held, where battles were fought, where blood was shed, and where to-day the soldiers of England and France sleep side by side. I say that the government who were justified in spending that much money to purchase the field of the Plains of Abraham, should, in my estimation, come down and do something towards saving from destruction and from vandalism those ruins which are of such general interest. I remember reading in Macaulay these words: 'A people that takes no pride in the noble achievements of remote ancestors is not likely to perform noble achievements which will be remembered by remote descendants.' Let us keep the memory of our ancestors. I do not at all plead for us to do as they are doing in China, to look always behind and adore what has gone before us. I call attention to the old fortresses and battlegrounds be-

cause they are a part and parcel of our history that are visible, and inasmuch as none of us will condemn the reading and learning of our history by our children, we should join hands in having the monuments of old preserved for our descendants. It is useless to think that we are going to build for ourselves a great country if we only look forward to material achievements, to commerce, trade and navigation. That is all right, that is a part of the monument, the most useful, perhaps, but certainly not the most noble and the most refined. A country lives not by bread alone. It must also have what makes equilibrium : education, art, religion, poetry. And history is all that, ours more particularly. The present must stand on the past, and past glories are a sacred heritage. In France, in 1887, they passed a law for the preservation of all the ground of historical and artistic value. We have not so many such grounds in Canada. These few glorious battlegrounds, and above all that of Louisbourg, in my estsimation, should be preserved for all time to come as a public park at least ; they should be put under the same category as are to-day those smaller grounds I have referred to, where the engagements of 1812 were fought. A museum should be opened at Louisbourg for the preservation of what remains of its old and valuable relics. Every earthly thing that is found within and without the walls, capable of being carried away, is torn down and taken home by the tourists. The old cannon of Louisbourg are to be found everywhere in North America, except in Louisbourg. The Americans, those Pilgrims Abroad, excel above all in the art of demolishing old monuments and taking the pieces home—the English come next. Vandalism is practised on a large scale at Louisbourg. The Goths and the Vandals demolished the temples of Italy, and used the wooden fixtures for firewood. The blockhouse at Annapolis-Royal was pulled down, some fifteen years ago, to make firewood for its caretaker, one Mr. Hall, with the sanction of a barbarian, I mean a minister of the Crown. The Vandals and the Goths melted into coin the artistic treasures in gold and silver, they found in Constantinople. One of our ministers of Militia and Defence sold the old cannon of Fort Beausejour, in New Brunswick, to foundry men, and put the thirty pieces of gold in the Dominion Treasury. The Vandals and the Ostrogoths made lime out of the statuary chefs-d'œuvre of Rome and Athens ; our governments, all of them, Tories and Grits, provincial and federal, allow the last bricks and ornamental stones of Louisbourg to be sold for building chimneys, basements and wells. I now appeal to this our present government to put a stop to that wanton devastation, and do something for the preservation of at least the remaining ruins of old glorious Louisbourg.

Hon. Mr. CHURCH—The hon. gentleman asked me to say a few words about the Nova Scotian forts with which I am somewhat familiar. I did not quite understand the scope of his motion as explained by himself. He says that it is in regard to the old historic sites of sieges and battles. Historic sites, in my mind, would embrace other scenes than those where battles were fought. However, he has treated it particularly in that line. I listened to him with much pleasure with regard to his remarks on Louisbourg, that great fortress which the French put there as the key of the Gulf of St. Lawrence. As he justly said, until this fortress, the Dunkirk of the continent of America was taken, Great Britain could not have possession of this portion of North America over which the Union Jack now flies. But there are other portions of Nova Scotia which the hon. gentleman has not alluded to. I do not profess to know much about the historical events with regard to New Brunswick, except as far as I have learned from my reading generally in addition to what I learned at school. Referring to Nova Scotia, we find that Port Royal was settled about 1604, and that old fort with the surroundings is not kept in the state in which it should be. Still, however, some old buildings are preserved. The parade ground is fairly well preserved. The people of Annapolis continue to take quite a pride in this old historic fort because it was a place of much importance in the beginning of the 17th century, and the Historical Society of Halifax, of which the Speaker of this Senate is a honoured member, has preserved the history of our province from the first. The settlement of the American continent began by the Spaniards. The Spaniard gave way to the French, and the contest between the French and English continued for many years as in Europe.

When peace was brought about, after the battle at Quebec, a peace honourable to all alike. We trust the two nations, France and England will live harmoniously side by side and build up a great country here. There are other spots in Nova Scotia besides Annapolis. In the county of Lunenburg although now settled principally by Germans, was originally settled by France. That is, they built the first settlements. In the early part of the 17th century a year or two later than Port Royal, there was a French fort at the mouth of the La Have river. There is a spot there known as Fort Point, so called because the French erected a strong fort there. A portion of the masonry is there, still more, the granite foundation of the old French chapel is there. If you look at the inscriptions there you will find the names of French people. When Capt. Argall sailed from the New England colonies he went to the mouth of the La Have and destroyed the French settlement there. The French fled. There is a small pond near the fort in which it is said their valuables were thrown to save them. The people in the surrounding district, mostly all of German origin, have appropriated this old French cemetery as a cemetery for all the people and there the bodies lie, German, French and English side by side, until the great trump shall blow hereafter to take them all to the better land, we hope. Now, here is a place that I think whose history should be retained. True, during the time that I had the honour of a seat in the other branch of the legislature, I succeeded in getting a lighthouse built on that point because it is a prominent place on the La Have river. That, of course, to a certain extent commemorates the spot, and the old name, Fort Point, will linger as long as the country stands. As regards blockhouses erected during the war of 1812-15, the people of Nova Scotia on the Atlantic side were very much interested in that war. The United States fitted out privateers who came to the province of Nova Scotia. They went into several ports on the coast and the people had to defend themselves as best they could. The raw militia of the country were equal to the emergency. A few captains and men of military experience were sent to guide and direct them, and they built blockhouses at the expense of the government along the coast at several points. Many of those old blockhouses were more or less in a good state of repair when I was a boy, but unfortunately they have nearly all gone down. One of these was erected on the peninsula at Chester, and another at the town of Lunenburg, another at Kingsburg in Lunenburg county. These have all gone down. And at the mouth of La Have, a little below Fort Point, there were cannon placed on Oxner's point. The cannon are still there. There was an old lady, a near relative to a gentleman who represents the county of Lunenburg in the other Chamber, who lived on this point. An American privateer came in; the men were away fishing; she took a firebrand and fired two shots. The Americans thought there was a large number of troops there and they sailed away. This is an historic spot. The cannons are there; I have seen them myself. If you go to the adjoining county of Queens you will find historic spots also. We read of the French going along there at one place. They saw a sheep on the shore there and they called it Port Mouton. There is another point, Rossignol. We have Chebogue and names like that in the county of Yarmouth. Those blockhouse sites could be at a very little expense worked by stone or iron tablets, to commemorate the events of the war. There is no doubt owing to the bravery of the men and women too on the coast, the Americans could not get a footing there and these spots should be commemorated. It would not cost much to do it. My hon. friend has spoken of Annapolis, but what of the beautiful country, the Annapolis valley, and Grand Pré, where the Acadians went in and reclaimed the land from the ocean and raised crops to supply their neighbours. There is a spot there, and it is rather a sort of reflection on the history of the province of Nova Scotia. I refer to the expulsion of the Acadians. All of you French Canadians have read of the expulsion of the Acadians. It has been the subject of much debate whether it was justifiable or not. For reasons of state this policy may have been required. Perhaps it was not necessary for them to live on this land, but I, as a Nova Scotian, think the way in which it was done was altogether too harsh and severe and history hereafter will say so. The people were separated, the husband torn

from the wife, and both from the children, and deported to different parts of the United States. What happened? Many of them went into the woods; many of them came back and a great many Acadians of Nova Scotia, who are among our best citizens, and have made their mark in the history of the province, came back and settled in Digby, in the county of Richmond, in Cape Breton and different parts of the country. These are scenes the history of which, I think, should be preserved. The history of our country has not yet been written. We owe a great deal to Longfellow, who describes in his 'Evangeline,' Grand Pré. It appears he never had been there, but he got his facts from Nova Scotians, and put them down admirably in his book. We owe a great deal to Parkman, who has written about the pioneers of New France. Now, I think some of those historic scenes and incidents should be commemorated in some suitable way. There is no greater object lesson to a boy going through his native country than seeing a monument, however inexpensive, and asking what it commemorates. Take the French settlement in my own county, there they commenced farming and fishing. There Argall came in and destroyed them. Go to Grand Pré. The people there settled the country of Evangeline, have done, but something to mark the sites, but more should be done. I think on the sites where blockhouses stood some tablets should be put up. Go to the United States and enter the old state house at Boston and you will find historic matter to commemorate the time the Englishman set his foot in Jamestown. There is something to notice and learn and a boy going there will learn more in an hour under the guidance of somebody who understands it, than he will by poring over a school book for months. The history of our country has yet to be written. I do trust that somebody will yet write the history of Acadia. It took in New Brunswick and part of Maine and Prince Edward Island. It was a large country. When the French planned to build that fortress at Louisbourg they showed their sagacity. But the Latin race apparently are not good colonizers; they do not succeed well. The Anglo-Saxon came in and won from the French, and now they are honourably living together and working side by side to build up a strong nation. When Tennyson was at the zenith of his fame, in his ode of welcome to the Princess Alexandra on her marriage to the Prince of Wales, he said: 'For neither Saxon or Norman or English or Scotch are we.' But all of us Danes in our welcome to thee, Alexandra! And may we now not say that as regards our country, that neither Saxon or Norman or English or French or Scotch or Irish or German are we, but all of us united in respect for the history of thee, Fair Canada!

Hon. Mr. MACDONALD (P.E.I.)—I have listened with interest, as I have no doubt all have, to the historical addresses from the two hon. gentlemen who have just spoken, and I only rise for the purpose of saying one word on the subject. I shall not go into the historical facts respecting the settlement of Prince Edwand Island, further than to say that in Prince Edward Island we have monuments also which have historical interest, and which should be preserved. At the entrance to Charlottetown there are two forts going to decay for the want of a little attention being given to them. Port la Joie, now Charlottetown, was, when the French held Prince Edward Island, a place of some importance, when the French had very extensive settlements, and it is desirable, I should say, that those forts, one each side of the harbour of Charlottetown, should be looked after and preserved by the government if they are going to take care of monuments in different parts of the country. I merely call the attention of the government to the fact that these and other monuments exist in that province, as the fact had not been mentioned by the hon. gentlemen who addressed the House.

Hon. Mr. SCOTT—My hon. friend from Acadia has brought under the notice of the Senate a most important subject, and I am quite sure that his remarks, and the remarks of my hon. friend from Lunenburg, and my hon. friend from Charlottetown, will be read with very much interest by the people of Canada. He has chosen a most opportune period for bringing it under the notice of the Senate and the people of this country, inasmuch as just at this moment there is a patriotic sentiment prevailing over Canada, and I think an anxious desire that we should preserve those monuments which point to the heroism of those who have gone before us, and to whose services

we practically owe the preservation of Canada as our country to-day. I will have very great pleasure in drawing the attention of the Minister of Militia to the remarks made by the hon. gentlemen who have spoken on this subject, and I have no doubt that the people of Canada would approve of a very liberal expenditure for the preservation of those monuments. In drawing the attention of the Minister of Militia to the motion, he informed me that he was giving it attention, and that the present year a considerable sum would be spent to preserve monuments in and around Quebec. How many other places he intended to spend money on I am unable to say, but I think, after reading the patriotic speeches made by my hon. friends opposite, he will be disposed to ask for a more liberal grant than he originally intended.

NOTICES OF MOTION.

AMENDMENT TO THE RULES.

The notices of motion being called :

By the Honourable Mr. Scott :—

That he will move that the following rule be made an order of the Senate :—

Every Senator desirous of making a motion or asking a question shall read the same from his place in the Senate before handing it to the Clerk.

By the Honourable Sir Mackenzie Bowell, K.C.M.G. :—

That he will move that the following rule be made an order of the Senate :—

One intermediate day's notice in writing must be given of all motions deemed special, the same being read by the member giving such motion to the Senate at the time it is given, and any motion is deemed special which initiates a subject of discussion.

Hon. Sir MACKENZIE BOWELL—We had better let both motions drop and by resolution affirm the principle we have acted upon in the past. I find that in 1894 I moved a resolution asking the Senate to appoint a committee to revise not only the rules, but what is termed the manual and form of procedure. That committee was composed of the Speaker and I think the hon. Secretary of State, Senator Miller, and some others. They reported not only the amendments to the rules, but they also reported the manual, and both the rules and the manual were adopted by the Senate. The report also recommended that they be published for the information and guidance of the Senate. In the rules of 1876, I find the same rules as to notice of motion, and the same note under the heading, 'must be read by members when given.' Then it refers to the authority of May. I merely cite these to show that however we have departed from that which I think was really the rule for the guidance of the House—I may safely say I have been an offender as well as others in that regard—that these rules and this manual was adopted in 1876, reaffirmed by the report of the committee which I hold in my hands of 1897, and the reports which I have here recommending, as I have said, that the new edition when printed shall contain the rules, the manual of procedure, the British North America Act, and so on. Now, the question for the Senate to decide is this, whether the fact that upon both those occasions both rules and manual were adopted by vote of the Senate, are not the law of the Senate. The rules are, of course, to guide us in our procedure. The manual is laying down the manner in which the proceedings of the Senate shall be conducted. What I desire more particularly to call attention to, is that the note to which I directed attention the other day, and which I was told was the manual and not the rules, was nothing new on the part either of the Clerk or of the officials of the House when this reply was made, and the last edition printed, because I find it in the rules which were adopted in 1876. I have not gone back to the rules which were adopted in 1876. I do not think there is anything to be found there in reference to this matter, but it does seem to me, from the fact that the Senate had adopted the rules and the manual, that it should be our guide, and in order to prevent any further misunderstandings, I would suggest to the Secretary of State, that he should let his motion and mine also drop, and that we should simply pass a resolution affirming what has been the practice.

Hon. Mr. SCOTT—I should not like to take any action in the absence of the hon. gentleman from Richmond. Before leaving the chamber he came over and spoke to me, and I consented to let this stand. Another course was suggested, which was to reaffirm the old rule as it continued to exist. That point did not seem to meet his approbation, and so I should not like to take any step in his absence.

Hon. Sir MACKENZIE BOWELL—All right, let them stand.

THE STEAMERS 'MINTO' AND 'STANLEY.'

INQUIRY.

Hon. Mr. ROBERTSON rose to

Inquire of the government what services the steamers 'Minto' and 'Stanley' were engaged in during the years 1900, 1901 and 1902, other than their services in keeping up winter communication between Prince Edward Island and the mainland: also, an account of their expenses and earnings while engaged in those services during those years?

Hon. Mr. SCOTT—I am advised that in 1900 the 'Minto' was not engaged in any service other than keeping up winter communication with Prince Edward Island. The 'Stanley' was engaged that year for a short time in the Fisheries Protection Service, at a cost of $4,457.34, the expenses being charged to the Fisheries Protection Service and not included in the account for the Prince Edward Island service.

In 1901, the 'Minto' was employed for two weeks in the Lighthouse and Coast Service, making a trip to Sable Island; she was also used for the trip with the Governor General in July and again during the visit of the Duke and Duchess of York, at a cost of $15,000. The expenses were paid out of a special appropriation.

In 1902, the steamers 'Minto' and 'Stanley' have not been employed so far in any service other than keeping up winter communication between Prince Edward Island and the mainland.

The 'Stanley' is generally used for placing and lifting the large automatic buoys in Prince Edward Island, spring and fall. Last fall this service was performed by the D. G. S. 'Aberdeen.'

No revenue was received for these services.

Hon. Mr. ROBERTSON—My reason for asking this question was that on the 7th of April, in the proceedings of the Senate, notice of a question was given by the hon. senator from Charlottetown, with regard to the expenses and earnings of those steamers. A few days afterwards, the leader of the government made a reply which will be found on page 207 of the 'Senate Debates.' The inquiry was:

What have been the earnings and expenses of the steamers 'Minto' and 'Stanley,' giving the figures separately for each boat, and for freight and passengers for the following routes and seasons:—

1. Between Prince Edward Island ports and Pictou, for the season of 1900-01?
2. Between Prince Edward Island ports and Pictou, for the season of 1901-02?
3. Between Prince Edward Island ports and Tormentine, for the season of 1901-02? And also, will inquire what number of single and return trips were made by each of the steamers above named on each route and during each season, separately, and the date of each trip?

The answers were:

1. Earnings 'Minto' freight, $8,711.29; passengers, $3,984. Expenses 'Minto' $41,322.34. Earnings 'Stanley' freight, $4,509.20; passengers, $2,054. Expenses 'Stanley,' $32,154.39.
2. Earnings 'Minto' freight, $5,538.45; passengers, $3,039.50. Expenses 'Minto' to 31st of March, $39,821.53.
3. Earnings 'Stanley' freight, $851.70; passengers, $1,844. Expenses 'Stanley' to 31st of March, $17,671.05.

The answers given here by the hon. leader of the government to the first questions were somewhat misleading to the hon. gentlemen of this Senate, as will be noticed by comparison with the answers given to my questions to-day. The total expenses of these steamers for the year were charged entirely to the expense of winter communication between Prince Edward Island and the mainland. In the answers given to-day it will be noticed those steamers were employed during the summer season in other work. The hon. gentleman said the steamer 'Minto' was sent down to Sable Island last summer, which was an expensive trip, and also taken up to Quebec during the visit of the Prince of Wales, all of which was very expensive, and according to the figures given here those expenses were charged to our winter communication with Prince Edward Island. Now, as a matter of fact the steamers are only employed in winter communication during three months of the year. All the rest of the year they are employed in other works, such as fisheries protection service, placing buoys in the gulf, going to Sable Island, also the trip up to Quebec searching for wrecks, and the total expenditure for the year was charged against those steamers, while only the earnings of the three months for the winter service are credited. In the minds of hon. gentlemen, the Island was debited with the whole deficit which occurred between the yearly earnings and expenditures mentioned by the leader of the government. I have made a

calculation, just to point out how the matter stands. I want to draw a comparison and place matters in a true light. In 1900 and 1901, the expenses as given by the leader of the government for the steamer 'Minto' were $41,332.32. The earnings were $12,695.29; leaving a deficit of $28,627.05. In 1901, 1902, the expenses of the 'Minto' were $39,821.55; the earnings were $8,577.95; leaving a deficit of $31,243.60. The total deficit of the 'Minto' for two years, according to the answers by the leader of the government was $59,870.65. The steamer 'Stanley' in 1900, 1901 had an expense account of $32,154.39. Her earnings were $6,560.20; leaving a deficit of $25,591.39. In 1901, 1902, the expenses of the 'Stanley' were $17,675.05. Her earnings were $2,695.70; leaving a deficit of $14,979.35. The total deficit for the two years amounted to $40,570.74.

The total deficit for both steamers for the above years was $100,441.39. This looked very serious, and made evidently a bad impression on the minds of the hon. senators in this Chamber. I want to point out the real state of the facts. I may not have them exactly correct, but they are approximately correct at all events. Those steamers are only employed in the winter navigation between the island and the mainland, about three months of the year, and during those three months, they earn all the earnings they make in the year. Therefore of the expenses of the year, only one-fourth should be charged against the province of Prince Edward Island, and the total earnings should be credited to the island, because it is only in the winter season they earn anything. The expenses of the 'Minto' as given for 1900-1901 were $41,322.34; the earnings, $12,695.29. Expenses for one-fourth of the year, or the three months while engaged in the ice service would be $10,330.58, which, taken from the earnings, $12,695.29, would leave a surplus of $2,364.70 of earnings over expenditure. The 'Minto' in 1901-1902 had an expense account of $39,821.55. Her earnings were $8,577.95. Calculating one-fourth of the expenses at $9,995.38, it would leave a deficit of $1,377.43. This would give a surplus on the two years' operations of the 'Minto' of $987.27.

The steamer 'Stanley' did not make such a good showing as the 'Minto' The reasons I will notice later. Her expenses for 1900-1901 were $32,154.39. Her earnings were $6,563.20. Take as the expenses of one-fourth of the year $8,038.59. This leaves a deficit of $1,475.39, as against that year's operations. For the year 1901-1902, the fourth part of the expenses of the 'Stanley' was $4,417.75. Her earnings were $2,695.70, leaving a deficit on the winter's operations of $1,722.06. The total deficit in two years in the operations of the 'Stanley' was $3,195.45. Subtract from that the surplus earned by the 'Minto' for the two years, and we have a deficit of $2,210.18, as representing the actual deficit in the expense of winter communication with Prince Edward Island. Now, that is a very different showing from that given in the first place, according to the answers given by the leader of the government to the hon. gentleman from Marshfield, of $100,441.39 deficit. But hon. gentlemen, the summer steamers 'Northumberland' and 'Princess' received a subsidy of $12,500, for the nine months of the year they run; that is, $1,388 per month. Surely, if we give a subsidy of that amount monthly for carrying the mails in summer, it is only fair to credit the winter steamers with an equal sum for carrying the mails in the winter season for three months. The sum of $4,164 therefore should be credited to the steamers 'Minto' and 'Stanley' on that account. This will leave a surplus for the two years operation of our winter service of $1,553,82. Now, what I made up this calculation for is to disabuse the minds of the hon. gentlemen of this Senate of the idea that those steamers were so very expensive to the Dominion government. I have endeavoured to give the true state of affairs. The winter service to Prince Edward Island is as important to Nova Scotia as it is to the island. I should like to call attention to the fact that the expenses of the steamers the last two or three years have been very much increased on account of the rise in the price of coal. Coal is now nearly twice as expensive as it was two or three years ago, consequently the expense of those steamers is very great. They use a great deal of coal because they are very fast steamers—16 knots for the 'Minto' and 14 for the 'Stanley'. The Georgetown and Pictou route is the best route, and the one which must eventually prevail; but I have

no objection to experimenting at the west end of the island, and if there is a better route discovered there let us adopt it. But I think the experience of last winter will be rather against it, and we will not only incur a greater expense, but danger of losing those fine steamers. I think, if I am rightly informed, last year the 'Stanley' in this experiment, was on one or two occasions in great danger, and it would be a serious matter if anything should happen to her, and still more serious if a tragedy should occur and life were lost. It is fortunate that the service has been so successful—in twenty years there has not been an accident. I attribute this entirely to the wisdom, experience, care and judgment of the captains who command those steamers. They are men of splendid character, careful and honest. One of them was attacked slightly last year, but he will survive it. I would submit that the proper course with regard to the management of those steamers, particularly in the depth of winter, is to let the captains use their own judgment. They are experienced men. They have been at the work over twenty years, and are thoroughly reliable. I would ask that the hon. Minister of Marine and Fisheries should give the captains control over the times and the places in which they should run. Especially in the depth of winter. The orders should be to let them run between Charlottetown and Summerside and the mainland as late in the season as they possibly can, but in the depth of winter their orders should be, whenever they see anything like danger to the steamers, to take the Georgetown and Pictou route. Those captains would not go to the Georgetown-Pictou route any sooner than they would be compelled by the difficulties of navigation to go, and I am quite confident if the two steamers are kept together on the Georgetown and Pictou route in the depth of winter, that our winter communications would be almost daily. Last winter the 'Minto' kept up daily communication between Georgetown and Pictou, and even the winter before last, when they were both running on this route, there was only an interruption of a day or two, and if the captains are allowed to take that route, I believe we would have very little complaint in regard to our winter communication. I desire to bring also to the notice of the Senate the fact that this winter steam communication is a part of our terms of confederation. Previous to entering confederation, our local government was about taking action on the question. When we entered confederation it was guaranteed to us by the Dominion, that we should have comunication between Prince Edward Island and the mainland the year round. Those steamers are supplied by the government to keep up winter communication, and I must say they are doing it at the present time pretty well, and the people of Prince Edward Island would be perfectly satisfied, provided they saw the most feasible route adopted, and the captains were not too much handicapped by orders from sub-departments and men personally interested. Those men of experience know more about the steamers and the navigation of the Straits than any one in the department, and if the route is trusted to them, I am satisfied no steamers or lives will be lost, and communication in winter between Prince Edward Island and the mainland will be fairly satisfactory, considering the difficulties to be overcome.

Hon. Mr. MACDONALD (P.E.I.)—I quite endorse the remarks of the hon. gentleman from Montague on this subject. It does not matter whether the Dominion government expend a hundred thousand dollars in keeping up communication with Prince Edward Island. By the terms of confederation they are bound to keep it up, whether the steamers are sinking money or making it; at the same time, that matter should be placed fairly before the people of this Dominion, and they should be allowed to see that there is no serious loss to the Dominion by keeping up winter communication. The expenses of the 'Minto' have ben fairly stated by the hon. gentleman from Montague. I did not know anything with regard to the figures he was bringing forward, but I made up figures myself, and they quite agree with the conclusion he has arrived at. Since the 'Minto' was placed on the route her expenses average for each year about $3,500 per month. She has not been engaged during the past winter for much over six weeks—at all events, she has not been three months in that service, and her earnings in that time amount, as stated by the hon.

gentleman from Montague to $12,695. Her expenses would not amount to more than $10,050 for the three months. That is the whole outlay that is due directly to the carrying of the mails between Georgetown and Pictou. That route has been successful—much more successful than it ever was expected to be at the time this experiment was first tried, and there is no fault to be found with the government for the manner in which that mail service has been conducted. But there is a disposition on the part of the people in different parts of Prince Edward Island to have the service continued from the particular locality in which they reside themselves. Each person is disposed to think that if the boat came to the place where he resides, if there is a harbour there, it would be the best place. This year the government sanctioned sending one of the boats to run between Summerside and the mainland. That, I think, was a desirable movement on the part of the government, because it is well to put such questions as that to test and decide by actual experiment whether that is the proper place for the service or not. This winter has been particularly favourable for an experiment of the kind, and a service conducted there, in my opinion, would be much better this year than it could possibly have been in any of the past years when we had an ordinarily severe winter. Summerside, in my opinion, is not the best place for the boats to run, because there is a large bay into which the ice is driven by certain winds, and where it would be in a severe winter almost impossible for a boat to run into the harbour at such a time. Another place that is proposed is from Tormentine to Traverse, where the distance across the straits is but eight or nine miles. Unfortunately, at Cape Traverse there is no harbour. An attempt was made to build a pier there some years ago, but the sand accumulated about it so that there is not enough water for the boat to continue to ply there. But if we had a harbour at Cape Traverse, I have no doubt that a boat could run very successfully during a great part of the season; Bear in mind that the greatest extent of open water is between Georgetown and Pictou, where there is a wide distance between the land on each side. It has been found the most desirable place for the boats to run. The fact is, that two boats on that route could keep the communication up as effectually during the winter as in the summer season. The 'Stanley' and 'Minto' during the past year ran with great success on that route. At one time this year, there were a few days in which the 'Minto' was not able to run, not on account of the ice, but owing to an accident to her machinery. Apart from that, she could have kept up the communication between the island and the mainland almost every day during the whole season. I am glad that this matter has been brought up, and that the case wil appear more on its merits before the people of the Dominion, because, as I said before, the people were disposed to think that the whole of the money was expended for the purpose of keeping up winter communication with Prince Edward Island, which was not the case, as part of the expenses should be charged against the other services performed.

Hon. Mr. PRIMROSE—I rise to express the pleasure I have felt in listening to the very able analysis of the true position of matters made by the hon. senator from Montague, who has placed the matter before the public in such a light that there can be no mistake about it. There was a chance, a very great chance, of arriving at a conclusion not justified by the facts, from a statement of figures given by the Honourable the Secretary of State in reply to the question put by the hon. gentleman from Marshfield, but now that the analysis has been so thorough, I think any one reading it can very soon arrive at a just conclusion as to how the matter stands. Instead of a large deficit, in some cases there has ben a surplus, and in the other cases the deficit which does exist is so paltry that, in comparison with the services mentioned, is not worth considering. If some of the good people up here who have very little acquaintance with what can be done by a proper steamer in an ice field such as we have in the gulf below could see such a steamer at work, they would be very much amazed at the results. As my hon. friend has said, winter communication has been kept almost with the regularity which characterizes the communication during the summer

months. I want to emphasize what fell from the hon. senator from Montague in regard to the captains. I know that to the thorough competency of these men is to be attributed, in a large measure, the success of the service. I hope, now that the matter is properly placed before the public, that there will be no misconception in regard to it. When I made the remarks which I did the other day in reference to the accommodation at the Pictou terminus, I had in view only the trade during the months of January and February, as those will remember who heard what I said in regard to the matter, and when it comes to be spread over the year, we see what the result is, by the figures that have been mentioned. I am very much gratified that the hon. gentleman's analysis turns out as he finds it—that there is not a deficit, which one would be led to suppose there was from the figures mentioned. I have no doubt that the Secretary of State gave the figures as they were supplied to him, and embracing as they did, the expenses and receipts for the year en bloc, an unfair impression was thus created.

Hon. Mr. SCOTT—I will call the attention of the minister to the erroneous conclusions which were drawn from the figures furnished, and I have no doubt a proper correction will be made.

Hon. Mr. FERGUSON—I am very much pleased that this matter has been further inquired into, and I may say, as my hon. friend, the Secretary of State, will bear me out in saying, that I made my inquiry very explicit, as I have made inquiries of the same nature in other sessions. I have looked at different inquiries I have made on this subject for ten years, and find that I have been very careful to ask for the returns of costs and expenses for the time actually occupied in that winter service. It would seem they were not carefully looked into, and that amounts have been included which should not have been. It is very desirable when we get these returns, that we should be absolutely sure that they are a correct answer to the motion or inquiry that has called them forth. The questions relate simply to the winter service, and of course that includes the mail, and we know the government does not get its mails carried for nothing. Even the government railways charge for carrying the mails, and one department of the government settles with another. When all that is brought into the question, it will be found that the deficit is not very considerable. However, I think hon. gentlemen will bear me out in saying that cost is not a matter of prime importance. As the hon. gentleman from Montague has reminded the House, and the House has often been reminded of it before, the terms of union call for communication, continuous and efficient, by steam between Prince Edward Island and the mainland, and the advantages of that communication are not all on one side by any means. Our trade is of advantage to our sister provinces, perhaps, just as much as their trade is to us. But I must do justice to this House, and I think I can extend the observation to the House of Commons, that never, since I have been in parliament, have I heard the representatives of any of the other provinces complain of these expenditures. They have often listened to us with a great deal of patience when we were pointing out how inefficient the service was in days gone by, and I am happy to say, as a result of our speeches on the subject, and the patience and attention they gave to our observations, the service has been improving until now it has reached a reasonable degree of efficiency. I am proud to be able to say that in this House we have not received criticism or opposition from the other provinces. They have not maintained that the expenditure was unreasonable, all they have sought to find out is if it has been efficient.

BILLS INTRODUCED.

Bill (43) An Act respecting the Vancouver, Victoria and Eastern Railway and Navigation Company.—(Hon. Mr. Kirchhoffer.)

Bill (63) An Act to incorporate the Medicine Hat and Northern Alberta Railway Company.—(Hon. Mr. Watson.)

Bill (64) An Act to incorporate the Cosmos Cotton Company.—(Hon. Mr. Lovitt.)

Bill (68) An Act respecting the Central Counties Railway Company.—(Hon. Mr. McDonald, C.B.)

Bill (71) An Act respecting the Dominion Cotton Mills Company, Ltd.—(Hon. Mr. Forget.)

Bill (69) An Act respecting the Canadian Pacific Railway Company.—(Hon. Mr. Dandurand.)

Bill (74) An Act respecting the Ottawa, Brockville and St. Lawrence Railway Company.—(Hon. Mr. Gibson.)

Bill (83) An Act to incorporate the Canada Northern Express Company.—(Hon. Mr. McMullen.)

Bill (88) An Act respecting the Medicine Hat Railway and Coal Company.—(Hon. Mr. Young.)

Bill (91) An Act respecting the Temagami Railway Company.—(Hon. Mr. Gibson.)

NATURALIZATION ACT AMENDMENT BILL.

INTRODUCED.

Hon. Mr. SCOTT introduced Bill (Z) An Act to amend the Naturalization Act, chap. 113 of the Revised Statutes.

Hon. Sir MACKENZIE BOWELL—Can the hon. gentleman tell us the nature of it?

Hon. Mr. SCOTT—It is with the object of having some central point where there shall be a registration of all persons naturalized. It is found that, by the careless way it is done, after a few years the naturalization papers cannot be found, and it is to compel those who have registered in the several provinces, to make a return to the Secretary of State in order that the register may be kept clear. From time to time inquiries come from abroad to ascertain if so-and-so is naturalized, and the record cannot be found.

SECOND READINGS.

Bill (16) An Act respecting the Manitoba and North-western Railway Company of Canada.—(Hon. Mr. Kirchhoffer.)

Bill (53) An Act respecting the Canadian Northern Railway Company.—(Hon. Mr. Kirchhoffer.)

Bill (59) An Act respecting the James Bay Railway Company.—(Hon. Mr. Kirchhoffer.)

Bill (57) An Act respecting the Ontario Power Company of Niagara Falls.—(Hon. Mr. Gibson.)

Bill (62) An Act respecting the Klondike Mines Railway Company.—(Hon. Mr. Kirchhoffer.)

Bill (70) An Act to incorporate the Ross Rifle Company (Limited).—(Hon. Mr. Gibson.)

Bill (72) An Act to incorporate the Pacific Northern and Omineca Railway Company.—(Hon. Mr. Macdonald, B.C.)

Bill (H) An Act for the relief of Samuel Nelson Chipman.—(Hon. Mr. Kirchhoffer.)

It being six o'clock, the Speaker left the Chair.

After Recess.

JOINT STOCK COMPANIES INCORPORATION BILL.

The House resumed in Committee of the Whole consideration of Bill (R) 'An Act respecting the incorporation of Joint Stock Companies by Letters Patent.'

(In Committee.)

On clause 8,

Hon. Mr. BEIQUE—I think, to make the eighth clause agree with the amendment which was made to clause 3, the following words should be added after 'thereunder named' in the second line—'And such persons and others who have become subscribers to the memo. of agreement, or thereafter become shareholders in the company.'

Hon. Mr. WOOD (Hamilton)—I did not happen to be in the chamber when this Bill was in Committee of the Whole before, or I should have done then what I take the liberty of doing now. I am opposed to the whole policy of the Bill. I think it is a Bill that is not at all required. Letters of incorporation are usually obtained from the local authorities, and from this source the provinces derive a considerable revenue. I do not think it becomes this House to take away from the provinces a source of revenue that is of considerable importance to many of the smaller provinces, because if the cost of the letters patent from this parliament is anything like what it is supposed to be, barely the cost of printing, &c., instead of the various provinces receiving any benefit, the whole country will be flocking to the Secretary of State for letters of incorporation; therefore, I think the issuing of letters patent should be left in the hands of the provinces, instead of this parliament taking the whole thing in its own

hands. It may be said that the Dominion want to grant letters of incorporation to companies doing business all over Canada. A company that is large enough to do business on so extensive a scale can afford to await the action of parliament—can come into open court and get what it wants from parliament after a thorough investigation by members of parliament who come from all sections of the Dominion, and are not sectional and have a right to know what these people are asking for who want to do business all over the Dominion. The incorporation of these companies is a very important matter, and although I have, for my part, the most unbounded confidence in the present Secretary of State, we do not expect to have him here with us always. He may be elevated to some higher sphere within a very short time, and we do not know who may come after him. Should my hon. friend, the leader of the opposition, come into power within the next ten or fifteen years, we do not know what kind of a Secretary of State he would be introducing into this parliament.

Hon. Sir MACKENZIE BOWELL—I never introduced a Secretary of State.

Hon. Mr. WOOD (Hamilton).—I do not know that I would have as much confidence in the next Secretary of State as in the present one. I would not like to have the important business of conferring letters patent controlled by a single individual. I think that an important company, such as requires to do business all over this Dominion, could come before the House of Commons and the Senate and get incorporation in open court. I wish simply to enter my protest against this Bill as being altogether uncalled for. The whole thing should remain as it is to-day in the hands of the various provinces, who are more in touch with the people. I prefer that it should remain, as it is to-day, in the hands of the Secretary of State. Just another point: if you look at clause 69 of this Bill, you will see that the Secretary of State takes power there to grant incorporation to a company that may now be incorporated—a company that perhaps could not get incorporation again from this Dominion under present circumstances. To illustrate my idea: the Bell Telephone Company has been before this House two years trying to get legislation under certain circumstances. The Senate, in its wisdom, has thought proper to decline to grant that legislation except under certain conditions. These conditions the company have refused to comply with; but if they are defeated here to-morrow, all they have to do is to go to the Secretary of State and get incorporation under clause 69 of this Bill. That is not what it should be. Clause 69 reads as follows:

> Any company heretofore incorporated for any purpose or object for which letters patent may be issued under this Act, whether under a special or a general Act, and now being a subsisting and valid corporation, may apply for letters patent under this Act, and the Secretary of State may direct the issue of letters patent incorporating the shareholders of the said company as a company under this Act.

So that, supposing the Bell Telephone Company should be defeated in this House, unless they complied with the terms demanded, they could go before the Secretary of State and get incorporation and defy the action of parliament.

Hon. Mr. SCOTT—No.

Hon. Mr. McCALLUM—Read the clause further.

Hon. Sir MACKENZIE BOWELL—We had better wait until we come to that clause.

Hon. Mr. WOOD (Hamilton)—I am perfectly willing to abide by the wisdom of the House, but this is the only time I intend to say a word in reference to the matter, and while I am on my feet I thought I would make the remarks I intended to make. I simply enter my protest against the Bill as a whole. I think it is not necessary. The rights of the various provinces are being interfered with, and the Bill should be withdrawn, at all events until next session, and the various provinces should be made aware of the nature of the proposed legislation, and if they do not raise objections, I have no objection to the measure going through at another session. No harm can be done by the postponement of the Bill for another twelve months, and the Secretary of State would consult the wishes of the country if he would accede to that request.

Hon. Mr. SCOTT—I am very sorry the hon. gentleman was not here during the

earlier debate, when he would have heard the reasons given pretty plainly by myself and others who spoke, showing the absolute necessity for this measure. It is not new legislation in any sense. We have been issuing letters patent for the last thirty or forty years. The last Bill on the subject was in 1877. Since then large experience has been gained. It was based on the English law, but the English law changed with the times, and the object of this Bill is to bring it up to the times. There are numerous companies now going to the various provinces who would otherwise come to the Dominion, simply because they can get absolute freedom in carrying on their business throughout the province. The province of Nova Scotia has adopted the English law just as it is.

Hon. Mr. WOOD (Hamilton)—Why interfere with the provinces ?

Hon. Mr. SCOTT—Simply because there are companies that wish to have charters from the federal power. They believe they can do business better under a Dominion charter. They can go to the several provinces if they wish. One of the largest companies recently established advertised its prospectus to-day, a company with a capital of three million dollars, who propose to do business on a large scale down in Gaspé. Naturally, you would say that company would go to the province of Quebec, where its property is situated. But the province of Quebec has not kept up with the times. It has an old-fashioned law that nobody can work under. What does this company do ? It comes to the province of Ontario for a charter to carry on business in Gaspé. They would prefer to come to Ottawa, and no doubt would come, if this Bill were passed so as to enable them absolutely to do business over all the Dominion, where no doubt they will do business. In reference to the charges, we have no desire to deprive a province of any revenue. The tariff is quite as high as the provincial tariff.

Hon. Mr. WOOD—There are no rates mentioned.

Hon. Mr. SCOTT—The Governor in Council makes the rates.

Hon. Mr. WOOD—That is very unsatisfactory.

Hon. Mr. SCOTT—That has always been the law. I will lay on the Table to-morrow a copy of the tariff charges. My hon. friend will see that the argument he uses, that people will come to Ottawa because they can get charters cheaper, has no foundation in fact. Our charges will be at least as high as, if not higher than those of the provinces.

The CHAIRMAN—I desire to call attention to the rule of the House which prevents discussion on the general principle of the Bill when in committee.

Hon. Mr. McMULLEN—Will this legislation interfere with the powers of the provinces to grant charters ?

Hon. Mr. SCOTT—Not the slightest.

Hon. Mr. McMULLEN—Is it intended to establish the same scale of fees as the provinces do for granting charters ?

Hon. Mr. SCOTT—Yes, quite as high.

Hon. Mr. McMULLEN—The province will be entitled to charge a fee. Will this Bill interfere with the rights of the province to tax companies ?

Hon. Mr. SCOTT—That raises a legal question. I think the provinces have exceeded their power. They might as well tax a party doing business under an Act of parliament as tax a company which holds a charter from the Dominion. In order to obtain a revenue, they have forced companies that hold charters from the federal power to take out a license from the particular province. That is now under the consideration of the Minister of Justice and some correspondence is going on with regard to it. They are perfectly within their rights to tax a federal corporation on the same plane that they tax provincial companies. The tax should be levied equally for revenue purposes, but they should not single out a company doing business under a federal charter for special taxation, because that is discriminating against companies holding federal charters. However, that is a broad legal question.

Hon. Sir MACKENZIE BOWELL—I do not know whether I understood the hon. Secretary of State right a few minutes ago. I understood him to say that a corporation doing business in the city of Quebec obtained a charter in the province of Ontario

which enabled them to carry on business in the whole Dominion.

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—In Quebec, anyway.

Hon. Sir MACKENZIE BOWELL—I have always understood the object of obtaining a Dominion charter was for the sole purpose of enabling a company to do business in any portion of the Dominion.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—While a province was restricted to giving power to carry on business within the province. That is what I understand to be the constitution and the law.

Hon. Mr. SCOTT—Quite right.

Hon. Sir MACKENZIE BOWELL—The point raised by the hon. gentleman from Wellington (Mr. McMullen) is as to whether this Bill would interfere with the province incorporating companies to do business. I do not think it would. The point really is, whether the provincial government or legislature has the right, under the constitution, to tax what they term an extra-provincial charter.

Hon. Mr. SCOTT—They call them foreign companies.

Hon. Sir MACKENZIE BOWELL—That is, a company which obtains power to carry on business over the whole Dominion is called a foreign company, and they tax that company as if it were a company obtaining its power and charter from the local legislature. I speak now from a fact which came under my own notice. I am connected with a small company that, for the purpose of carrying on business in any portion of the Dominion, obtained an Act of incorporation, not under an Act of this character, but a special Act of parliament, incorporating the company to enable them to do business either in Quebec or any other province of the Dominion. Since the passage of this law by the Ontario legislature, we are taxed the same as if we had taken out letters patent to do business there under the provincial law. Hence, we have in addition to paying for our Act here; we have to make special returns every year to the Dominion government, and the Ontario government compels us to pay first, for a license to carry on business, and then a fee annually, and to make a return giving certain information as to capital, the amount paid up, and various other details which they think necessary, I suppose, for the protection of the people of Ontario. That is the constitutional point to which the Secretary of State has called attention, and to which I called attention, it will be remembered, a few days ago, when this question first came under the consideration of the Senate. It does seem to me a most extraordinary position for the province to take, to deny the right—because it is virtually a denial of the right of the Dominion to give authority and grant power to carry on business through the whole Dominion. The local legislature step in and say: No, you shall not carry on your business in this province unless you pay us first a fee, and then an annual fee in addition. That is the point on which my hon. friend the Secretary of State thinks the province has exceeded its power. That is the point on which I think this government should have taken issue at once, and tested the question. I am not going to argue the principle of the Bill, after the ruling of the chairman, but as I said when the Bill first came before the House, I am in favour of it, for the reason that in 1894 I had introduced a much more elaborate Bill, dealing with the whole question, and the only fault I have with this Bill is that it does not call for a sufficiently large fee from the parties seeking incorporation so as to prevent the possibility of bogus companies being incorporated. The hon. Secretary of State said he would lay a schedule before the House. I understood him to say he had handed me a copy.

Hon. Mr. SCOTT—No, I brought two copies, and one of them has been taken. I will bring copies to-morrow.

Hon. Sir MACKENZIE BOWELL—I think a more simple mode of obtaining charters than those in existence in the past, is desirable. As I pointed out before, no less than ten procedures, if I may so call them, of routine from one department to another, and from the Treasury Board, is an unnecessary construction. I am in favour of the Bill so far as it goes. It requires some amendment, and the Secretary of State has so far acceded to the requests which have been made by members of the House to make it

more perfect. I think it is in the interests of the country that the Bill should be carried. It does not interfere at all with the rights and privileges of the provinces.

Hon. Mr. BEIQUE—As there are no clauses of this Bill referring to fees, and as the government is ready to charge a higher fee, I would enter my protest against it, because I do not think the reason given by the hon. gentleman opposite is sufficient to justify the government in acting in that direction.

Hon. Mr. McCALLUM—Keep bogus companies out.

Hon. Mr. BEIQUE—In order to prevent bogus companies incorporating, you would fleece the honest people who want simply the chance to do business together by organizing under the Joint Stock Companies Act. I do not see why, for fear of one or two black sheep, a hundred others should be overtaxed when they simply come to put in their money together for a venture in their interests, and for the development of the country as well.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman know what it costs in England to get out a charter ?

Hon. Mr. BEIQUE.—I have heard the amount, and it is exorbitant.

Hon. Sir MACKENZIE BOWELL—In one case I know of it having cost £600.

Hon. Mr. McMULLEN—Hon. gentlemen will realize why I put the question to the Secretary of State with regard to how far this Act might interfere with the rights and privileges of the province. We know perfectly well that many of the provinces are driven to their wits' end in taxation to try and realize the sum annually that will meet the demands of their treasury. We know that many of them, notwithstanding the privileges they enjoy, even exercising all the rights of granting charters, and charging fees for them, often run behind, and are unable to provide a revenue by the taxation they have now to meet their demands. If an Act of this kind were to go still further, and take away from them revenues they now enjoy, I am afraid it would encourage a demand suggested some years ago to recast the terms of confederation, whereby a larger sum per capita should be returned to the provinces, and this undoubtedly, if it interferes with taxation that they now impose, will be a further argument in that direction. I have no objection to the Bill myself, but if it is going to seriously interfere with the rights of the provinces in the matter of collecting fees for the organization of companies of this kind, we should very seriously study the whole question before we attempt to take away from them any rights they now enjoy. Of course, if they had the power to impose a license on any company for carrying on business under a Dominion charter, they would not, in that case, be deprived of any rights, but the Secretary of State is not prepared to say they would have that right. He is not prepared to admit that a company taking out letters patent under this Act would not be subjected to local fees and exactions for the right to do business in any province. They would have the right, under a charter issued there, to do business in any province. If they have that right, and are not at all amenable to any existing provincial law with regard to the license, it takes away from the province a certain sum they are now receiving for granting charters. Before we go on with the Bill, we should have a definite statement from the Minister of Justice in some way to clear up that point, whether we are at all interfering with the rights of the provinces in passing this Bill.

Hon. Mr. SCOTT—We are in no way interfering with their right to issue letters patent, so far as provincial business is concerned. They have a right to tax companies in the province, so long as they do not discriminate. If for the purpose of revenue, they impose a tax of whatever kind or nature, they have the power to do so, provided they do not discriminate against a company holding its charter from the federal power. They should put that company on the same plane as all other companies. They have not the right, although they are exercising it, of demanding returns, except for the purpose of discovering whether they should come under higher taxation. Their revenue, I presume, is based on the amount of business done. So long as they do not charge higher taxes on federal than on provincial companies, they are clearly within their right.

Hon. Sir MACKENZIE BOWELL—I might state also that the Bill before the House does not give to the Dominion parliament one iota more power than exists under the law on the statute-books at present. It merely simplifies a mode of obtaining letters patent to carry on business.

Hon. Mr. POWER—What is now before the committee is clause 8.

Hon. Mr. SCOTT—I have no objection to the amendment proposed by the hon. gentleman from De Salaberry.

Hon. Mr. BEIQUE—In connection with this clause, I would call attention to the fact that there is no sanction to the notice to be given under this clause 8. The companies are compelled to publish a notice in the local papers, and there is no penalty if they do not publish it. I would suggest that either a clause providing for the sanction be prepared, or that it be made the duty of the Secretary of State to publish the notice.

Hon. Mr. SCOTT—I have never heard of any attempt to evade the law, and it has been on the statute-books for thirty years. I thought where no complaint existed for 25 or 30 years, we might allow the law to stand as it is.

Hon. Mr. BEIQUE—It raises this question, as to whether the company can commence operations before giving notice.

Hon. Mr. SCOTT—I think they can.

Hon. Mr. BEIQUE—The point should be made clear. Why provide for a notice, if when it is not given, it has no effect at all ?

Hon. Mr. POWER—I wish to direct the attention of the Secretary of State to the fact that in the English Acts—and I understood from the Hon. Secretary of State that it was desired to follow the English Acts——

Hon. Mr. SCOTT—Not in many details. They are too cumbrous altogether.

Hon. Mr. POWER—I notice there is a reference in this Bill to a memorandum of agreement. Now, the expression which is always used in the English Acts, and which I think is a much better one, is a memorandum of association.

Hon. Mr. SCOTT—The expression in the Bill has been adopted by many of the provinces.

Hon. Mr. POWER—It has not been adopted by the province of Nova Scotia.

Hon. Mr. SCOTT—No, because they take the English Act in its entirety.

Hon. Mr. POWER—I make this suggestion, because in different places through the Bill, there are references to this agreement, and I think there is a liability to confusion.

Hon. Mr. SCOTT—The term is more familiar, and better understood by the people of Canada than the term articles of association. I have no objection to putting 'memorandum of agreement' wherever the word 'agreement' appears.

Hon. Mr. LOUGHEED—Some distinction should be drawn between a memorandum of agreement and an agreement which may refer to the transfer of property or the issuing of stock.

Hon. Mr. POWER—Of course the letters patent could only recite what is in the memorandum of agreement.

Hon. Mr. LOUGHEED—It may refer to different agreements which constitute the basis of incorporation. I would like to point out that it seems to me this clause does violence to the principle which underlies the Bill, namely, expedition in incorporating a company. I understand the underlying principle is, that on application being made, a company may at once be incorporated without loss of time. Now, clause 8 seems indefinite as to when the act of incorporation really takes place. It seems to me also the insertion in the 'Gazette' was a condition precedent to the incorporation taking place. Does the corporation become an entity before or after those two weeks ?

Hon. Mr. SCOTT—It becomes incorporated from the date of the letters patent. They probably could not do business, but they are really incorporated. Of course, notice must be given to the public. A fortnight is not too much.

The clause was adopted.

On clause 12,

Hon. Mr. McMULLEN—I notice, in reading another clause, that immediately on the

issue of letters patent, a notice has to be inserted in the 'Canada Gazette' and at least one paper in the county, giving public notice that the powers have been granted. If the company should apply for powers that might in some way be dangerous or inconvenient to some other incorporated companies, there is no notice of the company applying for extended powers. The only notice they give is when the letters are granted. Would it not be better, in case of a company applying for such an extension of powers, that they should put a notice in the 'Gazette,' and also in a local paper, stating they are applying to the Secretary of State for additional extended powers. If the public should become aware of the fact that they are making such application, those interested in the change perhaps would have a full opportunity to make representations, and offer arguments why these powers should not be granted.

Hon. Mr. SCOTT—You are going back to the very objection that exists now, that is giving antecedent notices, which have not been found worth anything.

Hon. Mr. POWER—I do not think the objection of the hon. gentleman should be dealt with in such a cavalier manner as that. I notice some of the arguments in favour of the clauses we have passed are to the effect that they are the existing law. Now, the amendment which the hon. gentleman from Wellington proposes to insert is in the existing law. I do not think a month is an unduly long time. The company have organized; they have got from the Secretary of State a charter giving them the powers which they ask for; they go into operation, and then they wish to extend their powers.

Hon. Mr. DRUMMOND—It might be a very serious thing for the company to be kept six months waiting.

Hon. Mr. POWER—You have to consider something besides the convenience of the gentlemen who have the charter. There are hundreds and thousands of people, possibly, throughout the country who are interested also, and the company should not be allowed to make a sweeping change in their charter without letting the public know something about it.

Hon. Mr. DRUMMOND—Then adopt the suggestion of the hon. gentleman from Wellington.

Hon. Mr. POWER—I have just suggested that the section which corresponds with the clause we are dealing with, contains the very provision the hon. member from Wellington wishes to insert. If he moves to insert it, I shall be glad to second his motion.

Hon. Mr. LOUGHEED—It seems to me that some protection should be afforded to all the shareholders with reference to the application made by the company for additional powers. I am not in favour of retaining the section of the present Act which simply provides for the notice being published in the 'Canada Gazette.' I think this is a delusion and a snare, giving notice simply in the 'Canada Gazette.' If there is any publication in the Dominion of Canada that is not read by the people interested in such matters, it is the 'Canada Gazette,' and it appears to me we should get over this, without establishing the precedent of advertising everything in the 'Canada Gazette.' This difficulty referred to by the hon. gentleman from North Wellington could be overcome by every shareholder receiving an adequate notice fully setting forth what the intention of the company may be with reference to the application.

Hon. Mr. POWER—This notice does not affect the shareholders. It is intended to affect the people outside.

Hon. Mr. BEIQUE—It is hardly logical to permit the formation of a company without any notice, and when the shareholders, by a majority of two-thirds, desire to increase the power of the company, which is nothing but a private company, that it should then be necessary to give even one month's notice. It seems to me that this is against the principle of the Bill. The Bill is intended to do away with the necessity of giving notice before incorporating, and if we are in favour of that principle, which is the principle governing now in England and in all the provinces, surely it would not be logical to exact a notice even of one month or fifteen days, merely because the company desire to increase their power. I cannot see how the public can be interested against a private company in-

creasing its powers, or going into another branch of manufacture or extending its business. They can do so when the company incorporate at first, and it should be open to them to increase their powers with the consent of the shareholders, and the authorization of the Secretary of State.

Hon. Mr. YOUNG—It strikes me if you require notice in the first instance to be published——

Hon. Mr. DANDURAND—You do not require notice.

Hon. Mr. YOUNG—If you increase the powers it is practically a new charter you are granting. Possibly their extended powers would be practically a new charter, or a new company, and I think it is only fair that the public should in some way be apprised of their intention, and thus be protected. Clause 15 simply provides for a notice in the official 'Gazette' after they have been granted the increase of powers.

Hon. Mr. FERGUSON—There seems to me to be the same reason for giving notice for the additional powers as for the original powers. It may not amount to much in either case, but if it is necessary in the first instance, the same reason exists for granting increased powers.

Hon. Mr. WOOD (Hamilton)—The whole principle is vicious altogether. It is to my mind smuggling legislation through without giving notice to the public.

Hon. Mr. LOUGHEED—The hon. gentleman's government would not do that.

Hon. Mr. WOOD—It should be brought before the public. The very discussion which has taken place on this point shows me that there is great necessity for having wider and more notice and more discussion by the public, instead of by the company interested itself with the Secretary of State. It is done almost in camera ; nobody knows anything about it, and the whole thing goes through.

Hon. Mr. DANDURAND—On reading clauses 12, 13, 14 and 15, I am satisfied they provide for every conceivable contingency. The hon. gentleman from Hamilton has declared himself a champion of provincial rights, and a monopoly of provincial letters patent. He is afraid of the Secretary of State granting powers which would not perhaps be justifiable. What are we doing now ? We are copying word for word the very Ontario law with which he is so thoroughly satisfied.

Hon. Mr. McMULLEN—I am not a lawyer.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman is almost one.

Hon. Mr. McMULLEN—But I have read all those clauses, and I do not see that what I suggest is provided for in clause 15, because it provides simply that notice shall be given after the additional powers are granted. My object is to give notice before the powers are granted, so that if anybody is interested in the increased powers they shall have notice of the fact that the company has applied for increased powers, and anybody who has objection would have an opportunity of advancing his argument before the powers are granted.

Hon. Mr. DANDURAND—The principle of the Bill is to abolish the notice. One of the essentials of the Bill is counter to the opinion expressed by the hon. gentleman from Wellington. One of the principles of this Bill is to do away with the three months' notice in the official 'Gazette' for obtaining letters patent, and the month's notice for supplementary letters.

Hon. Mr. MACDONALD (P.E.I.)—I do not see the necessity of notice. This Bill is not intended to apply to railroads or banks ; it is merely for the incorporation of companies to do general business, manufacturing of boots and shoes, clothing and so on, and why should it be necessary to notify the whole community of the intentions of half a dozen people to band themselves together, so that they might be enabled to do business as any one individual would do. An individual would not require incorporation, and the only difference between an individual doing business, and five people doing business together, is that the one is not incorporated. I do not see why notice should be given to the public of people banding themselves together to do an ordinary business.

Hon. Mr. McMULLEN—We are at the present moment passing an exceedingly important Bill. We are laying the foundation of a system whereby charters will be granted companies for all kinds of business in this Dominion. We are not only doing that, but

we are passing a Bill which provides that these companies at any time that best suits themselves, can, by a two-thirds vote of the stockholders, apply to the Secretary of State and have extended powers without acquainting the public with what they want, or for what purpose they intend to use those powers. In my opinion, if there is any duty whatever that devolves upon parliament more than another, it is that we should protect the rights of the public in all our legislation, and see that no Bill is passed whereby the public may seriously suffer by powers that are granted to corporations. We know perfectly well the result of extended unlimited powers being granted across the line. We see the condition of things in that country getting worse all the time. That is caused undoubtedly by the enormous powers that these companies exercise by bringing together enormous amounts of money, which is utilized in many cases in opposition to the public will. When we are passing laws we should endeavour to guard the rights of the public in every way we possibly can. I have no desire to interfere with, or say a word against any number of men coming together to do a lawful business under that Dominion Act. I have no desire to say that if their business extends they should not have additional facilities for conducting their business, but I want it to be open and above-board, that the public will know that these men have applied for increased privileges, and then if these privileges are granted, the public is aware of the fact that they have made application, and if anybody objects he has the power to do so.

Hon. Sir MACKENZIE BOWELL—The Bill provides for that.

Hon. Mr. LOUGHEED—That section might be improved by the hon. Secretary of State providing that proper notices be sent to the shareholders. It seems to me that is an insignificant matter compared with proper notice being sent to the shareholders.

Hon. Mr. SCOTT—The same facts must be proved as with regard to the original issue.

Hon. Mr. LOUGHEED—The Secretary of State is not called upon to observe that fact.

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. LOUGHEED—It just refers to the due passing of the resolution authorizing it. That would not necessarily involve an inquiry being made into the matter of the proper notices to shareholders, or the legality of the issue.

Hon. Mr. POWER—How could a resolution be duly passed at a meeting if the meeting had not been duly called ?

Hon. Mr. LOUGHEED—So long as the resolution is passed by the vote of two-thirds of the shareholders, representing at least two-thirds in value of the subscribed stock, as prescribed under section 12, it seems to me to preclude an inquiry being made behind that fact as to whether the meeting was properly called. What about the other third of the shareholders ? I know it provides that a notice shall be sent of the special meeting being called, but I do not think it involves the Secretary of State looking into the legality of that notice or the calling of the meeting.

Hon. Mr. POWER—When you say that a special general meeting has to be called for the purpose, you mean legally and regularly called, and if it is not regularly called the whole proceeding is null.

Hon. Mr. DRUMMOND—It is conceivable to me that it might be desirable to hear opponents of the proposed scheme, and you would provide in clause 14 only that the applicants shall establish certain facts. You have no provision that the Secretary of State shall hear opposition to the proposal. It is quite conceivable to me that the proposed extension of the powers of this company might be a very hard thing indeed for some other company. It might not cover the ground, and they might apply for permission for the construction of a tramway or steamship line——

Hon. Mr. SCOTT—They could not.

Hon. Mr. DANDURAND—That is excluded from the operation of the Bill.

Hon. Sir MACKENZIE BOWELL—I do not see any difficulty—if the hon. Secretary of State will only think of it for a moment—in acceding to the suggestion of the hon. gentleman from Calgary. There would be no difficulty in supplying the Secretary of State with the information of which he should be in possession. All they would

have to do would be to send to the Secretary of State a copy of the resolution calling the meeting, a copy of the proceedings of the meeting, and to show in that the number of shareholders and the stock that they held that gave the authority for making the change. That would carry out the suggestion the hon. gentleman has made, and it would be an evidence to the Secretary of State and it would be evidence upon record, of the correctness of the proceedings on the part of the company. I do not see any particular necessity for it myself.

Hon. Mr. SCOTT—The official who acts under this power is not a mere automaton. He must take precautions that vested rights are not interfered with, and due regard is had to the rights of all parties interested. That is done constantly now. The main difficulty we have had to contend with is the long delay of the notices in the 'Gazette,' which nobody pays any attention to. I have had charge of the issue of letters patent for ten or eleven years, during five years of the Mackenzie administration and for the last six years, and I do not know of a single instance where the advertisement had the slightest effect, or where anybody referred to it, or it ever was noticed at all. There was a natural impatience, and the people withdrew their money and went somewhere else to get letters patent. The other day I had a gentleman up from Montreal, where a company wanted to increase their business. They had paid in all the calls, and required more capital, and asked to have the capital enlarged in their own business. It was tied up there, and they could not do it themselves. That is one illustration. It is occurring constantly, and I am getting letters all the time, asking when the Bill will go through, by people who want to take out letters patent. I gave some evidence of the effect of the absolute freedom with which letters patent are granted in England, and it was proved before a committee appointed by the Board of Trade, that the effect of that was to bring to the United Kingdom enormous sums of money. Persons from outside countries came there in order to establish companies, because of the facilities that were given. I read the figures here the other day. The amount of capital invested in France and Germany was three hunured million less than the capital of companies organized in England, simply from the facility which was given to organize there. Surely with the experience of England before us, we should not throw obstruction in the way of authorizing companies to expend their own money and do their own business. Five persons, not being incorporated, can go on and do business, but after being incorporated they must give all manner of notice to the public, and must not do this and that because they might be interfering with some private interest. Surely that is an assumption that is not warranted in any way.

Hon. Mr. FERGUSON—The experience in the past might not be the experience in the future. During the fourteen years the hon. gentleman speaks of, has there been no attempt to encroach on the rights of any existing company ?

Hon. Mr. SCOTT—Certainly, and it has constantly been stopped. If they take a name which infringes on the name of some other company, the Secretary of State can cancel the letters patent.

Hon. Mr. FERGUSON—How is the Secretary of State to know if there is no notice given ? I am afraid if we depart from the notice preliminary to the application in the first instance, the experience of the last fourteen years will be of no use to the Secretary of State, because the fact of the notice being required may have deterred parties. I think it is a dangerous thing.

Hon. Mr. SCOTT—People are constantly endeavouring to get names to which they they have no right. For instance, the name 'The Canadian Company' would be a very improper one. Every company is entitled to have the word Canadian added to some other name. In the office of the Secretary of State we keep a record of all the companies, both provincial and federal, and we have an opportunity of looking to see if any rights are encroached upon, and if rights are encroached upon, the most ample authority exists to cancel the letters patent, and give a new name. We have power to cancel, and it is also presumed the Secretary of State will exercise proper precaution in issuing letters patent.

Hon. Mr. FERGUSON—Are they granted in England without notice ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. DANDURAND—And in Ontario, Nova Scotia and British Columbia.

The clause was adopted.

On clause 16,

Hon. Mr. DANDURAND—I would draw the attention of this Chamber to a danger here. Under that power, since we have abolished lotteries, people have started to work to see if they could not operate in some way, and I have heard that they subdivided shares down to 25 cents, and laid aside a certain amount of the shares of the company, to be divided by a drawing. Under the criminal law, the property held in common can be drawn by lot, so that shares can be divided down to 25 cents. Then those people pretend to be operating under the law, if not absolutely under the spirit of the law, under the letter of the law. We might limit shares to ten dollars.

Hon. Mr. SCOTT—It must have the approval of the Secretary of State. Any attempt to make improper use of it can be stopped.

Hon. Sir MACKENZIE BOWELL—Is this clause in the present law ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—What is the object of it ?

Hon. Mr. SCOTT—I have never heard of its being used. I do not know.

Hon. Sir MACKENZIE BOWELL—If it gave the power to the company to reduce the value of the shares one-half, I could understand it.

Hon. Mr. SCOTT—I have never known it acted upon in any case.

Hon. Sir MACKENZIE BOWELL—Clause 16 reads :

> The directors of the company may at any time make a law subdividing the existing shares into shares of a smaller amount.

That is, if the shares be $100, the directors may reduce them to $50 each, and thereby give a man two shares instead of one, or they can reduce it to $20, and make five shares instead of one, or reduce the liability of the shareholder to a nominal sum, thereby impairing the security of creditors.

Hon. Mr. DANDURAND—That does not reduce the capital.

Hon. Sir MACKENZIE BOWELL—I do not understand what the object is in retaining a clause of that kind.

Hon. Mr. DANDURAND—I withdraw my suggestion that there should be a minimum figure mentioned, because it occurs to me that in mining companies shares of very small amount are issued. I think we can remedy the matter by amending the criminal law.

The clause was adopted.

On clause 17,

Hon. Mr. LOUGHEED—Is this to be done without the consent of the shareholders ?

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. BEIQUE—Clauses 18 and 19 should be read with this.

Hon. Mr. McDONALD (C. B.)—I wish to know whether this clause is consistent with itself. It says :

> The directors of the company may at any time, after ninety per cent of the capital stock of the company has been taken up and fifty per cent thereon paid in, &c.

This does not provide for any percentage to be paid upon the increased capital. They may increase their capital to ten millions and not pay any percentage on it.

Hon. Mr. SCOTT—There is not much object in doing that.

Hon. Mr. McDONALD (C. B.)—We have the Bell Telephone Company applying for an increase of capital from five to ten millions. They may start with a capital of $100,000, and when 90 per cent is paid in the directors can increase the capital to one million.

Hon. Mr. SCOTT—Yes. The mere power to have a capital is of no use unless it is subscribed

The clause was adopted.

On clause 20,

Hon. Mr. POWER.—It will be noticed that the power to be exercised under this clause is a very important one. As suggested by some hon. gentlemen, it may be increasing the capital from one million to five million, and here is all the directors have to do :—

> The directors shall, on such application, produce a copy of such by-law, under the seal of the company and signed by the president, vice-president or secretary,'—

It may be signed only by the secretary.

—and establish to the satisfaction of the Secretary of State the due passage and approval of such by-law.

I think it should require something more than the signature of one officer. It is a very important subject, and I move that subclause 2 be amended in the 7th line, by inserting after the word 'president' the word 'or,' and after the word 'vice-president' the words 'and the' so that it will read 'and signed by the president or vice-president and the secretary. So that we would have the signature of two officers.

Hon. Sir MACKENZIE BOWELL—I think that is a good suggestion. All by-laws of these companies give power to the vice-president to discharge the duties of president in his absence.

Hon. Mr. SCOTT.—There is no objection to that.

The clause was amended and adopted.

On clause 21,

Hon. Mr. BEIQUE.—Before we proceed further, I desire to call attention to what I believe to be a very important point. I am in favour of the principle of the Bill in doing away with what I consider an unnecessary formality. These applications, notices of applications, and also the subscription of one-half of the authorized capital stock and the payment of ten per cent on it, are required as the law stands at present, but if we remove that provision, as is intended to be done by this Bill, we should guard against companies existing merely on paper and commencing business when they are merely on paper, and the Bill as drafted would open the door to a company commencing business before five cents was paid. The provisions which were adopted in England, in 1890, which have the effect of guarding against that, should be embodied in this Bill. I call the attention of the hon. Secretary of State to the amendments to the Companies Act of 1900, and I hope he will see his way clear when we meet again, to have these provisions introduced in this Bill. Under these provisions, before a company can commence business, a certain amount of stock should be subscribed, and a certain proportion of the subscribed stock should be paid in, otherwise we would be exposed to this evil: that it will be easy to form a company with a hundred thousand dollars of capital, or a capital of a million, but it will not be necessary to have ten dollars subscribed.

Hon. Mr. SCOTT—Not less than ten per cent of the capital must be subscribed before a company can obtain incorporation.

Hon. Mr. BEIQUE—The Bill does not provide for that.

Hon. Mr. SCOTT—I have it in my draft.

Hon. Mr. LOUGHEED.—What proportion of the stock?

Hon. Mr. SCOTT—Ten per cent of the stock.

The aggregate of stock so taken shall be at least ten per cent of the total amount of the stock of the company.

I am putting this in as a clause; I did not propose calling in any cash. The people pay a pretty large fee on getting their license.

Hon. Mr. DRUMMOND—Does the hon. Secretary of State propose framing a clause embodying that?

Hon. Mr. SCOTT—Yes. It is in the Bill as I have it here. There are certain clauses I propose to call the attention of the committee to.

Hon. Mr. DRUMMOND—If it is necessary in the first instance, surely it is necessary with regard to any increase of the capital as provided for in this Act, and it should apply to both.

Hon. Mr. SCOTT—I presume the company once doing business having paid up ninety per cent of its stock, it would not be necessary to make any provision of that kind.

Hon. Mr. BEIQUE—I have drawn attention to it at this stage because I think logically a clause to cover the point should be inserted here.

The clause was adopted.

On clause 23,

Hon. Mr. SCOTT—In reference to the amount required to be paid on subscribed stock in England, it would be so very small I thought with the restrictions we had it would be scarcely worth while. The amount payable on application on each share shall not be less than five per cent. If the con-

ditions have not been complied with forty days after the issue of the prospectus, all moneys received on shares shall be repaid to the applicants with interest, and in the event of the money not being so paid, the directors of the company may become liable.

Hon. Mr. LOUGHEED—Does it not say that a certain portion of the stock must be subscribed ?

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. LOUGHEED—Fifty per cent, is it not ?

Hon. Mr. SCOTT—I do not find the amount. Five per cent on each share, whatever that may be.

Hon. Mr. LOUGHEED—There is no limitation here.

Hon. Mr. SCOTT—No. In England they pay a very small fee, and we insist upon a very large fee.

Hon. Mr. LOUGHEED—Unless there is a subscription for stock, there is clearly no liability.

Hon. Mr. SCOTT—I had a clause providing that the parties, under the articles of incorporation, must subscribe ten per cent of the capital payable within a limited time.

Hon. Mr. LOUGHEED—Yes, but unless there is a requirement, or a certain proportion is fixed, that would result in an absurdity, because a couple of shares could be subscribed for, and ten per cent paid on the couple of shares, and the parties would have complied with the requirement of the Act. If my hon. friend says he is not going to limit the subscription of stock, and ten per cent is to be paid upon what is subscribed, it is manifest that all the applicants have to do is to subscribe for a minimum number of shares.

Hon. Mr. POWER—The hon. Secretary of State seems to set very little store by this English Act of 1900. I think it should be our model. That Act was passed after a great deal of deliberation, after experience of the bad effects of the go-as-you-please system which had existed so many years in England ; and we have arrived here, in this matter of organizing companies, at pretty nearly the same point that they have arrived at in England, where they found it necessary to pass the Act of 1900, for the purpose of safeguarding shareholders and the public. As the hon. gentleman from De Salaberry says, if we are taking away the useless obstructions in the matter of organization of companies, we should be careful not to take away any safeguards to the shareholders and the public, and the hon. Secretary of State cannot do better than simply to copy out the sections of this English Act of 1900, and insert them in his Bill.

Hon. Mr. WOOD (Hamilton)—The English public look upon the unpaid subscribed stock as good security. If there is ten per cent paid up, they consider the unpaid part of the stock quite as good security as though it had been paid up.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—Did I understand the hon. gentleman to say ten per cent of the entire stock ?

Hon. Mr. WOOD (Hamilton)—They pay up ten per cent of the whole amount and the remainder is looked upon as much better security than if it had been fully paid up ; I know that as a matter of fact, because I have discussed it with parties on the other side, and they always think the unpaid stock is really the best security, because if anything happens to the company they have something to fall back upon, whereas if the whole thing were paid up and squandered, they have nothing to fall back upon. In England it is looked upon in that light. I do not know how it is in this country.

Hon. Sir MACKENZIE BOWELL—Supposing the capital stock of the company be a million dollars, and five hundred thousand is subscribed, I understood the hon. gentleman to say the English Act does not provide that you should pay ten per cent upon the million dollars.

Hon. Mr. WOOD (Hamilton)—I am merely speaking with reference to English public opinion.

Hon. Sir MACKENZIE BOWELL—Yes, but the point raised by the hon. gentleman from Calgary was this : If you have a company with five hundred thousand dollars of capital, should there be ten per cent or five per cent of the capital stock paid in, or if you could commence operations with a sub-

scription of two hundred and fifty thousand dollars, would you pay the five or ten per cent on the two hundred and fifty thousand dollars of subscribed stock and not on the whole of the capital stock ? That is the point raised. I understand that in most incorporations of this kind, particularly in railway charters, the provision is that you should pay such a percentage upon the subscribed stock, not upon the capital stock, and would it not be well for the Secretary of State to consider that point when he refers back to the other clauses. I think the suggestion is a very safe one. Otherwise you might have a million dollars of capital, and might have a thousand dollars subscribed and nothing paid on that.

The clause was adopted.

On clause 25,

Hon. Mr. BEIQUE—I would suggest that we should leave out the words 'by by-law.' As a matter of fact, I know it is the practice to do this by resolution, and I do not see the necessity of a by-law. In our practice the stock is subscribed for. We do not follow the practice in England of allotting the stock on applications.

Hon. Sir MACKENZIE BOWELL—I think it is safer the way it is.

Hon. Mr. SCOTT—It is not much trouble to pass a by-law.

Hon. Sir MACKENZIE BOWELL—You might pass a resolution with a very small number of shareholders present, or with very few directors present, but there is a certain formality about a by-law, of which you must, as a rule, give notice, so that the directors and those who are interested, have a better knowledge of what you are doing. It may be a little more cumbersome, but I think it is better as it is.

The clause was adopted.

On clause 26.

Hon. Mr. SCOTT—This has been a pons asinorum to a good many people, and in a report of the Board of Trade in England, before the recent Act was passed, they recommended that that clause be stricken out of the Act. The clause is repealed in England. It is not in the Ontario Act, and it has not been adopted, as far as I can find, in British Columbia. It has been found very embarrassing, and there has been a violent interpretation put upon it in order to meet the cases intended. A very large number of letters patent have been issued in order to enable individuals who have been doing a good business, to become companies, such as the Ross Company and the Birkett Company. After business got to a certain stage they preferred making it a joint stock company, and the stock was put in as capital under that clause. But it is difficult to say whether the clause warrants it. After a very careful examination in England, by jurists and the committee appointed by the Board of Trade, it was decided to strike it out altogether.

Hon. Mr. BEIQUE—I think this clause should remain and should even go further. I understand that in England they provide for it, but the public have to be notified. All contracts of that kind have to be deposited with the registrar, and the prospectus of the company which is made public makes mention of all contracts of that kind. But surely it is not intended to shut the door against a company organized under a provincial law and having been in operation for a number of years. If they intend to extend their operations in another province they can do so, and they have to take letters patent from the Dominion. It seems to me provision should be made whereby they can issue stock to the shareholders of the old company in payment of the assets which they take over. Otherwise the company would have to be liquidated and the stock subscribed, and would have to be paid in cash. Where would be the reason of anything of that kind ? I have come to the conclusion, for my part, that this provision is a very wise one, and I think it should rather be extended, but, as drafted, the clause does not provide for giving the proper information to the public. Not only should contracts of that kind be deposited with the Secretary of State, but there should be some notice given of it, and there should be a sanction for not complying with the section.

Hon. Mr. LOUGHEED—I might point out to my hon. friend that in a well known work of Rollins & McNaughton, in dealing with this section of the English Act as repealed—section 25 in the English Act—they say :

As section 25 is gone, for which relief much thanks.

Further on the Imperial Board of Trade says:

The Companies Act, 57, is one of those sections which has given rise to a great deal of litigation and has in its operation caused a good deal of injustice and it has also been found a public inconvenience. The language of the Act seems to indicate it was passed without much consideration. They think it cannot be amended with advantage and should be repealed.

I think with this expression of condemnation before us of the section in operation in England before it was repealed, we should not pass it here.

Hon. Mr. BEIQUE—They have substituted something else.

Hon. Mr. LOUGHEED—I think not.

Hon. Mr. BEIQUE—The hon. gentleman will find under the title 'prospectus' that the machinery is provided for the same thing.

Hon. Sir MACKENZIE BOWELL—I confess that when I read this clause I remarked to my hon. friend to my right, that I would have to read it three or four times before I could understand it. He said 'Oh, well, that is nothing strange, for the judges in England did'n't understand it and could not interpret it.' I was therefore relieved from thinking I was stupid in not being able to comprehend its real meaning. But unless there is some other provision meeting the suggestions made by the hon. gentleman who has spoken, I think the Secretary of State should let it stand or strike it out at once.

Hon. Mr. SCOTT—I have not the amendment at hand. I propose that in the issue of the letters patent, provision should be made for getting the direct authority to take over the goods and property instead of cash, which the new concern was bringing into the company. The majority of the cases are the transposing of an ordinary business into a joint stock company. The difficulty has been where no cash really passes, where it is merely goods and leasehold property. It has been done under this clause, but done in violence to the clause. It could be done more easily by setting it forth in the letters patent.

Hon. Mr. POWER—As far as I can make out, up to the present time there is nothing which compels a shareholder to pay up anything, and it is about time we had something substantial.

Hon. Mr. SCOTT—I propose to let it stand at present.

Hon. Mr. POWER—I want to make one or two suggestions with reference to this clause which is going to be retained. In the second line the word 'to' is a mistake.

Hon. Mr. SCOTT—That is a typographical error.

Hon. Mr. POWER—Then it says 'unless the same has been otherwise agreed upon or determined.' That does not make any sense at all. Then it says 'by a contract duly made in writing.' It refers to section 20 of this Act, instead of section 19.

Hon. Mr. SCOTT—That is a clerical error.

Hon. Mr. POWER—I am pointing out these things. The hon. Secretary of State did not see them before.

Hon. Mr. SCOTT—Oh, I beg pardon, I did.

Hon. Mr. POWER—Then the word 'but' in the sixth line is not the proper word. It should be 'and' because there is no contradiction between the two things.

Hon. Mr. SCOTT—We will let it stand.

The clause was allowed to stand.

On clause 29.

Hon. Mr. POWER—I wish to direct the attention of the committee to the care which has been taken in the English Act of 1900. We know how these things are done in this country and how regrettable it is that a little more care is not taken. Section 2 of chapter 48 of the English statutes of 1900 says that a person should not be capable of being appointed a director of a company by the articles of association and should not be a proposed director in any prospectus issued by or on behalf of any company unless he has filed a consent in writing to act, and has undertaken in writing to take and pay for his qualification shares, and so on.

Hon. Mr. SCOTT—No man can be a director unless he signs the application and the agreement, and in selecting the provisional directors, reference is made to that. Under the articles of agreement the directors must be selected from among those who subscribe for stock.

Hon. Mr. POWER—If we have not these provisions in this country, I think it is time

we had. We should begin to look a little after these companies and see that they are composed of men who have substantial stakes in them. Then section No. 3 gives the qualifications of directors.

Hon. Sir MACKENZIE BOWELL—Does it define what the qualification shall be ? A by-law may provide that a shareholder who holds one share may be elected a director. Other by-laws may provide that he must own or have subscribed and paid up the calls upon ten or fifteen or twenty shares. Does the English Act declare how much he shall pay up ?

Hon. Mr. POWER—The original Act of 1862 does.

Hon. Mr. SCOTT—There is ample provision in our own statutes that no person should be elected a director unless he is a shareholder, and holding stock which is not in arrears.

Hon. Sir MACKENZIE BOWELL—There is a difficulty in the Ontario Act. I know a company that passed a by-law declaring that the directors should not be less than five and more than nine, and the Secretary of the province refused to accept that and simply asked 'where do you get the authority for making a sliding scale ?' The result was the by-law had to be changed and the number defined, and if you increased it afterwards you had to apply to the Secretary of State of the province in order to get the approval, and to advertise it in the 'Gazette.' I do not think there is any provision of the kind in this Bill. Would not the directors, under this clause, have the right to change the number of directors in the interest of the company ?

Hon. Mr. SCOTT—The shareholders, yes.

Hon. Sir MACKENZIE BOWELL—In the Ontario Act, while it gives power to the company to declare what the number of the directors shall be, you have to fix it once, and you cannot change it without making another by-law.

Hon. Mr. WOOD (Hamilton)—I think that three directors is altogether too small a number for any company that comes for incorporation.

Hon. Sir MACKENZIE BOWELL—It depends altogether on circumstances.

Hon. Mr. WOOD (Hamilton)—It is better to have half a dozen instead of three.

Hon. Sir MACKENZIE BOWELL—A company which I was interested in had seven directors, and we decided to make the number three. We applied to the Secretary of State and he gave us power to reduce it to three and we have done so, but we had to advertise it in the official 'Gazette.'

Hon. Mr. DANDURAND—I do not see in this Bill any direction that some of the directors should be British subjects domiciled in Canada.

Hon. Mr. SCOTT—No.

Hon. Mr. DANDURAND—We make that a condition with all Bills before this parliament.

Hon. Mr. SCOTT—Not now. We have abandoned that altogether.

Hon. Mr. BEIQUE—I will draw the attention of the hon. member for Calgary to clause 10 of the Imperial Act, where it is provided that the shares may be founders-shares. They are not paid in cash. They are issued as paid up. Paragraph E of section 10 provides for the number and amount of shares and debentures issued as agreed to be issued, as fully pail up otherwise than in cash. They repealed section 25, which became unnecessary because there were other provisions which were substituted, and more ample than section 25 of the Act of 1862.

The clause was adopted.

On clause 32,

Hon. Mr. POWER—Would it not be better to say 'for holding a general meeting of the company'? In my humble judgment, that notice is not sufficient.

Hon. Mr. LOUGHEED—On the contrary, I think it is too long.

Hon. Mr. SCOTT—Yes. They are remonstrating against the 21 days.

Hon. Mr. POWER—I am speaking of the character of the notice. The only notice the shareholders get is the notice given in some newspaper published where the chief place of business of the company is situated.

Hon. Mr. DRUMMOND —In the absence of other provisions.

Hon. Mr. POWER—Certainly. Take the city of Montreal, and you may take a company which is made up almost altogether of English-speaking people. The requirements of this paragraph would be complied with by publishing the notice of the meeting in a French weekly paper, or a paper which possibly the English shareholders would never see, and vice versa it might be published in some obscure English newspaper which would not be seen by most of the people in the town. I think the proper way would be to give the notice in writing through the post office.

Hon. Mr. SCOTT—In some companies where there are from one to two thousand shareholders, it would be absolutely impossible. You are assuming that the shareholders are meeting for some dishonest purpose.

Hon. Mr. DRUMMOND—It might be done by giving notice to each shareholder in writing or by advertisement.

Hon. Mr. BEIQUE—I would suggest that the time be reduced to ten days.

Hon. Mr. SCOTT—I have put it fourteen days.

Hon. Mr. DRUMMOND—I think it is absurd to make it 21 days, because it hampers the operations of the company.

Hon. Mr. McDONALD (C.B.)—Supposing the shareholders reside in British Columbia ?

Hon. Mr. SCOTT—Then they send a proxy.

Hon. Mr. McDONALD (C.B.)—If I were called to a meeting in Rossland——

Hon. Mr. SCOTT—The hon. gentleman would not go. He would send a proxy.

Hon. Sir MACKENZIE BOWELL—What is the difference between a special general meeting and a general meeting ?

Hon. Mr. BEIQUE—The general meeting is understood to be the annual meeting.

Hon. Sir MACKENZIE BOWELL—This clause provides for the calling of all general meetings, for holding general meetings of the company. Why should you not say 'general or special meetings ?'

Hon. Mr. DRUMMOND—It means a meeting of all the shareholders. It does not mean an annual meeting.

Hon. Sir MACKENZIE BOWELL—In the next clause there is provision for a general meeting, and if the officers are not elected at that meeting, it provides how they shall be elected. Should not the same notice be given for a special meeting as for the annual meeting ?

The CHAIRMAN—We have put it 'notice of the time and place for holding a special or general meeting,' and it is fourteen days.

Hon. Sir MACKENZIE BOWELL—That will suit.

Hon. Sir MACKENZIE BOWELL—In most companies there are provisions declaring the period at which these proxies shall be given : that is some days before a general meeting is held. So that it would prevent a fluke. You desire to carry some special motion or make some important change, and you might go a few days before the meeting was held and secure a lot of proxies.

Hon. Mr. DRUMMOND—In the Banking Act a proxy will last for two years.

Hon. Mr. POWER—The clause says that the chairman has the casting vote. That really means that the chairman votes twice, and I do not think that this is an equitable provision. Supposing he is a gentleman who holds a large number of proxies, and his party, apart from himself, is in a very considerable minority, and he votes first and makes a tie, and then votes again.

Hon. Mr. SCOTT—He cannot do that.

Hon. Mr. DRUMMOND—He could not vote on his proxies over again.

Hon. Mr. SCOTT—That has been in operation for thirty years.

Hon. Mr. LOUGHEED—Such a condition of things could not arise. There must be an equality of votes.

Hon. Mr. POWER—But I do not see how the chairman has a right to vote more than once.

Hon. Mr. WOOD (Hamilton)—He has not that right.

Hon. Mr. POWER—Yes. I think he has. There are a number of hon. gentlemen present who have occupied such a position, and I ask them to say whether the chairman is not in the habit of voting in that way.

Hon. Mr. WOOD (Hamilton)—No. I never thought of such a thing as voting twice.

Hon. Mr. POWER—Is there any hon. gentleman here who will say that it is not the practice for the chairman to vote.

Hon. Sir MACKENZIE BOWELL—Every shareholder has a right to vote. He is a shareholder and can vote, and then the chairman has a casting vote.

Hon. Mr. WOOD (Hamilton)—I am connected with a good many boards, and my experience is that the chairman seldom votes.

Hon. Mr. DANDURAND—A shareholder votes as many times as he has shares, and if there is an equality of shares on each side, then there is one casting vote.

Hon. Mr. LOUGHEED—If this were not done there would be no way of determining the matter.

Hon. Mr. BEIQUE—I think the suggestion made by the hon. leader of the opposition is a valuable one, that the door shall be closed to the abuse of having proxies which may have been given two or three years before they were acted upon, and I should be inclined to go still further. The practice has been adopted by myself, and others that I know of, to apply for proxies, and get the proxies from the shareholders and re-elect ourselves. We should try to close the door to abuses. Sometimes it is very important in the interests of the company that new blood be brought on the board, and that some changes be made, and it is impossible, because the directors have certain advantages over the shareholders at large, and therefore I think we should enact that the proxies be not dated more than two or three months previous, or say, a year, and I do not know if I would give even that time. I think it would be advisable to prevent one shareholder holding too many different proxies, and vote upon them in his favour.

Hon. Mr. DRUMMOND—It is possible to be too grandmotherly and I must say that in a commercial company, having for its object the making of money, we have no right to protect the shareholders against themselves. They must give a proxy to somebody.

Hon. Mr. WOOD (Hamilton)—Naturally they give it to the man who has been conducting the business for years. It is done sensibly. They have every confidence in him, and simply to refuse to give him a proxy again would be a very uncalled for provision to insert in a Bill.

Hon. Mr. DRUMMOND—The Banking Act has a provision that a proxy is not valid for more than two years, and that is somewhat in the direction suggested by the hon. gentleman, but I must say that I do not think it is necessary in ordinary companies.

Hon. Mr. WOOD (Hamilton)—They can be renewed in two years by the same authority.

The clause was adopted.

On clause 33, ,

Hon. Mr. FERGUSON—We inserted in subsection B, of clause 32, the words, 'general and special meetings.' Why should we not use the same words here?

Hon. Mr. DRUMMOND—It is unnecessary.

Hon. Mr. FERGUSON—Then it is unnecessary in the other place.

Hon. Sir MACKENZIE BOWELL—The directors should be elected annually. That means at a general meeting. There is a difference, as I understand it, and a confusion as to what constitutes a general meeting. If the directors are not elected at the general meeting, which is the annual meeting, they are, by this provision, to be elected at a subsequent general meeting. That must be a special meeting. The interpretation given of a general meeting is that it is the annual meeting, and that is what is understood by the directors generally.

Hon. Mr. TEMPLEMAN—It is a misnomer altogether.

Hon. Mr. LOUGHEED—If we are going to amend that clause by putting in 'special

or general meetings,' we have to do it throughout.

Hon. Mr. POWER—I do not wish to be credited with suggesting the word 'special.' My suggestion was 'a general meeting.'

Hon. Mr. DRUMMOND—A general meeting called for that purpose is a special meeting.

Hon. Sir MACKENZIE BOWELL—They have to be elected at a meeting called for the purpose, and that must be a special meeting.

Hon. Mr. DRUMMOND—It is unnecessary to put in the word 'special.'

The CHAIRMAN—Then it is understood that I strike out the word 'special,' which I inserted a few minutes ago in clause 32 ?

Hon. Sir MACKENZIE BOWELL—Yes.

The clause was adopted.

Hon. Mr. ELLIS, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again to-morrow.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, April 23, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

COLD STORAGE FOR CANADIAN PRODUCTS.

MOTION.

Hon. Mr. FERGUSON moved

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid on the table of the House, all correspondence which has taken place within the last two years between the government of Canada or any department or officer thereof and any steamship company or agent of such company, engaged in the transportation of the produce of Canada from any port in Canada to Europe, regarding the ventilation of space on steamships used for storage during transportation of perishable products such as apples and cheese.

Also, copies of all clauses in contracts with steamship companies relating to the ventilation of the holds or spaces between decks of steamers employed as aforesaid.

Also, a statement giving the names of all steamships and the owners thereof which have been equipped with means of generating cold air and distributing the same throughout their holds and between decks, in terms of the appropriation made for such purpose during last session of parliament, giving the cost to the government in the case of each steamer.

Also, a statement showing the daily minimum and maximum temperatures maintained during each voyage in the holds or between the decks of steamers equipped in terms of the said parliamentary appropriation of last session.

Also, a statement showing the comparative results in the transportation of apples between steamers equipped as above described and steamers without any special means of ventilation.

And also, a statement giving the names and owners of steamers, which it is proposed to equip as aforesaid, for the approaching season, and giving the port of departure from Canada of such steamers as well as of those already equipped as aforesaid.

He said : I rise for the purpose of making a motion on a question of very great importance to the farmers, and in fact to the whole people of Canada. It refers to the question of ocean transportation of perishable products of Canada, and I do not think it is necessary for me to add a word as to the very grave importance of this question. I am sorry to say that, notwithstanding the efforts that have been made by governments for many years back on this question, we are still apparently very much behind other countries in the matter of ocean transportation of perishable products. The products of Australia, New Zealand and of California are laid down on the markets of Great Britain in better condition, notwithstanding the long distance they are carried, notwithstanding the fact that many of these products have to be carried over the equator under the great heat prevailing there—notwithstanding all these disadvantages, it is a fact that our perishable products as a whole are placed on the British market in worse condition than the products of these distant countries. I have only to point to one or two facts in confirmation of this statement. I have only to refer to a statement made by the hon. Minister of Agriculture at a meeting held in Whitby, Ontario, in the early part of the present year, in which he spoke as follows :

We are losing the position we gained years ago.

He was speaking of cheese more particularly.

We are losing the position we gained years ago. There is no doubt whatever on this point. Reports received from England are full of complaints regarding the quality of our cheese.

The reports state that our cheese has been cured at too high a temperature and has suffered from heat in transit. These are not isolated complaints, they are general.

In the course of his speech, the Hon. Mr. Fisher explains why this is so with regard to cheese. A few years ago it was observed by Prof. Robertson and others that British taste with regard to cheese had been changing, that a softer, moister and milder cheese was more in request there than heretofore, and that our cheese was considered too dry and hard, and the cheese-makers of Canada were advised, and advised wisely, I have no doubt, to make a milder and moister cheese. But provision was not made at the same time, or in advance, for the transportation of this quality of cheese, and it was found that the temperature in the curing rooms of Canada, and the ocean steamers that would have suited the old dry cheese, was not suited for the different quality of cheese now made under this advice, and, as a consequence, speaking elsewhere, the Minister of Agriculture, to whom I have already referred, said:

During the last season, however, they got a rather severe castigation, if I may call it that, in the English market. We had report after report showing that Canadian cheese was not doing as well as it had been doing in the past, that it was arriving very deficient in the proper quality and that the price of our cheese was not as good in proportion to the price of other cheese in the English market as it had been in the past. The result was the farmers and cheese makers of Canada lost in the last season somewhere about $2,000,000 on the quality of their cheese alone.

I make this statement on what will be admitted to be very high authority, and after quoting these remarks, hon. gentlemen will admit at once that the subject is one of very earnest and pressing importance. Passing from the cheese to fruit, the same conditions are found to largely prevail. I might here remark that about half a dozen years ago, attention was called to the subject of cold storage on ocean steamships, and it was generally believed at that time that cold storage, a temperature down to about the freezing point, would meet the necessities of almost our entire trade in what are regarded as perishable products, such as meat, butter, cheese, fruit, &c. It has been found, however, by experience, that that is not the case—that that system of cold storage, although quite expensive to the government, and to the shipowners who installed plant for the purpose, was found fairly satisfactory, as far as butter is concerned and poultry and other meats, but for the transportation of such products as cheese, eggs and fruit, it was found to be altogether unsuitable. At such low temperature, eggs, cheese and fruit would come out of the steamships on the other side in a sweaty condition. and would not command a good price, and would keep a very short time after having been brought out of the ship. It was found by practical experience that a different temperature is necessary for the products I have just named, which are very important products of our country—cheese, eggs and fruit. They do not require cold storage in the same sense as butter, poultry and meat require it. What they need is a cool temperature, and an even temperature, somewhere between forty or fifty degrees. Perhaps they would stand a little higher and would do better with a lower temperature. Cheese and apples might stand it a little higher without very serious injury, if the voyage were not greatly prolonged; but I believe it is a settled fact, that these are about the correct temperatures for the safe transportation of the products I have named, and it has been found that that is not supplied in the ordinary ships with no ventilation, nor is it supplied by absolute cold storage, such as was installed on ocean ships some years ago. Hon. gentlemen who have had any experience in this subject, are aware that in the holds of ships where products of this kind are stored, a great deal of heat is generated, and after a certain temperature is reached, the product itself begins to heat, and that the temperature will rise rapidly to a height almost incredible to those who have not studied the question and learned the actual facts. I had a letter sent to me last year when we were discussing some fruit question in this House, by a large fruit exporter in Ontario, who told me of his experience in accompanying a consignment of apples to Liverpool. After he was out five or six days, he made his way to where the fruit was stored, and found the temperature was 110 degrees. It was unnecessary for him to say, as he did say in his letter, that on arriving at Liverpool the whole consignment was found to be ruined, and he did not get enough out of

it to pay the freight. Last year a proposition was made in parliament by the Minister of Agriculture, and an appropriation was sought for and obtained for the purpose of installing on the ocean-going ships sailing from Canadian ports, another system of producing cold air, by which, through mechanical means, cold air would be generated on the ship, and distributed through the spaces where these perishable products were stored, in order to maintain an even temperature during the voyage. A vote of $140,000 was obtained last year, and it was estimated if that vote were repeated for two years, it would meet half the cost of installation of plants on board the ship sailing from Canadian ports, and engaged in this trade, which would maintain an even temperature, and the owners of the ships would be called upon to defray the other half of the expense. It is a matter of very great regret, and one of my objects in making this motion is to bring out the facts in regard to it, that the Minister of Agriculture had not been able—I am not going to impeach his honesty or faithfulness in the matter at all, I assume he did all he could do—but it is a matter of deep regret he was not able to avail himself of that vote to a greater extent than the equipping of four steamships. Instead of having eighteen or twenty equipped that way, he is not sanguine of having more than ten or so added to the number that he equipped last year, bringing the number up for next year's trade to something like fourteen or sixteen ships. I also noted, with regret, that he does not anticipate that any ships so installed and fitted will sail from any Canadian port except Montreal. Of course we know very well the larger quantity of perishable products is carried from that port, and it would be quite proper and reasonable that the larger number of ships so equipped should sail from that port, but I wish to say a word for the port of Halifax. Halifax shipped last year nearly double as many apples to the British market as any other North American port—as much as any other two North American ports. That fact, when once stated, indicates that some ships ought to be fitted at the port of Hailfax as well as they are fitted at any other port. Hon. gentlemen will perhaps be somewhat surprised when I say to them that I believe that nearly one-half of all the apples and pears that were shipped from Canada last year arrived and were delivered in a more or less damaged condition in the British market, on account of injuries received during transportation. That, of course, is a very strong statement to make ; it indicates an enormous loss to the fruit-growers and farmers of Canada, but I believe it is nevertheless correct. I am basing that statement on a bundle of catalogues and sales in London and Liverpool of apples arriving by different steamers, and in which the apples are classed according to the condition in which they are found on arrival, tight, wet, slack and so on, indicating the temperature which they underwent during the voyage. When we come to realize that such is the condition of our fruit trade, and put that in connection with what I have already quoted from the public statements of the Minister of Agriculture with regard to the cheese industry, I think I need say little more to convince hon. gentlemen of this House that there should be no time lost and that there should be no expense spared in the matter of pushing the question of transportation up to the possible limit of knowledge and skill in the way of procuring an even temperature on shipboard. I have in my hands a statement with regard to one of those ships that was last year fitted up in this way, a boat belonging to the Donaldson line of steamers trading between Montreal and Glasgow, the 'Marina.' I have a statement published in the 'Canadian Horticulturist' signed by Wm. Wilson, of London, Ontario. I think Mr. Wilson went home in some public capacity in connection with the Glasgow exhibition. At all events, he took some charge on his going home of a carload of pears shipped from the Niagara districts for Glasgow, and shipped on this steamer 'Marina' that is fitted with cold air, generated in the ship and distributed by fans. I will read to hon. gentlemen the result of that shipment of a carload of 600 boxes of pears. He says :

> I reached Montreal October 3rd. The car of pears packed by Mr. Murray Pettit arrived on the 24th in excellent condition, and were very carefully transferred by the agents of the Donaldson ss. line into the cold storage compartment of the ss. 'Marina.' The government fruit inspectors (Mr. W. A. McKinnon and others), after examining these pears, expressed themselves satisfied with the fruit, and were

pleased to observe that not a single package of the whole 600 was either bruised or broken. We left Montreal on the afternoon of the 25th, and from that time the cold storage compartment was closed until the arrival of the 'Marina' in Glasgow (November 7), the temperature of the compartment was taken every four hours, night and day, the highest register being 41 degrees, and the lowest 37 degrees. The pears were unloaded on the morning of November 8th, and on examination were found to be just a little riper than when packed, very little of the maturing process having taken place during transit. With such a complete cold storage system as this I am certain the most delicate of our Canadian fruits, if carefully and properly packed, can be landed in Britain in 'perfect condition' and command the highest price obtainable. Condition is everything, and the day these pears were exhibited for sale their appearance and perfect condition was so striking (not one pear being deteriorated) that buyers offered to take the whole shipment at prices fully 50 per cent in advance of the figures at which the same variety of pears was selling.

The average price at which pears were selling at Glasgow at that time, was about six shillings a box, and three shillings higher would be nine shillings. That would be ninety pounds or $440 on the single carload of pears. The depreciation in price to the owner of a shipment in the ordinary way and with ordinary results, would be $430 or $440. We have only to carry this calculation over the half million barrels of apples and pears we sent over last year, and we at once learn what an enormous loss the country is suffering for the want of having the proper facilities on shipboard for carrying these products safely. There cannot be any doubt to-day that if the same plant were installed on all the steamers sailing from our ports and carrying perishable products, they would arrive on the other side in perfect condition. Temperature is, in fact, everything. Mr. Fisher in another part of one of his addresses makes that very remark. He says:

> The question involved is really one of temperature. The matter of manufacturing the cheese has not so much to do with it.

The fact is that Canada has been manufacturing an excellent cheese for many years. It goes without saying that we are producing good fruit. We are in the proper latitudes for the production of good fruits, of the juiciest fruit, and the juiciness of the fruit makes it more difficult of transportation. It is known that fruit of the best quality is grown in the northern latitudes. We are the producers of the best cheese and fruit, but we are not getting our products in the British market in as good a condition as they should arrive. I had a little experience myself with a carload of apples shipped by the 'Evangeline' last year. The ship carried 22,000 barrels—entirely too many. I do not think there is any ship afloat in Canadian waters that has sufficient capacity to carry that quantity and carry them properly, and much less the 'Evangeline.' I estimated my loss at $150. I saw the return of sales sent to others as well as to myself, and the loss amounted to from a dollar to a dollar and a half a barrel on these 22,000 barrels. It is due to the owners of the steamers to say that she was delayed during the voyage by an accident to one of her engines, which caused her to put into St. John's, Newfoundland, and the voyage was prolonged four or five days on this account, and such ventilating arrangements as she had were dependent for their working on the engines of the ship, and when the engines did not work the ventilating apparatus was idle and on that occasion it resulted in loss or destruction of that cargo of apples. While speaking of the Furness Company, I want the hon. Secretary of State, in making any new contracts with that company, to remember the fact that during the last two seasons they have broken faith with the government and with the shippers of Nova Scotia with regard to transportation. They had on their line with London, under contract with the government in the season of 1900 and 1901, boats that had been fairly well adapted for the service, the 'Halifax City.' 'St. John City' and 'London City.' Just at the beginning of the fruit season they sold these boats and supplied their places by steamers not at all suited for the transportation of fruit. Some of them, I think, were mere ocean tramps and others of them, although good steamers for other purposes were wholly unfit to transport fruit. The result was that in the autumn of that year, and up to January, when the great bulk of the fruit was going to the London market, there were no available proper steamers to carry it, and the result was a great deal of loss to those provinces, Nova Scotia particularly. After that they built two new boats supposed to be im-

provements on the previous ones, and in some respects they were: these were the 'Loyalist' and the 'Evangeline.' They continued on the service until the middle of January of the present year. In the midst of the season, with the cellars and the storehouses of the valley of Annapolis full of apples on which the people expected to realize high prices, these steamers were taken off, and from the 23rd of February, to the 27th of March, there was no departure at all from Halifax for London, and hon. gentlemen must know that the vast bulk of the apples of Nova Scotia are marketed in London; but this year, owing to the circumstances I have referred to, a considerable part of them have found their way to Liverpool and Glasgow, and some of them found their way to London via Liverpool at ruinous expense. I wish to make a statement, and I hope my hon. friend will press it on his colleagues, the Minister of Agriculture and the Minister of Trade and Commerce, in whose department I believe this matter of subsidizing and making contracts with steamers is carried into effect—I hope my hon. friend will call their attention to this matter that in making any new contracts there must be a provision that no such things will happen as have happened in the last two years. I am called upon to make these remarks more pointedly because some friends of mine, representing these parts of Nova Scotia in the other branch of parliament, made a representation, a copy of which they kindly sent to me, in which they called attention to one instance in which the Furness Company withdrew their boats. They do not mention the fact that this occurred twice, once in 1900, and once in 1902, In both of these years the boats were withdrawn in violation of the contract which they made with the government of Canada and against the interests of the fruit-growers of Nova Scotia. The object of my motion is to bring out all the information that is in the possession of the government, by which we can get the correspondence which has taken place between the government and the different steamship companies, in order that we may ascertain fully what are the hindrances and what stands in the way of the vote of parliament of last year being fully implemented, and why it is that a larger number of boats have not been fitted up in the way which is settled as the proper way for carrying fruit, cheese and other products of a perishable nature. The object is to bring out all this information and to find out how the question stands at the present time, and what prospects there are for next season's trade, a complete fleet of ships sailing from our ports, in order that these great losses may not be sustained by the producers of Canada next season and in the following years. The loss the people of Canada have sustained from this matter, is very much greater even than the damage to any particular quantity of fruit. The consumers in the British market, when they find Canadian fruit bad, do not know why it is bad. They get a barrel of apples and find it is damaged. The flavour is gone, it is bad to look at and worse to use. They do not know how it happened, but they know it is Canadian fruit. They make up their minds that Canadian apples are bad, and will not use them again. The consumers of cheese find the cheese is off flavour and is not good; they know it is Canadian cheese, and they condemn it and will not buy it again. The damage to these products on the ocean is injuring our trade not only with regard to the particular article and the immediate loss that the owner sustains, but it damages our trade in the future by preventing that free use of our products which would otherwise take place. I felt so keenly on this subject that, at the opening of this session, I was disposed to move for a committee of parliament for the purpose of taking evidence on this question. I am satisfied that in the multiplicity of their duties, members of the government, not having time to think of this question, do not all realize its importance. If we had a committee and summoned before it the receivers of these products in London, Glasgow, Liverpool and other places, and if they would tell their story about the manner in which these products were delivered on the other side, it would open the eyes of parliament and the government on this question. It is not a matter in which a little expense should deter us at all. The good name of our products is of such prime importance that action should be taken promptly to put the producers in Canada in as good a position as the producers of any other country. I had intended to move for

a committee. The Fruit Growers' Association of Nova Scotia passed a resolution in which they asked that a parliamentary investigation should take place, but in view of what I know and what I read with regard to what is being done by the Department of Agriculture, I thought possibly the matter might be left over for another year and possibly the maximum of good results might be obtained from the efforts they are putting forth with regard to ventilating the holds of ships, during the transportation of perishable products. Feeling that possibly that result would arise, and seeing the difficulty of bringing proper evidence before us—because if we do not bring such evidence, I have no doubt the agents and employees of the steamers would come before the committee and insist, as I know they are in the habit of insisting, that the damage to these fruits did not arise from any fault of theirs, that they were bad when they were shipped, and overheated or in bad condition before they were handed over to them. I am not going to say it is not possible that may sometimes occur, but I think it should be very rare, because it is a very easy matter for the Department of Agriculture, under the arrangement which has been made with the railway companies of Canada to carry the fruit and cheese from the curing rooms and cellars of the farmer and deliver them on the ships at Montreal or Halifax, without running any risks at all, and I think in very few instances high temperatures are met with. There are refrigerator cars, and when they are supplied very little injury is sustained. I have no doubt if the committee were appointed, and if we had proper testimony from the other side, that would put the matter beyond all question; otherwise, there would be a good deal of contradictory evidence put before the committee, and the owners of the ships would endeavour to get clear of the responsibility, and would leave it in a state that would not be altogether satisfactory. However, if I put it off for another year, and I find matters are not more satisfactory than they have been in the last two years, I will, if I am here, and circumstances do not very materially change, move for a committee of investigation, and I think that the time of a committee of this House would be very well applied, indeed, if we were to investigate the question, and get evidence and examine the witnesses and find out the whole story of the transportation of perishable products. If the Department of Agriculture succeeds in bringing the steamship companies into line and they do what is right and reasonable, there will be no necessity for any such action as that. Before sitting down, I want to impress on my hon. friend the Secretary of State the importance of having steamers plying between Halifax and London equipped in this way. I want to make this suggestion pointedly, because I am aware that some gentlemen representing the fruit interests of Nova Scotia have suggested something less than the best means for that service. I am informed that they have been told it is out of the question—that it is impossible to get any steamship company that will make an arrangement as far as the trade between Halifax and London is concerned, that will put in the means of generating and distributing cold air through the ships. All it is alleged that can be got for the service is the introduction of cold air by what is called siroco fans, or something of that kind. We know that is very much better than nothing, but it is not the maximum gain that can be obtained. The figures I have put before the House about the trade done at Halifax last year in fruit—larger than any two North American ports put together—would warrant a strong effort being made on the part of the government to equip the steamers that ply between Halifax and London as well as they are equipped plying between any other ports.

Hon. Mr. FERGUSON—The practice is to temperature, does the hon. gentleman mean one minimum and maximum, or a daily maximum and minimum?

Hon. Mr. SCOTT—I understand it is taken every four hours.

Hon. Mr. FERGUSON—The practice is to take it every four hours. I think the daily minimum would be quite enough. There is no necessity for taking it every four hours.

Hon. Mr. SCOTT—The Senate is very much indebted to the hon. gentleman from Prince Edward Island for the very interesting and important matter he has brought

to the notice of the Chamber, and I must thank him for the calm, temperate and fair way in which he has discussed the subject. I think he fully recognizes that the Minister of Agriculture and his assistants, Professor Robertson particularly, have been giving their best attention to the improvement of the system; but they all feel that it is as yet really in the experimental stage, We supposed three or four years ago, when the government commenced to pay the several steamers one-half of the cost of fitting up vessels for cold storage, that we had then solved the problem. However, the results have not justified the anticipations we had formed, and it is quite evident that the mere lowering of temperature is not alone sufficient. It requires in addition to that ventilation which, I presume, is very difficult to supply on ships equipped as they have been. The Minister of Agriculture, I can assure my hon. friend, is fully alive to the importance of the subject, takes the deepest interest in it, and is quite willing to go any reaconable length to meet the fair demand of the cheese men and fruit growers. Canadian fruit is, as he justly remarks, the best that goes to the British market, if it were sent there in the prime condition in which it is possible to put it on the market. That being the fact, we ought to be stimulated to do everything we can to secure these excellent results. I shall be very glad to bring down the papers, and also to call the particular attention both of Mr. Fisher and Sir Richard Cartwright to the observations made by the hon. senator, with the hope that it may lead to more satisfactory results in the future.

The motion was agreed to.

BILLS INTRODUCED.

Bill (50) An Act respecting the Niagara, St. Catharines and Toronto Railway Company.—(Mr. McCallum.)

Bill (73) An Act to incorporate the North Shore Power Railway and Navigation Company.—(Mr. Watson.)

Bill (78) An Act respecting the Trans-Canada Railway Company.—(Mr. Watson.)

Bill (93) An Act respecting the Hudson Bay and North-west Railway Company.—(Mr. Kerr.)

Bill (103) An Act respecting the Lake Champlain and St. Lawrence Ship Canal Company.—(Mr. Landry.)

SECOND READINGS.

Bill (43) An Act respecting the Vancouver, Victoria and Eastern Railway and Navigation Company.—(Hon. Mr. Ellis.)

Bill (63) An Act to incorporate the Medicine Hat and Northern Alberta Railway Company.—(Hon. Mr. Watson.)

Bill (64) An Act to incorporate the Cosmos Cotton Company.—(Hon. Mr. Lovitt.)

Bill (68) An Act respecting the Central Counties Railway Company.—(Hon. Mr. McDonald, C.B.)

Bill (71) An Act respecting the Dominion Cotton Mills Company, Limited.—(Hon. Mr. Forget.)

Bill (69) An Act respecting the Canadian Pacific Railway Company.—(Hon. Mr. Daudurand.)

Bill (83) An Act to incorporate the Canadian Northern Express Company.—(Hon. Mr. McMullen.)

Bill (88) An Act respecting the Medicine Hat Railway and Coal Company.—(Hon. Mr. Young.)

JOINT STOCK COMPANIES INCORPORATION BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (R) An Act respecting the incorporation of Joint Stock Companies by Letters Patent.

(In the committee.)

On clause 34,

Hon. Mr. SCOTT—The committee rose after passing the 33rd clause. The next clause relates to the powers of directors. In that clause and a number of clauses following, the changes proposed are very few, and my own opinion would be that where it is not proposed to make any change in the clause and it has worked very well, and it is understood, it would be better to leave the language as it exists in the present law, on the principle let well enough alone. The mere fact of making changes for the sake of change I do not think is a

good proposition. Changes ought only to be made by those who have had experience in administering the law, and who have noted the difficulties in the way of working it. You will find at the end a regulating clause, which places all those subjects under the control of the shareholders at their annual meeting, and they only operate until the meeting of shareholders, and the shareholders then change or repeal them as they think proper. No company can be managed unless the powers mentioned in this clause are given to those engaged in the active management of the company.

On subclause *c*,

Hon. Mr. LOUGHEED—While this is a duty cast on the directors, it is almost impossible to carry it out. They employ servants almost every day, and we have thrown on the directors here the duty of passing by-laws for the employment of servants, and further, the by-law must be confirmed by a general meeting of the shareholders.

Hon. Mr. POWER—This by-law does not need to be confirmed at a general meeting. I would like to direct the attention of the hon. gentleman to the first paragraph, which says that the directors of the company may administer the affairs of the company in all things and make or cause to be made for the company any contract which the company may by law enter into. I should suppose employing an ordinary servant would be covered by that. I do not agree with the hon. gentleman in thinking that the employment of officers and servants should not be done under a by-law. It is a great deal better that there should be a general rule, so that kissing should not go too much by favour.

Hon. Sir MACKENZIE BOWELL—That depends on what interpretation you put on the word 'servants.' Does it mean the servants who sweep the office, or merely those who are permanent, the secretary, the treasurer, and such officers? I think that is the objection which the hon. gentleman from Calgary takes to the clause. If the interpretation of the word servants be as broad as I have indicated, it would seem almost absured to say that a by-law should be passed to employ a night-watchman, for instance.

Hon. Mr. WOOD (Hamilton)—As a rule the general manager of a company engages the clerks and other employees connected with an establishment. All that this refers to is the officers, the general secretary or permanent officers who are appointed by the directors, but the ordinary employees are simply employed by the general manager.

Hon. Mr. LOUGHEED—There is no doubt of that whatever. At the same time, we should conform to the actual practice in commercial life as much as possible; but here the duty is thrown on the directors of passing by-laws for the employment of servants. The objection to this is, that such a by-law must be submitted to a meeting of the shareholders. I might mention it as a case in which it is not only unnecessary, but arbitrary. In every action brought against a company the first plea set up by the company is that the party has not been appointed by by-law of the company. The courts set the plea at naught; they hold if the company take advantage of the services of a servant they are liable. It seems to me objectionable that the shareholders should be required to confirm an unimportant by-law of that kind.

Hon. Mr. BEIQUE—If the effect of the clause was to make it compulsory on the board of directors to provide for the remuneration of employees by by-law, I would entirely agree with the hon. member from Calgary, but it seems to me it is only permissive. The first portion of clause 34 says the company may enter into all kinds of contracts, and make by-laws for certain purposes, but it does not exclude their right to make appointments by mere contracts. Subsection 2. refers merely to the remuneration of the president or any director. Of course that is a matter of considerable consequence, and should be brought before the general meeting for confirmation, because the shareholders at large are interested in any remuneration which is allowed to the president or directors, because the by-laws are made by the president and directors, and they should not have the fixing of their own remuneration without some confirmation of it.

The subsection was adopted.

Hon. Mr. SCOTT—Under the clause as it exists, shareholders are called upon only to

approve or disapprove of the by-laws passed. They ought to have larger powers. If they desire to amend or change them, or to introduce new by-laws they should have that power. I have prepared an addition to subsection 2, to that effect.

Hon. Mr. WOOD (Hamilton)—That is a vote of want of confidence in the men elected to transact the business of the company. Only the directors have power to do the things they are appointed for, they can act, and having given them the power, I do not think it is right to take it arbitrarily away from them.

On subsection 2, of clause 34,

2. No by-law for the issue, allotment or sale of any portion of the unissued stock at any greater discount or at any less premium than that which has been previously authorized at a general meeting, and no by-law for the remuneration of the president or any director, shall be valid or acted upon until the same has been confirmed at a general meeting.

Hon. Mr. LOUGHEED—I might say, with reference to this paragraph, that inferentially one cannot come to any other conclusion than the power is given to issue stock at a discount. It is evidently not so intended. It is not provided in the Act that there should be an issue of stock at less than par, and I certainly cannot see the application of this, other than to create confusion in that particular regard. This subsection had better stand.

Hon. Sir MACKENZIE BOWELL—I have been informed by lawyers that in the organization of a company, they have no power to authorize the issue or sale of stock at a discount. If that be correct, this paragraph is unnecessary—a portion of it at least. If they have the power to issue stock below par, then it is necessary to regulate it. The hon. senator from Calgary tells me that there is no such power in any law upon the statute-book, and that the common law prevents the issue of stock under par.

Hon. Mr. CLEMOW—If duly authorized by the shareholders.

Hon. Sir MACKENZIE BOWELL—Yes, that is what he says.

Hon. Mr. CLEMOW—If that is the law, it is not carried out.

Hon. Mr. LOUGHEED—If one purchases $100 of stock, does he contract to pay one hundred dollars to the company ?

Hon. Mr. CLEMOW—If the shareholders declare that it can be done, can it not be done ?

Hon. Mr. LOUGHEED—No.

Hon. Mr. SCOTT—We had better let this clause stand. There is no doubt it is done. We authorize it constantly in charters we are granting, under powers given to private companies, more particularly railway companies.

Hon. Mr. LOUGHEED—But not companies organized under the Joint Stock Companies Act.

Hon. Mr. SCOTT—It is done constantly. The stocks of various companies are being sold constantly under par.

Hon. Sir MACKENZIE BOWELL—Have the directors the power to say they will sell stock at less than par ?

Hon. Mr. SCOTT—The directors have not the power.

Hon. Sir MACKENZIE BOWELL—It is a different thing from issuing mining stock in British Columbia. There they sell stock for less than par.

Hon. Mr. FORGET—The way it is usually done when a company is formed, if it is a railway company or a navigation company, bonds are issued for the cost of the railway or of the boats, and afterwards it is capitalized at two or three millions, as the case may be, and generally that stock represents half water, sometimes all water, and sometimes only 10 or 15 per cent of money, and the stock is distributed to a syndicate which has formed the company, called the provisional directors, and those directors divide among themselves the four or five millions of stock which cost ten cents on the dollar, and it is listed on the stock exchange for whatever it brings, and very often it goes at a premium. In Toronto a foreign tramway company was formed and issued five millions of stock for nothing to the syndicate who had organized the company, and that stock, for which never a cent was paid, is selling at five per cent premium. There was also a syndicate formed in the Toronto Tramway Company, and they invested $600,000. They built a railway and issued bonds to pay for the cost of it, and the $600,000 was capitalized at $6,000,000, and that stock is selling to-day at $121, because the value

of the franchise made it worth that. It is a good company and paying a good dividend. I do not think you can reach those men by this Bill.

Hon. Sir MACKENZIE BOWELL—They would not be under this Act. It would be under a special charter.

Hon. Mr. FORGET—Supposing they wanted to incorporate under this Act ?

Hon. Mr. SCOTT—They could not do it.

Hon. Mr. FORGET—This clause speaks of the remuneration of the president or directors. Does this mean that the salary of the president or directors should be fixed by the stockholders ?

Hon. Mr. SCOTT—It means the directors first fix it, and that the by-law must be approved by the shareholders at the next annual meeting. That has always been the law.

Hon. Mr. FORGET—Will it not create many difficulties, because in a great many companies the president is the chief officer, and sometimes it is in the interests of the company itself that the public should not know the salary you pay your highest officers. I think if we enacted that the shareholders every year should vote a certain amount for the president and directors, and let them use it as they think best——

Hon. Mr. POWER—No, it would open the door to all sorts of things.

Hon. Mr. BEIQUE—It would be a one-sided bargain ; it should be confirmed by the stockholders.

Hon. Mr. FORGET—But the shareholders would appropriate a certain amount, and let the directors vote it as they think best.

Hon. Sir MACKENZIE BOWELL—That is the way it is done.

Hon. Mr. WOOD (Hamilton)—The directors should submit to the shareholders the amount of money they wish for remuneration and for the directors, and then divide it themselves after it is voted by the shareholders, and after it is once voted it goes on from year to year.

Hon. Mr. SCOTT—It works very well.

The subclause was allowed to stand.

On clause 35,

Hon. Mr. POWER—It strikes me that this is an awkward way of dealing with preference stock. There is a similar provision taken from the English Act in the Nova Scotia Joint Stock Company's Act, but there is no such provision as that the by-law shall be unanimously sanctioned. You can require as large a proportion of the stock as you please, and it ought to be a large proportion, but you cannot expect any by-law to be sanctioned unanimously, and the consequence is that the directors will be always thrown back on the proviso in the latter part of the clause. I am not finding fault with the proportion, three-fourths. That part is all right. You should provide that if the three-fourths or four-fifths, or whatever proportion you please, agree, then the by-law shall go into operation without an appeal to the Governor in Council. It is a clumsy thing to have to go to the Governor in Council.

Hon. Mr. SCOTT—It has to be sanctioned by two-thirds of the stockholders.

Hon. Mr. POWER—I think that is not enough.

Hon. Mr. FORGET—It is hard to get three-fourths of them to vote. They sometimes live in different parts of the world, and you cannot get their proxies in time.

Hon. Mr. POWER—You may not have more than half of the shareholders present, and two-thirds of those present could decide to issue preference stock, and encumber the property of the other shareholders.

Hon. Mr. FORGET—Say two-thirds of the capital stock—two-thirds in value.

Hon. Mr. POWER—If you say two-thirds of all the shareholders, I am satisfied.

Hon. Mr. WOOD (Hamilton)—The shareholders are always advised and should be at the meeting.

Hon. Mr. SCOTT—It is all in the interests of the company. We can put it two-thirds in value of the capital stock.

The clause was allowed to stand.

On subclause 4,

Hon. Mr. DRUMMOND—Would the hon. Secretary of State explain why the preference stockholders in subsection 2 should

have special rights in regard to this election of the board of directors, and ordinary rights as stockholders in clause 4 ?

Hon. Mr. SCOTT—A time comes in the history of very many companies when the common stock has been paid up, or the parties are unwilling to pay for any more common stock, and they agree among themselves to issue preference stock at a fixed rate, either accumulative interest or interest at 7 per cent. Those people come in at a late period and come in generally to help the company out of a financial difficulty. They are putting their money in at an important crisis and it is only fair that their interest should be rather higher than the interest of the common stockholders.

Hon. Mr. DRUMMOND—That is represented by a guaranteed preferential dividend which they get, but in clause No. 2 you give them, in addition, special rights to select a stated proportion of the board of directors.

Hon. Mr. SCOTT—The common stock would have a very much larger voting power than the preference stock, because it is always very much larger. The preference stock is limited to a less sum, and therefore, after the preference stock is taken up, the common stock would override and no one would take the preference stock unless they had some controlling influence. They would be apt to be outvoted.

Hon. Mr. POWER—In the Act from which this has been copied, there is another subsection which reads as follows :

> Nothing in this section shall affect or impair the rights of creditors of any company.

I think that might be embodied in this Bill.

Hon. Mr. SCOTT—No.

Hon. Mr. DRUMMOND—Surely that is covered by clause 34, which gives the directors power to make a by-law.

Hon. Mr. LOUGHEED—How can that affect creditors ?

Hon. Mr. POWER—It may not be necessary.

Hon. Mr. SCOTT—That had reference to that particular statute. We passed an Act in 1898 allowing companies to issue preference stock, but it is entirely out of place here.

Hon. Mr. POWER—It can do no harm.

Hon. Mr. BEIQUE—It can do no good. There is nothing to suggest the rights of creditors being interfered with. The issue of preference stock is for the benefit of creditors, because it goes to secure the payment of the debts and it would be useless to introduce that paragraph.

On clause 37,

Hon. Mr. SCOTT—A gentleman made a suggestion to me that this clause was somewhat involved and has drafted a proposed clause which is the same in meaning, but more clearly expressed, which I will move to substitute for this clause.

Hon. Mr. POWER—I think there is a serious change in the amendment proposed by the hon. Secretary of State. Clause 37 refers to two-thirds in value of the subscribed stock of the company, and that does not exist in the amendment which the hon. Secretary of State has in his hands.

Hon. Mr. SCOTT—Oh, yes. It is those present and represented by proxy.

Hon. Sir MACKENZIE BOWELL—If a man holds a proxy of another it is the same as if that man was present.

Hon. Mr. POWER—There is no question about a proxy at all.

Hon. Mr. MACDONALD (P.E.I.)—I would suggest striking out the words 'those present' and take in the whole company.

Hon. Mr. SCOTT—I move this amendment because it is clearly the plan carried out. Those who cannot attend and who send their proxies in favour of a particular subject should count so long as there is a vote of two-thirds in value of those present or represented by proxy.

Hon. Mr. POWER—My point is not about proxies at all. My point is that the power should not be exercised unless two-thirds of the shareholders vote for it.

Hon. Mr. CLEMOW—Don't they vote by proxy ?

Hon. Mr. POWER—It does not matter whether they vote by proxy or not, so long as there is a two-thirds vote for it. The original clause is better than that proposed, because it requires that at least two-thirds in value of the subscribed stock of the com-

pany shall concur; in the other one, it is only two-thirds of those then present, and you might have only one-third of the stock of the company present.

Hon. Mr. SCOTT—Not at all. It is impossible.

Hon. Mr. POWER—But it does happen.

Hon. Mr. SCOTT—The Bill has been drawn by a gentleman who thoroughly understands it.

Hon. Mr. POWER—Probably acting as counsel for some company.

Hon. Mr. CLEMOW—It must be two-thirds of the stockholders present or by proxy.

Hon. Mr. BEIQUE—Is there any objection to let that clause stand?

Hon. Mr. SCOTT—No, the clause can stand, with my amendment, for submission.

Mr. BEIQUE—Subsection 2 should be struck out.

The second subsection was struck out, and the clause was allowed to stand.

On clause 38.

38. The directors may, from time to time, make such calls upon the shareholders in respect of all moneys unpaid upon their respective shares, as they think fit, at such times and places and in such payments or instalments as the letters patent, or this Act, or the by-laws of the company require or allow.

Hon. Mr. SCOTT—The very principle of the Joint Stock Companies Act is, as explained by the hon. gentleman from Hamilton a day or two ago, that the great security for people advancing money, is in not having all the shares paid up. If the company is incorporated for $100,000, say, and it is all paid up, the security for borrowing is very much less than if 25 per cent only were paid up, because you have the shareholders for security. This clause is based on the assumption that the money paid in by the shareholders is to the good, whereas it may be all lost. That clause ought not to be there. It is evidently taken from the Loan Companies Act. They keep their capital, and the larger the capital they have, the greater their security. If a joint stock company is a losing concern, the shareholders can have no objection to borrowing, because the shareholders cannot be held, but only the company.

Hon. Mr. BEIQUE—I have prepared a clause which I handed to the Secretary of State, to this effect, that a company shall not commence operations until ten per cent is paid on the stock. I thought this should be inserted before clause 34.

Hon. Sir MACKENZIE BOWELL—As we have to go back to a number of these clauses which have been allowed to stand, and the proposition is to make an amendment, I would suggest that the proposed amendment be put on the notice paper, and every one will have an opportunity of reading it.

The clause was adopted.

On clause 39,

Hon. Mr. POWER—I would call attention to the fact that this clause is copied from the Act passed in 1877. At that time the legal rate of interest, where no rate was specified, was 6 per cent. Since then, we have passed a statute reducing the rate of interest to five per cent; and my suggestion is that we should alter this and say that the party shall be liable for interest at the legal rate, five per cent.

Hon. Mr. SCOTT—If a man subscribes for stock, he should be made to pay it at a higher rate of interest.

Hon. Mr. DANDURAND—The company might, in that event, have to pay more than five per cent for the money which a subscriber failed to pay.

Hon. Mr. FORGET—Speaking of making calls, I think we should limit the call to ten per cent, and at intervals of not less than thirty days. Supposing a company tries to make two or three calls, those calls should not be all made at once. There should be an interval to protect the weak shareholders.

Hon. Mr. SCOTT—The shareholders can fix that.

Hon. Mr. FORGET—But sometimes it is necessary to protect the small stockholders. The large stockholders may combine together and force the calls so as to get control of the company.

Hon. Mr. TEMPLEMAN—It might be necessary to call up more than ten per cent.

Hon. Mr. WOOD (Hamilton)—The general practice is to call up ten per cent in thirty days.

Hon. Mr. FORGET—But it is not so provided here. As my hon. friend opposite says, calls could be made by the by-laws. Supposing the men controlling the company choose to make a wrong by-law, the stockholders may vote against it without effect, and the weak men would be gobbled up.

Hon. Mr. SCOTT—The interests of the company are paramount to everything else. You cannot arbitrarily lay down rules for the domestic management of the company.

Hon. Mr. DRUMMOND—The board of directors might avail themselves of the period intervening between two annual meetings to pass a by-law which would be valid until confirmed, and make the calls anything they like. Therefore, if it is thought well to make a limitation it should be done.

Hon. Mr. BEIQUE—I have seen in some Acts a provision such as that suggested by the hon. gentleman opposite (Mr. Forget).

Hon. Mr. DRUMMOND—It is well it should be stated in the Bill. Ten per cent every month is not too much. I think the hon. gentleman from Sorel ought to put in his clause.

The clause was adopted.

On clause 41,

Hon. Mr. FORGET—Do you think it is just to give power to the directors to confiscate the shares? Supposing those shares become valuable afterwards, does the committee not think, if the shares are confiscated, they should be sold, and the proceeds given to the estate?

Hon. Mr. BEIQUE—That is provided. I move that in the second line the word 'resolution' be introduced. As a matter of fact it is almost invariably done by resolution and not by by-law.

Hon. Mr. FORGET—But you give the company the right to confiscate the shares and keep them. Would it be fair to confiscate the shares of an estate, say, and not give them the value of them?

Hon. Mr. SCOTT—They do.

Hon. Mr. BEIQUE—It is provided by the clause as drafted that they are liable only for the balance, so that they get the value of the shares.

Hon. Mr. FORGET—Not if they are confiscated. They lose the whole.

Hon. Mr. DRUMMOND—Say a call is made of ten per cent, and the shareholder fails to pay; the directors act on that and forfeit his stock. Notwithstanding that, the shareholder is still liable for the other ninety per cent, and may have nothing to show for it—not even the stock.

Hon. Mr. SCOTT—He gets credit for what the stock sells for. This has been the law for thirty years. Can anybody point out where it has worked an injury?

Hon. Mr. BEIQUE—I might say that on many occasions the matter came professionally before me, and I was puzzled as to the working of the clause. The clause should be remodelled. There is something in the suggestion made by the hon. gentleman from Sorel (Mr. Forget). I think it is only fair that the shareholder whose stock is forfeited should remain liable to the company if the stock when sold does not bring enough to pay the balance on the stock; but the point is this, if the stock when sold brings more than 100 per cent, should the surplus go to the shareholder whose stock is forfeited?

Hon. Mr. SCOTT—Certainly it ought to go.

Hon. Mr. BEIQUE—The clause does not provide for that, because, under the wording of the clause, the stock is confiscated by the company. The sale may be made by auction or by private sale. It may be a collusive sale, and it seems to me some notice should be given to the shareholder whose stock is forfeited. That is another point which should be provided for. The other point is the one I commenced to explain. As a matter of practice, the demand for a call is made by a resolution, not by a by-law. There is no necessity of going to the formality of a by-law and it seems to me it would be better to use the two words.

Hon. Mr. SCOTT—The clause had better stand.

Hon. Mr. FORGET—Is it not possible to have a clause inserted somewhere in this Bill, that, as the hon. gentleman from Hamilton said, there was a great guarantee

to the creditors of a company when its stock was not all paid up. Take a company of $500,000, ten per cent paid up ; the shareholders are supposed to be still responsible to the creditors to the extent of $450,000. I have had some experience in Montreal in an insurance company, and in some building and loan companies, where the capital stock was so much and so much paid up, and the creditors thought they were safe, because a considerable percentage of the stock had not been paid up. One of these companies got into trouble, made bad investments. When we went to look at the stockholders' list, they were all men of straw. The stock had been transferred to men of straw. The security to the creditor was gone. I know in the case of an insurance company in Montreat, those who had sustained losses found that they could not get more than 25 per cent of their claims.

Hon. Mr. SCOTT—There is a clause which meets that.

Hon. Sir MACKENZIE BOWELL—The clause as it stands has been in operation for a great number of years, and with the suggestion made by the hon. senator from De Salaberry, to put in the word 'resolution' as well as 'by-law,' it will effect all that is necessary. The suggestion made by my hon. friend from Sorel would be offering a premium to those who had taken stock to divest themselves of the liability which follows the taking of stock. If you say to him, that if he fails to pay you, then you shall sell his stock, and if at the time it is at a premium you are to hand him back the surplus. This clause provides that if a man takes stock in a company and refuses to pay the calls, the company has power to forfeit the stock, and in the interest of the creditor who has loaned money on the strength of that man, or others holding the stock in the company not paid up, you deprive him of the security which he has by relieving the man of the responsibility of paying the balance of the stock. I think the provision is a wise one. I should like to see the word suggested by the hon. gentleman added, so as to avoid the necessity of passing a by-law.

Hon. Mr. POWER—Suppose we amend it that way.

Hon. Sir MACKENZIE BOWELL—I approve of the suggestion made by the hon. gentleman from De Salaberry. With what little experience I have had, I found it necessary in one case, when a man positively refused to pay the balance of his stock though he wanted to remain a stockholder, and in case the enterprise should pay a dividend, then he would come forward and claim it. What we did was to act under this clause, and forfeit his stock. He relieved himself of paying any more, and we got rid of him.

Hon. Mr. DRUMMOND—According to the by-law as it stands, the process is simple. A man fails to pay his call. The directors declare his stock forfeited, it becomes the property of the company, and they are bound to dispose of it. The inference, it seems to me, is that it is for the benefit of the person who is suffering, and as regards creditors, he is liable for the balance of his stock. I do not see how we can very well improve on it.

Hon. Mr. DANDURAND—If the stock could be sold at a premium the stockholder would not allow it to be confiscated.

Hon. Sir MACKENZIE BOWELL—It might sell at a premium to-day, and at less than par to-morrow.

Hon. Mr. FORGET—It might be confiscated by sharp practice. A call must be made payable at such a date, and supposing it is a mistake—that they have no right to pay for it—then the company would forfeit, and would that be right ?

Hon. Mr. SCOTT—It is about as fair as you can make it.

Hon. Mr. CLEMOW—I think some reasonable notice should be given.

Hon. Mr. SCOTT—It never has been.

Hon. Mr. CLEMOW—There is no limit here.

Hon. Mr. SCOTT—It is the notice as prescribed by resolution and by-laws. If a resolution is passed, the announcement is made that the stock must be paid in sixty days, and that period must expire.

Hon. Mr. DANDURAND—There is no question that if, by accident or otherwise, by some unforeseen circumstance, the stockholder's stock was sold at a premium after it was confiscated, he should be entitled to the difference.

Hon. Mr. FORGET—That is what I want.

Hon. Mr. POWER—In order to carry out the views of the hon. gentleman from De Salaberry, I move that clause 41 be amended by inserting after the word 'by-law,' the words 'or by resolution.'

Hon. Mr. BEIQUE—I move that the words, 'or by the' be erased, and replaced by the words, 'resolution or.'

Hon. Mr. FORGET—That will do.

The amendment was adopted.

Hon. Mr. BEIQUE—I think some notice should be given to shareholders whose stock is forfeited.

Hon. Mr. FORGET—Yes.

The clause as amended was adopted.

On clause 42,

Hon. Mr. BEIQUE—The entering of suits should not deprive the company of the right to forfeit the shares. If they commence an action and cannot recover, they should have the power of forfeiting the shares.

Hon. Mr. SCOTT—They could sell the shares, and apply the proceeds.

The clause was adopted.

On clause 44,

Hon. Mr. DRUMMOND—What proof will be required before extracts can be taken from the books?

Hon. Mr. SCOTT—It will have to be proved.

Hon. Mr. WOOD (Hamilton)—They may do it out of pure inquisitiveness. They may have a small debt against the company, and want to find out the inside business.

Hon. Mr. SCOTT—Strike out 'and creditors.'

Hon. Mr. BEIQUE—The law provides for an attachment of shares by a judgment creditor, and there are no means to ascertain whether a debtor is possessed of shares or not, or what amount of shares he is possessed of. I think the clause should be enlarged, so as to allow a bailiff or an officer of justice the bearer of an execution to see the transfer book, so that he may attach such shares as are owned by the debtor.

Hon. Mr. DRUMMOND—I do not object to the information which is sought for in this clause being added, but that you should have a stand and deliver clause like this, so that any person can walk into the business office of the company and demand that information and have your books turned upside down, I think is a perfect outrage.

Hon. Mr. SCOTT—It is only a creditor or shareholder.

Hon. Mr. DANDURAND—I would suggest making it a judgment creditor.

Hon. Mr. DRUMMOND—That would cover the ground to a certain extent.

Hon. Mr. SCOTT—It has been on the statutes for thirty years, and never caused any difficulty.

Hon. Mr. DRUMMOND—Oh, yes. In England a man possessing one or two shares went in and demanded inspection of the book of the company with regard to the stockholders. It was clearly the provision of the law that he was entitled to that information, but they refused absolutely to give it to him, and on an appeal to the court, the judge ruled that as his application was due to an animus against the company, he should be denied it, although the clause provided for it. But why should the company be put to that expense? I have seen such cases again and again before the court.

Hon. Mr. POWER—We have not had such an experience in Canada.

Hon. Mr. WOOD (Hamilton)—I hope we never will have.

Hon. Mr. POWER—But I think the shareholder of a company has a right to go to the books and see what condition its affairs are in. This suggestion of limiting it to a judgment creditor I think is unsatisfactory, because a creditor might wish to see the books to find out whether it was worth while suing.

Hon. Mr. DRUMMOND—He should not see them, and I should adopt some form whereby a man having a bona fide right only should obtain the information.

Hon. Mr. BEIQUE—I move that the clause be amended by adding 'and of a judgment creditor of a shareholder.'

Hon. Mr. LOUGHEED—It would not do to strike out the word 'creditor,' because

a creditor wants to obtain the information before he becomes a judgment creditor.

Hon. Mr. DRUMMOND—We want a regular proceeding.

Hon. Sir MACKENZIE BOWELL—There should be a good deal of latitude given to the creditor to ascertain who are stockholders, and whether they have paid up.

The clause was adopted.

On clause 46,

Hon. Mr. LOUGHEED—Let us assume a company should neglect to keep such books, perhaps carelessly or inadvertently, are we to understand that that company forfeits its right, and creditors of the company become prejudiced, and so on ?

Hon. Mr. DRUMMOND—I think they should be liable to a penalty, or something of that kind. This clause is absurd.

Hon. Mr. LOUGHEED—And obligations may be created after that, and what is the position of the company with regard to its creditors ?

Hon. Mr. SCOTT—Insert the words 'be liable to.'

Hon. Mr. DRUMMOND—I object to that. I move that it be amended so as to make all the directors liable to capital punishment.

Hon. Mr. BEIQUE—I think the suggestion of the hon. gentleman from Kennebec is a good one. The clause should provide for a penalty for every day that there is neglect in keeping these books, and making the directors jointly and severally liable.

Hon. Mr. DRUMMOND—Make it a penalty of $50 for each refusal.

Hon. Mr. POWER—They have been doing business under this for thirty years.

Hon. Mr. FORGET—I suppose a good many companies that are doing business are outlawed. I believe there are some companies who do not keep books.

Hon. Mr. SCOTT—We can frame a clause showing what penalty they will pay.

The clause was adopted.

On clause 48,

Hon. Mr. BEIQUE—I desire to make a remark with regard to this clause. The stocks now are quoted on the stock exchange, and shares are represented in a number of cases by scrips, which is transferred by delivery endorsed in blank, and transferred by one broker to another. The effect of this clause is, that these transfers which it is the practice to make on the stock exchange would have no effect at all, and no value as against the judgment creditor of any person appearing on the book as a transferee. These transfers have no value until they are placed on record on the book. It seems to me it is entrapping the public to a considerable extent, and I am inclined to think it would be better to amend the clause so that these transfers may be good. I may cite a number of cases. The Canadian Pacific scrips are used that way, and the same with a number of other companies. There are scrips for shares, and on the back there is a transfer, a power of attorney, and these scrips are delivered from one to another, and they remain for two or three months without being entered on the books of the company. If in the meantime a judgment creditor of the party whose name appears on the scrip was to make an attachment on the shares, he would be entitled to recover, and the party who had bought the shares would have no standing at all.

Hon. Mr. FORGET—You could not meet this case at all with scrip. The first point is that you cannot issue scrip when the stock is not all paid up. For instance, if you issue a scrip and sell that scrip, and there is only fifty per cent paid up, you are the possessor of the stock, and the stock remains in your name in the register of the company, and the company looks to you for it. If you sell your stock with the scrip you will insist that the man takes the scrip in the books, because if he does not, you will still remain responsible. So that in this case, you cannot give scrip, nor in the case of banks, on account of the double liability. You cannot issue scrip in banks. For the same reason, you cannot do it if the liability of the company is not fully discharged. Then I come to paid up stock, and I say that scrips are illegal. You cannot issue them, unless your charter allows you to do it, like the charter of the Montreal Street Railway. It has power to issue scrip with the power of attorney on the back of it. So to-day you could not

seize these shares. For instance, Jones may appear to have a thousand shares in his name, and he has disposed of them, perhaps, for a year, but you cannot go and seize that thousand shares in his name, because the street railway has a special charter for it. The Richelieu Navigation Company came before parliament for permission to issue scrip, and since then we have been doing so ; but in the case of a good many joint stock companies you could not do it, because the stock would not be all paid up.

Hon. Mr. BEIQUE—I am surprised that the hon. senator who has just spoken would object to it, because if any parties are interested surely they are those who are dealing on the stock exchange. There are a number of companies whose stock is paid up, and who are in the habit of issuing scrips. I am not mistaken in that. I can cite, for instance, the Royal Electric Company. They did it for a long time, and I know of a number of other companies who issued scrips.

Hon. Mr. FORGET—Was it done legally ?

Hon. Mr. BEIQUE—Yes, it was not done regularly. Any company has the right to use scrips. Any company incorporated under the law has the right to use scrips, but this scrip, with the form of transfer on the back, is no good, because as far as the creditor of the shareholder whose name is inscribed on the books of the company is concerned, he can follow the shares, so long as the stock is not transferred on the books of the company.

Hon. Mr. ELLIS, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again to-morrow.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, April 24, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (U) An Act respecting the Western Alberta Railway Company.—(Hon. Mr. Lougheed.)

Bill (46) An Act to incorporate the Strait of Canso Bridge Company.—(Hon. Mr. McDonald, C.B.)

SECOND READINGS.

Bill (91) An Act respecting the Timagami Railway Company.—(Hon. Mr. Gibson.)

Bill (66) An Act respecting La Compagnie du Chemin de fer de Colonisation du Nord. —(Hon. Mr. Dandurand.)

Bill (50) An Act respecting the Niagara, St. Catharines and Toronto Railway Company.—(Hon. Mr. McCallum.)

JOINT STOCK COMPANIES INCORPORATION BILL.

The House resumed, in Committee of the Whole, consideration of Bill (R) ' An Act respecting the incorporation of Joint Stock Companies.

(In the committee.)

On clause 48,

Hon. Mr. DANDURAND—In order to conclude the discussion which took place on this part relating to transfer of shares yesterday, I move that the following be added to the clause :

The present clause shall not apply to companies whose stock is listed and dealt with on the Stock Exchange by means of scrip commonly in use, endorsed in blank and transferable by delivery which shall constitute valid transfers of the scrip. The scrip holder shall not, however, be entitled to vote upon the shares until they are registered in his name upon the books of the company.

Hon. Mr. SCOTT—No objection to that.

Hon. Mr. LOUGHEED—There should be registration within some specified time ; otherwise the holder of stock need not disclose his ownership, and the information which the public may need in reference to who are the holders need not necessarily appear. I am entirely in favour of the principle embodied in the amendment, but it seems to me that within a reasonable time there should be registration of the stock in some way.

Hon. Mr. FORGET—These scrips generally apply to paid up stocks—not stocks where calls are still due.

Hon. Mr. LOUGHEED—Stock as well as other personal property should be subject to claims of creditors against the holder.

Hon. Mr. FORGET—The paid up stock is not.

Hon. Mr. LOUGHEED—In law the paid up stock is.

Hon. Mr. FORGET—No.

Hon. Mr. LOUGHEED—Assuming you have a judgment or execution against the owner of paid up stock, there is a way of getting at it, and unless he is registered as the holder of that stock in some way or other, it would be impossible to pursue him.

Hon. Mr. POWER—I cannot help feeling that this proposed amendment is a leap in the dark. I do not think you will find a precedent for that legislation in the work of any legislature. This transfer book, which is kept in the Secretary of State's office——

Hon. Mr. SCOTT—No, it is kept in the company's office.

Hon. Mr. POWER—At any rate, it will be noticed that in the clause as it stands in the Bill, there is this exception:

Except for the purpose of exhibiting the rights of the parties thereto towards each other.

You will be opening the door for a good deal of fraud if you make an unregistered transfer good except for that purpose. As between the parties to that purpose, the man who gives the scrip and the man who takes it, the scrip is good evidence now, and I do not think it should be made evidence as against anybody else.

Hon. Mr. LOUGHEED—I might point out again, the whole principle of the Act is, that, upon certain steps being taken, there may be made a disclosure as to who are the holders of shares. Machinery is also available for a creditor realizing as against a stockholder, for the satisfaction of any claim which he may have. Now, if a purchaser of this scrip can put it in his pocket and make no disclosure to the public, it would be utterly impossible for a creditor to realize, as against that shareholder, whatever claim he may have in law or equity. It practically makes a man execution proof if he desires to be. There is no way of ascertaining what the shareholder has.

Hon. Mr. FORGET—You want to protect the creditor against the company, not the creditor against a special stockholder of the company. If the stock is all paid up, I cannot see how the creditor of the company can have recourse against the stockholder. It is only in case the stock is not all paid up that he would have a claim against the unpaid portion.

Hon. Mr. LOUGHEED—Are you speaking of the creditor of the shareholder?

Hon. Mr. FORGET—Can you protect the creditor of a shareholder?

Hon. Mr. LOUGHEED—At the present time, a creditor can ascertain from the books of the company, if a man is the owner of certain shares in the company, and they then become subject to the liability of the debtor.

Hon. Mr. WOOD (Hamilton)—If the shares are all paid up they have none against the company.

Hon. Mr. LOUGHEED—They are just as susceptible of being realized against as lands or other property.

Hon. Mr. FORGET—If the creditor of the shareholder is not the creditor of the company, he has no right to know anything of the affairs of the company. In the case of an execution judgment against the salaries of certain officials in a company, you make a declaration that the company does not owe money to the official, and nothing further is necessary.

Hon. Mr. LOUGHEED—I am speaking now of the claim of a creditor against a particular shareholder of that company. Even though the shareholder has in his pocket a number of shares paid up, under this suggestion, it would be utterly impossible to realize on them. He need not register, according to the suggestion now made, whereas the whole principle of the Act is and has been that publicity should be given of the shareholders having interests in the company.

Hon. Mr. DANDURAND—For the protection of the creditors of the company.

Hon. Mr. LOUGHEED—Also against the shareholder. Otherwise you put a premium on a man making himself judgment proof. All he has to do under this clause is to put the scrip in his pocket and make no disclosure, and his creditors know nothing about it.

Hon. Mr. DANDURAND—It is quite common for the creditors to be unprotected by

law. The salaries of our civil service employees are protected against seizure. We have hundreds of cases where a man invests his money without incurring any risk that it will be seized. He can invest in debentures payable to bearer, and we do not concern ourselves about the private creditor of such debenture holder. A man can carry thousands in his own pocket, and he is perfectly free and safe except under certain machinery by which we can draw him into court and force him to admit he has some cash, and he will be held in contempt if he does not pay his debts. But in the present case, there are people far more interesting than those who advance money to a party without security. If the holder of scrip wants to vote, he will register his stock. People who deal in stock, and bankers here, will bear me out when I affirm that hundreds of thousands of dollars have been advanced upon stocks which are not registered in the name of the owner, and it seems to me that these people are far more interesting than the creditors of private individuals who happen to be shareholders, and they are very few. There is not one per cent of the population who have claims against shareholders who will not pay their debts.

Hon. Mr. LOUGHEED—Allow me to ask a question. If a person in the open market buys shares as a security or investment for the purpose of holding, will you point out to me where the injustice is in requiring that that party, within a reasonable time, should register himself in the books of the company as the holder of those shares.

Hon. Mr. FORGET—Why should you make a distinction for a company which is going to incorporate under this law from a company incorporated by a special charter ?

Hon. Mr. LOUGHEED—There is no distinction.

Hon. Mr. FORGET—But there will be a distinction.

Hon. Mr. LOUGHEED—No, because the law requires them to register the transfer. I agree that it is a hardship as it is at present. I think the suggestion is all right up to a certain extent.

Hon. Mr. SCOTT—If there is a limitation, say thirty or sixty days.

Hon. Mr. DANDURAND—There is one feature that is lost sight of, that those shares are sold from day to day, a certain amount is paid in cash to the broker and the broker carries the stock in his name. It is resold the day after, or three or four days after.

Hon. Mr. LOUGHEED—It would not affect that case.

Hon. Mr. DANDURAND—And from day to day the stock passes, and may pass a hundred times in the year, and you would cause those institutions to register that stock which is paid, when it is absolutely indifferent to them to whom they pay the dividend. provided they pay the party in possession of the shares. It seems to me there is no necessity to force them to register except when they go and vote. I think the hon. gentleman from Sorel will bear me out when I say that there are some of those shares that will change hands fifty times in the same year, and perhaps oftener, and I think it would be a hardship to enforce registration.

Hon. Mr. FORGET—If you say these shares must be registered every six months, or every year, I think it will be practically impossible, because hundreds of thousands of dollars' worth of shares change hands every day on the stock exchange. To-day I have them in my possession, and to-morrow I give them to the clearing-house and they go to a bank, and the next day the loans will be changed and they go to a second bank, and how can the last owner of the scrip tell if the last transfer was made six months before or thirty days before. He will have to go and inquire at the office, take the trouble to send a note to the office and ascertain when these shares were last transferred. It would give a great deal of trouble to the company, if every sixty days or three months we would rush in there with a hundred thousand shares and make inquiries about them. How could they give us the information? They would have to have a great number of clerks attending to the transfers. The company do not care who owns the scrip. I have scrip in my name for the last ten or fifteen years on the register, and I do not know where they are. They have been passed for years and years and going round different cities. When a dividend is due I receive a note that so-and-so holds scrip, such and such a number, and claiming the dividend on it. Some letters come

from the west and even from New York, and we have to send a cheque for it. But if those people in the west have to send their scrip every six months to have them registered, it would be a hardship, and would not give any better security to the creditor. I do not see the justice of a special creditor having that privilege.

Hon. Mr. DANDURAND—I think the owner of the shares has sufficient incentive to register, in the fact that at a certain moment he may desire to withdraw his dividend, and if every six months or every year he desires to do so, he must register, or he will leave it in the hands of a broker or a bank to withdraw the dividend and transfer it to him. But the owner of that share has sufficient interest, because he will generally want to draw his dividend.

Hon. Mr. LOUGHEED—What does the Secretary of State think about this point?

Hon. Mr. SCOTT—I would suggest sixty days. They might register within sixty days and the scrip would be free for another sixty days.

Hon. Mr. LOUGHEED—This Bill makes no provision for the issue of scrip. The hon. gentleman from Montreal took the position that special powers would have to be given to issue scrip.

Hon. Mr. LOUGHEED—Then the argument of my hon. friend could not be applicable to the condition arising under this Bill, if special powers have to be given for the issue of scrip.

Hon. Mr. SCOTT—Paid up shares would be scrip.

Hon. Mr. LOUGHEED—Not in the sense mentioned by my hon. friend.

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. LOUGHEED—I do not wish to impose any restriction that would be unduly harassing, but it seems to me the principle of the Bill throughout is that there should be registration in the books of the company, and if you do violence to that principle in this section, you have to consistently follow it up throughout the Bill. I am willing the clause should stand.

Hon. Mr. FORGET—There should be a registration to protect the creditor of the company if the stock is not all paid up. That is what the Bill provides for, and not for a creditor against a stockholder.

Hon. Mr. CHURCH—This is an important Bill. It is entitled 'An Act respecting the Incorporation of Joint Stock Companies by letters patent.' We juniors at this end of the room, 'The Noble Six', have taken no part in this discussion, except the hon. Mr. Beique, and the hon. Mr. McMullen; the others have been silent. By way of relieving the monotony and tedium of this affair, I should like to make an announcement. It is of a personal character, and I will make it in a playful manner, and as it is personal I hope the House will pardon me, I should like to go down to my home to gather May flowers next month, but if this Bill is to drag along in this slow way it is doubtful if we will get through in time, particularly if there are other like measures to come before us; I think the author of the measure should have some fair knowledge of the subject after it is passed. I fear the venerable author of this Bill will hardly acknowledge being its father when we are through with it. We have struck the 48th clause and this is the fourth sitting of the committee, I do not know much about scrip. I am not a wealthy man and expect to die a poor man and will not have much scrip to take care of. But I hope my scrip will all be registered and all others who may hold scrip will have it duly registered under this Bill, and everything made so safe and water-tight that this Bill will never come up for amendment in future years. A judge in Nova Scotia once said that the mining law was not water-tight, and I told him that he could select three mining men, best acquainted with the mining laws of Nova Scotia, or Australia, or England, and take three practical mining engineers, and two judges besides himself, and I would give those nine men power to make a mining law and when they would consider it for three months, they would imagine they had a perfect law. But I should undertake to tell them that there would be twenty cases which their law would not provide for that would arise in one year, and he admitted it. I believe that it is not possible to cover all cases that may arise, under property and civil rights, and after the gentlemen have exhausted all their commercial knowledge, and the lawyers all their legal

ingenuity, and we get this law through, as we think, correct and everything watertight, after it becomes law there will be a good many contentions with regard to it. From a common-sense point of view, and as a junior layman of this House, I think it would have been just as well to have passed the law as introduced by the Secretary of State at first, and let it go to the business men of the Dominion on its trial, and on the actual administration of it, the weak points would have been discovered and it could have been amended from time to time until we got a tolerably good law. I should like to get home soon to pick some May flowers, and if we are to have four more sittings to get through the remainder of the clauses I would say, 'Gentlemen, hurry up.' I think the House understands all about the Bill as far as they ever will. The seance should not continue for one minute longer than necessary, I think it is my duty to be present, but I feel like absenting myself from this chamber. I think we should pass the Bill as it is, and leave it to its operation.

Hon. Mr. SCOTT—There is a certain degree of excitement and nervousness about the Bill which is unwarranted. This clause has been unchanged for 30 years and the brokers and the banks have worked under it and nobody has been hurt. It is only when attention has been called to a clause that people get nervous and excited as to its consequences, but when we know very well that no injurious results have followed in the last thirty-five years, a clause of that kind might as well be passed. It is a long test for a clause where, for thirty or forty years, no trouble has arisen under it and nobody has been inconvenienced by it. Nine-tenths of the remainder of the Bill is the old law as it stood for thirty years.

Hon. Mr. DANDURAND—I should like to call attention to the fact that this law was passed thirty years ago, but new habits have crept in and we must conform to the usages of trade and to the fact that we have by practice amended that law. It is the natural evolution of things. We know that a law will remain on the statutes of England a long time after it falls into disuse. Here is a point which is not acted upon and a different order of things prevails now. By universal practice we bring the law up to what the commercial requirements demand.

Hon. Mr. FORGET—I may tell my hon. friend also that the scrip practice on the stock exchange in Canada has been in use only since 1881 or 1882, and there were then only one or two kinds of scrip. Until the last two years they were very little used. They are coming into use now that the companies have the legal right to issue them. Some companies came before parliament lately asking for power to issue them.

Hon. Mr. SCOTT—I think I am within the mark in saying that nine-tenths of the scrip on the stock exchange now that is bartered in the way my hon. friend described, is issued by companies that have been incorporated by Act of parliament, and not under letters patent. This Bill only applies to companies incorporated under letters patent. That applies chiefly to mercantile establishments or incorporated companies who desire to be incorporated also under this measure. Railway companies, telegraph companies and steamship companies, invariably have special charters, and are not affected by this law. It is only the industrial companies that ask for letters patent, and work under this statute.

Hon. Mr. FORGET—Why would you not give the same privileges to companies that are going to be incorporated under letters patent to issue scrip, as if they had a special Act ?

Hon. Mr. SCOTT—Personally I can see no prejudice that could arise, whether the amendment is adopted or not. It is only in very rare cases that injury can arise, so I do not attach so much importance to it as some hon. gentlemen do.

The amendment was agreed to, and the clause as amended was adopted.

On clause 55,

Hon. Mr. LOUGHEED—A suggestion has been made to me by a practitioner in Toronto to add a subsection to this clause, which I shall hand in at the Table—

It will be observable that though the shareholder will have a claim against the company by way of set-off, yet under the language of this clause he would still remain liable on his shares.

The clause was allowed to stand.

On clause 56,

Hon. Mr. POWER—I wish to direct the attention of the hon. gentleman in charge of the Bill to an amendment which I think should be made in the second line of this clause, after the word 'trustee' by adding 'of or for any person named in the books of the company as being so represented by him.' As the clause stands, a man has simply to call himself a guardian or trustee, or executor, without stating for whom he is guardian, trustee or executor, and the stock is protected. He may not really hold the stock in that character at all, and he should be obliged to disclose the person for whom he holds it.

The amendment was agreed to, and the clause as amended was adopted.

On clause 15.

Hon. Mr. FORGET—The company should be prevented from paying dividends when the affairs of the company do not warrant it; I would add the words 'dividends not earned' or something to that effect. My point is, not to declare a dividend when it is not earned.

Hon. Mr. LOUGHEED—The only objection is this, a company may have a very large rest—an unnecessarily large rest, and they may consider it advisable to pay their dividends for the purpose of keeping up their standing. It may not do the company any harm, but they would be precluded from so doing under that amendment.

Hon. Mr. FORGET—No.

Hon. Mr. SCOTT—If the company weathered the storm there would be no liability. It is only in cases where the capital is impaired, and the company fail to pay 100 cents on the dollar, that the directors become liable.

Hon. Mr. FORGET—If the directors have some reason to declare a dividend, and the business has not been good enough, what do they do? They re-value their assets, and by doing so find enough profits to declare a dividend, and a year afterwards another set of directors comes in and find that this has been done, that the profits had not been earned, and on re-valuing the assets, find they were over-valued for a dividend, then you have impaired the company's capital.

Hon. Mr. DANDURAND—If you have impaired the capital you fall under the clause.

Hon. Mr. FORGET—It might go further and provide that dividends should only be paid out of profits.

The clause was adopted.

On clause 61,

Hon. Mr. POWER—There is no penalty imposed on the company if it fails to give notice of its place of business, and I think there should be. That is a defect to which attention was called in the earlier part of the Bill by the hon. gentleman from De Salaberry. If you provide that a company shall do so-and-so, and then do not impose a penalty for their not doing it, it is left to their own discretion to do it or not as they please.

Hon. Mr. SCOTT—In taking out the letters patent, they must name the place before they can get them.

Hon. Mr. POWER—But there is no penalty imposed.

Hon. Mr. SCOTT—Then they do not get the letters patent.

The clause was adopted.

On clause 69,

Hon. Mr. SCOTT—This clause which provides that existing companies may apply for charters under this Act, is taken from the law as it now stands. I intended to enlarge the application of that clause by subsequent clauses. It is to allow companies incorporated in any province of Canada, or any company incorporated under the laws of the United Kingdom, or any foreign company to come in and incorporate. The adoption of that clause will be found a very great convenience. There are many companies incorporated in the United Kingdom and the United States which are now doing business in Canada, but not under our law or under the control of our law, and it is much better to have them come under the law, and compel them to make returns. We have already on our statute-book an Act which was passed some three or four years ago, authorizing the Secretary of State to permit a foreign company to come and do business under what is called a license—to license for

instance, mining in the Yukon, or mining in the North-west Territories, and it has been found to be a very great convenience. Companies already established bring their capital here, and open business which has been found beneficial to the country.

Hon. Mr. WOOD (Hamilton)—Does the hon. gentleman intend to include telephone companies ?

Hon. Mr. SCOTT—Certainly not. I may tell my hon. friend that no Secretary of State would ever authorize the issuing of letters patent to enlarge the powers of any company that had already sought powers from the Dominion parliament. They would necessarily have to go there, and in order to remove anything like timidity on that subject, I propose to enlarge the exception of companies which come under this Bill, exempting specially telegraph and telephone companies, because they are the subject of discussion, and at some future time the government of the country may take them over, and it would be highly improper under any conditions to grant letters patent to them. It does not follow, because the Secretary of State is empowered to grant letters patent, that he will always do so. He assumes a very large responsibility, and naturally it would only be in those cases where he felt that the law justified and warranted it. But in order to make it impossible for any future Secretary of State to do so, I propose to insert a clause requiring telegraph and telephone companies to come to parliament. With reference to outside corporations, before obtaining authority under this Act, they must file a certified copy of their charter, designate a principal office in Canada and furnish other information. Foreign companies are now doing business in Canada, and are in no way amenable to our jurisdiction. The courts recognize them, and no one interferes with their business, but this is intended to bring them under the jurisdiction of the Act in order that the public may know more about their capital and the property they hold.

Hon. Mr. POWER—The hon. gentleman said that no Secretary of State would do certain things. We do not know what kind of a Secretary of State we might have at a future time, and under this clause there is really no check upon the Secretary of State whatever. There are no pre-requisites to the giving of this new charter. A company which has a charter from the Dominion parliament, or from one of the local legislatures, may come in and get a charter under this Act without any one knowing anything about it. That is one of the things I object to. When a company proposes to change its base in that way, the parties who may be interested should be notified. I wish to call attention to the fact that in Nova Scotia, where they have an officer called the registrar of companies, who does all the work that is to be done under this Bill by the Secretary of State, when a company wishes to make a change of this kind, they require special action on the part of the company, and special notice. I think we should in this larger sphere have at least as efficient a safeguard as they have there. There is no provision in this Bill that the shareholders of the company shall agree to the change. There, although they have a special officer to register and do the work which the Secretary of State does here, in this particular case they go to the Governor in Council to provide that such a serious change shall not take place without the authority of the Governor in Council and without consideration. They take particular care to see that there is no surprise, and everything is done deliberately, and with notice to the shareholders of the company, and I think there should be something the same kind here.

Hon. Mr. SCOTT—Applying the principle upon which this Bill is based to the law as it stood before, there would just be the same reason for making the announcement in advance and getting the certificates of the shareholders as the law stood since 1877. The clause only required that they should make application, and as far as outside companies are concerned, it is to be presumed no outside company is going to take out letters patent in Canada to become incorporated unless with the approbation of its shareholders, and the shareholders are people living outside of Canada altogether.

Hon. Mr. POWER—The Secretary of State is not dealing with the case I put. I am not dealing with corporations outside of Canada. These corporations are regarded simply as individuals, and there is no objec-

tion to dealing with them in the same manner as if they came for the first time. I am speaking of the cases dealt with in clause 69—'Any company heretofore incorporated.' That means by Act of parliament or under the existing law here. With regard to the corporations which now exist in Canada, I think they should not be allowed to change their bases without better notice.

Hon. Mr. LOUGHEED—If this legislation is in the interests of the public at large it certainly should be assumed that it is equally to the advantage of those companies and to the advantage of the public that they should be incorporated under this Act; also I would point out to my hon. friend that it is only a company that could have originally been incorporated under this Act that can avail itself of the advantages of clause 69. The only difficulty I see is that no provision is made as to the initial steps which shall be taken to effect that purpose. Will it be done upon the application of the directors or at the instance of the shareholders, or done at a general meeting or what are the conditions precedent to the application being made?

Hon. Mr. SCOTT—It is simply the publication in the 'Canada Gazette,' as required in the formation of companies. The production of their letters patent, whatever that was.

Hon. Mr. POWER—The hon. gentleman, who happens to be the Secretary of State for the time being, will not himself personally attend to this business. In all probability he will delegate the duty of acting as registrar of joint stock companies to some particular officer.

Hon. Mr. SCOTT—No.

Hon. Mr. POWER—To one of his subordinate officials, and the secretary of a great company, which may wish to make a change in its base, can go to that officer and simply apply in person. The secretary sends in an application and the change is made before the shareholders or creditors of the company or people who have dealings with the company know anything about it. I contend that that is injudicious legislation.

Hon. Mr. LOUGHEED—Why not provide that upon a resolution of the shareholders it might be done?

Hon. Mr. SCOTT—I have no objection to that.

The clause was allowed to stand.

On clause 89,

Hon. Mr. POWER—This clause provides that it should be the duty of the company to make a return to the Secretary of State any time a written request may be made therefor. I think it should be the duty of the company to make that return every year whether it is requested or not.

Hon. Mr. SCOTT—There are thousands of small companies no one takes any interest in.

Hon. Mr. CLEMOW—If there is one statement published, that should do.

Hon. Mr. POWER—In the English Act of 1862, there is provision that this return shall be made every year.

Hon. Mr. SCOTT—If any shareholder asks for it, it will be done. I thought it was absurd to cumber the department with those returns that no one would look at. If any doubt is thrown on the honesty of a company's report, they might be called upon to make a return, but I do not think I would require it otherwise. In Acts of parliament we often say if the company is called upon to make a return they shall make a return, but I do not see why a return should be made unless it is required.

Hon. Mr. LOUGHEED—Should not the scale of fees be included in the Act?

Hon. Mr. SCOTT—The tariff of fees is made by Order in Council and changed from time to time.

Hon. Mr. FERGUSON—I think it should be included in the Bill.

Hon. Mr. SCOTT—It would be very embarrassing if it were in the Bill. The moment an Order in Council is passed, it is printed and distributed.

Hon. Mr. FERGUSON—How many people see the Order in Council?

Hon. Mr. SCOTT—When any person wants it, it is supplied to him.

Hon. Mr. FERGUSON—People who are proposing to be incorporated under letters patent will examine this Bill for all information, and I think it should be in the Bill.

It would be very much more convenient to the public to have the scale of fees form part of the Bill.

Hon. Mr. LOUGHEED—As expedition in the incorporation of companies is the cardinal principle in this Bill, it seems to me to be manifestly contradictory to that to say you shall write to the Secretary of State's department for the information as to fees before you determine to proceed. There is no reason why a copy of the Order in Council should not be embodied in the schedule. Even professional men are not in a position, without communicating with the Department of State, to ascertain what the fees are. It does not necessarily follow that Orders in Council are published in the statutes.

Hon. Mr. SCOTT—The usual way is, where parties are applying for letters patent, to ask for instruction. A printed book is sent them, which gives all information including fees and all details. That is printed and read, and is distributed every few days. Companies are constantly applying.

Hon. Mr. LOUGHEED—That is scarcely the modus operandi. They go to their solicitor and the solicitor turns up the statute which should contain all the information.

Hon. Mr. SCOTT—The statute is large. A little booklet is sent out which contains all the directions, so that they have all the information at hand. I hope my hon. friend will not press that, because there are reasons I do not care about mentioning why the clause should not be changed.

The clause was adopted.

Hon. Mr. ELLIS, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again to-morrow.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, April 25, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE BELL TELEPHONE COMPANY'S BILL.

THIRD READING.

Hon. Sir ALPHONSE PELLETIER, from the Committee on Railways, Telegraphs and Harbours, reported Bill (G) 'An Act respecting the Bell Telephone Company of Canada,' with several amendments.

Hon. Mr. KIRCHHOFFER—This report and the amendments which have been read to the House are the results of an arrangement which is satisfactory to all concerned. We are anxious to have the Bill sent as soon as possible to the other House. I have spoken to Senator Miller, who has been in charge of the opposition to this Bill, and asked him if he would have any objection to my moving concurrence this afternoon, and he said he would not, that he was willing to facilitate its passage now. I do not know whether any one else has any objection to the Bill. If not, I move that the amendments be concurred in.

The motion was agreed to. The Bill was then read the third time and passed, under a suspension of the rules.

ST. JOSEPH AND LAKE HURON SHIP CANAL COMPANY'S BILL.

WITHDRAWN.

Hon. Sir ALPHONSE PELLETIER, from the Committee on Railways, Telegraphs and Harbours, reported Bill (T) 'An Act to incorporate the St. Joseph and Lake Huron Ship Canal Company, recommending that the promoters be allowed to withdraw the Bill.

The report was adopted.

Hon. Mr. LANDERKIN moved that the fees, less the cost of printing, be returned to the promoters.

The motion was agreed to.

THE RULES OF THE SENATE.

MOTIONS WITHDRAWN.

The notices of motion being called,

By the Honourable Mr. Scott :—

That he will move that the following Rule be made an Order of the Senate :—

Every senator desirous of making a motion or asking a question shall read the same from his place in the Senate before handing it to the Clerk.

By the Honourable Sir Mackenzie Bowell, K.C.M.G.:—

That he will move that the following Rule be made an Order of the Senate :—

One intermediate day's notice in writing must be given of all motions deemed special, the same being read by the member giving such motion to the Senate at the time it is given, and any motion is deemed special which initiates a subject of discussion.

Hon. Sir MACKENZIE BOWELL said: I was going to suggest to the hon. Secretary of State, as his motion does not cover what we really intend, and my motion would necessitate the changing of the rules and perhaps notification to all the members of the Senate, that it would be better to let both drop and accept this motion in their place :

A senator, when giving 'Notice of Motion,' or of 'Asking a Question,' shall read the same from his place in the Senate before handing it to the Clerk.

I think the hon. gentleman's motion might be interpreted to mean that a member giving a notice should only read it when he moves the motion. If my suggestion meets the case, it will relieve us from the necessity of making a special call of the senators to change the rule. It is merely affirming what has been the practice of the Senate for a great many years, although it has been departed from, and it seems to me it is simply carrying out what the Senate approved of and adopted in the past when they consented to concur in the report of the committee, and also of the manual of instructions.

Hon. Mr. MILLER—I do not think the manual of instructions is any authority. The hon. gentleman does not propose to make it a standing order ?

Hon. Sir MACKENZIE BOWELL—No, just to affirm the principle.

Hon. Mr. MILLER—That would be sufficient.

Hon. Mr. SCOTT—I quite concur in the proposition of my hon. friend. One or two senators have asked me whether the motion was coming up to-day or not, and I said No. Perhaps it would be better to leave it until Tuesday.

Hon. Sir MACKENZIE BOWELL—I think so too.

Hon. Mr. SCOTT—I accept the suggested motion.

Hon. Mr. LANDERKIN.

Hon. Sir MACKENZIE BOWELL—And the other two motions are dropped ?

Hon. Mr. SCOTT—Yes.

SECOND READINGS.

Bill (74) An Act respecting the Ottawa, Brockville and St. Lawrence Railway Company.—(Hon. Mr. Gibson.)

Bill (78) An Act respecting the Trans-Canada Railway Company.—(Hon. Mr. Watson.)

Bill (93) An Act respecting the Hudson's Bay and North-west Railways Company.—(Hon. Mr. Kerr.)

Bill (103) An Act respecting the Lake Champlain and St. Lawrence Ship Canal Company.—(Hon. Mr. Bernier, in absence of Hon. Mr. Landry.)

JOINT STOCK COMPANIES INCORPORATION BILL.

REPORTED FROM COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (R) 'An Act respecting the incorporation of Joint Stock Companies by letters patent.'

(In the Committee.)

Hon. Mr. SCOTT—I would call the attention of the committee to clause 5. We corrected clause 3 by excluding telegraph and telephone companies from the operation of the Bill. I have an amendment to clause 5, to add after 'by-law of the company,' 'or by by-law of the directors approved by vote of the shareholders.' I move the adoption of the amendment.

The motion was agreed to, and the clause as amended was adopted.

Hon. Mr. SCOTT—Clause 26 was allowed to stand. I mentioned at the time that that clause created a good deal of controversy. When this Bill came up one of the judges of the courts of Toronto wrote me about it. It has been struck out of the Act in England. It is a very common transaction for a merchant to transfer his business to a joint stock company. It is put in at say $25,000. If that is a fair and reasonable amount the law approves of it and allows the transaction to go, and he would get $25,000 stock in the company in lieu of the goods transferred : but if the company afterwards fails

and it is found that the transaction was a fraud—that the value of the property was not $25,000 as stated, then the party would be liable to the creditors of the company, owing to that fraud. It is a good transaction as between the shareholder and the company, and it is a good transaction to all the world if the value is as represented. If the value is not as represented, then under the Winding Up Act, a judge would direct that the party committing the fraud by transferring to the company property above its value would have to pay the difference.

Hon. Sir MACKENZIE BOWELL—Then you strike out this clause ?

Hon. Mr. SCOTT—Yes, I have moved to strike out clause 26. It is not in the Ontario Act.

The motion was agreed to.

Hon. Mr. LOUGHEED—In discussing clause 34, we spoke of omitting subsection (d), that is the subsection in reference to the employment of servants. I would therefore move that section 34 be amended by adding thereto after the word 'by-law,' the following : 'except by-laws respecting the matters set forth in subsection (b) of this section.' That is to say, all others will have to be confirmed at a general meeting of the shareholders with this exception.

The motion was agreed to, and the clause as amended was adopted.

On clause 37,

Hon. Mr. SCOTT—This question has come before banks. Parties issue bonds and before the bonds are sold they get advances on them. Objection was taken to the way in which the power is set forth—rather to the wording than to the principle—by some counsel for banks in Toronto. The Ontario Act was changed to read as I read it the other day. The reason for the change in the section is, it has been found to be indefinite. Bankers have objected to it on this ground : It is often necessary after a loan from a bank to obtain a further loan, or when one has been paid off, to get a new loan. The clause was drafted by a lawyer in Toronto to read : If authorized by a by-law sanctioned by a vote of not less than two-thirds in value of the shareholders then present in person or by proxy. Mr. Beique preferred these words : 'If authorized by a by-law, sanctioned by a vote of not less than two-thirds in value of the subscribed stock of the company represented at a general meeting.'

Hon. Mr. LOUGHEED—The clause to which the hon. gentleman refers is the Ontario Act word for word, and as there are decisions upon it, it seems to me we should adhere to it.

Hon. Mr. SCOTT—I prefer to adhere to it. The words that I propose now would be in lieu of subsections (a) and (b) of clause 37. It is more specific.

Hon. Mr. POWER—There is no objection to the splitting up of *a* and *b* in the way the amendment proposes to do it, but as to the first portion of 37 I have this objection. The meaning of the beginning of 37, as it stands in the Bill before us, is apparently that at least two-thirds in value of the subscribed stock of the company shall approve of this by-law, and the amendment does not contemplate that. The amendment contemplates that two-thirds of those who are present at the meeting may approve.

Hon. Mr. SCOTT—Two-thirds in value.

Hon. Mr. POWER—But at the meeting there may be present only one-third of the stockholders.

Hon. Mr. LOUGHEED—Allow the first part of the clause to stand.

Hon. Mr. SCOTT—Then adopt Mr. Beique's amendment.

The amendment as modified was agreed to, and the clause as amended was adopted.

On clause 38,

Hon. Mr. LOUGHEED—The object of the company may be entirely to take over a going concern, and this would not assist it.

Hon. Mr. SCOTT—I do not think this would cut out a case like the one the hon. gentleman refers to. The payment would not necessarily be in cash. He might pay for it in goods.

Hon. Sir MACKENZIE BOWELL—There are many cases of this kind. A person carrying on business may desire to form a joint stock company of it, simply to bring in members of his family, and he just allots

the stock to his sons or his daughters as the case may be. The largest mercantile establishment in the town where I live has done precisely that. The business was owned by one gentleman and he turned it into a joint stock company, by which his sister and two of his principal managers in the business constitute the company. I think I would let it stand as it is.

Hon. Mr. SCOTT—It is Mr. Beique's suggestion. Perhaps we had better not adopt it.

The clause was agreed to without amendment.

On clause 41,

Hon. Sir MACKENZIE BOWELL—This clause does not go far enough. Suppose a company had failed to keep the books for a year and the creditors were affected by it, there is no penalty for it. I think ten dollars a day is not enough for a continuance of the wrong. I would suggest that persons who have been guilty of not keeping books should be subject to a penalty of say $50, or $100, or $10, or $20 a day for every day they neglect to do what the law calls for after they have been found out.

Hon. Mr. SCOTT—I think the $10 would be retroactive.

Hon. Mr. LOUGHEED—It would be from the date of this Act.

Hon. Sir MACKENZIE BOWELL—They may have been violating the provisions of this law for twelve months or two years. There is no penalty for that. The penalty is only after they have been found out.

Hon. Mr. LOUGHEED—Suppose a year hence they were discovered to have violated this law, they would be liable from the time of the passing of the Act.

Hon. Mr. WOOD (Hamilton)—It might take the whole of the capital of the company to pay up the fines. It would be better to have a substantial penalty in the first instance, and then they would be careful not to do such a thing again.

Hon. Mr. LOUGHEED—Those penalties are seldom invoked, and if you make them too onerous, almost invariably they come to parliament or the legislature for relief, and almost invariably they are relieved, or the penalty or fine remitted.

The clause was adopted.

Hon. Mr. POWER—It may be remembered that the hon. gentleman from De Salaberry called attention to the fact that there was no penalty for neglect to carry out the provisions of the Act with regard to giving four weeks' publication in a local paper. I think the Secretary of State should provide some penalty.

Hon. Mr. SCOTT—If we could agree on the amount.

Hon. Mr. POWER—Twenty dollars a day is not an unreasonable amount.

Hon. Mr. SCOTT—It may be a blemish on their charter if they do not put in the notice. I shall instruct the law clerk to have a penalty inserted in clauses 8, 15 and 31, with the approval of the House.

Hon. Mr. POWER—In the English Act there is a penalty for not giving proper notice.

Hon. Sir MACKENZIE BOWELL—I have been furnished by the Secretary of State with a statement of fees in pamphlet form. Would it not be better, and relieve the Secretary of State of a good deal of trouble, to have the fees form part of the Bill itself. The Bill leaves it optional with the Governor in Council to regulate the fees. Now, the fees for granting these charters are laid down in this pamphlet of information. Why not make it a part of the Act? It seems to me that persons desiring a charter would prefer to know, when looking at the Act, exactly what they have to pay without making application to the Governor in Council, and it would relieve the Governor in Council from the responsibility of altering or amending the tariff. I think it would be a relief to the government and information for those who apply for letters patent, to have those fees in the Act.

Hon. Mr. WOOD (Hamilton)—I think people should be in a position to know what it would cost them before applying for a charter.

Hon. Mr. SCOTT—We have found it most convenient to send the instructions relating to applicants when they write to the department for them. This table of fees has been a very varying schedule. It had to be changed from time to time. You could

not change it in the Act. There is no provision for companies of over a million dollars. There are at present, companies applying for incorporation with capital of two, three, five and seven million dollars. It would bind us down too closely to insert the schedule in the Act. We have to change the fees from time to time. Since the change of government we have changed it.

Hon. Sir MACKENZIE BOWELL—I am suggesting that there should be no power to change the fees. However, I do not press the amendment.

Hon. Mr. SCOTT—The principle has been to adjust the fee to the size of the capital. A small company would not pay as high a fee as a company with a capital of a million dollars or five million dollars. I think it would be better to leave the clause as it is.

Hon. Mr. WOOD (Hamilton)—Suppose you set a percentage on the capital.

Hon. Sir MACKENZIE BOWELL—It is based on a percentage now. Has any variation from these fees as set forth in the pamphlet taken place ?

Hon. Mr. SCOTT—No, that is the last revised table of fees.

Hon. Mr. FERGUSON—There would certainly be a great advantage in having them inserted in the Act, because a copy of the Act is found in every lawyer's office, and every person contemplating forming a company can get the information without corresponding with the department, and it would relieve the government of this responsibility, and of pressure being brought to bear upon them to meet some particular company's case. They would be stronger in the matter and be relieved of trouble, and it would be better under all considerations.

Hon. Mr. SCOTT—That has not been our experience. I hope my hon. friend will not press it.

Hon. Sir MACKENZIE BOWELL—No, I do not press it.

Hon. Mr. WOOD (Westmoreland), from the committee, reported the Bill with several amendments, which were concurred in.

BILLS INTRODUCED.

Bill (AA) An Act incorporating the Maritime Stock Breeders' Association.—(Hon. Mr. Scott.)

Bill (9) An Act respecting the United Gold Fields of British Columbia, Limited.—(Hon. Mr. Templeman.)

Bill (54) An Act to incorporate the Essex Terminal Railway Company.—(Hon. Mr. Casgrain, Windsor.)

Bill (65) An Act to incorporate the Yukon Pacific Railway Company.—(Hon. Mr. Watson.)

Bill (84) An Act respecting the Bay of Quinté Railway Company.—(Hon. Sir Mackenzie Bowell.)

Bill (40) An Act respecting Pensions to Officers of the North-west Mounted Police. —(Hon. Mr. Scott.)

Bill (76) An Act further to amend the Pilotage Act.—(Hon. Mr. Scott.)

THIRD READINGS.

Bill (Q) An Act to incorporate the Metropolitan Bank.—(Hon. Mr. Gibson, in the absence of Hon. Mr. McMullen.)

Bill (79) An Act to incorporate the Crown Bank of Canada.—(Hon. Mr. McCallum.)

Bill (57) An Act respecting the Ontario Power Company of Niagara Falls.—(Hon. Mr. Gibson.)

The Senate adjourned.

THE SENATE.

Ottawa, Monday, April 28, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (105) An Act to amend the Bills of Exchange Act, 1890.—(Hon. Mr. Scott.)

Bill (BB) An Act to amend the Bank Act.—(Hon. Mr. Ellis.)

BELL TELEPHONE COMPANY'S BILL.

AN EXPLANATION.

Hon. Mr. MILLER—I wish to call the attention of the Senate to the very misleading report in the Montreal 'Star' of Satur-

day last, relating to the passage of the Bell Telephone Bill through this House. The 'Star' is a widely circulated paper, and the inaccurate statements of its correspondent should not be allowed to go uncontradicted. They are intended to let the company down softly, and minimize the victory of the municipalities in their fights against the corporation's unjust and arbitrary pretensions. The following is the language of the 'Star's' reporter:

> As a matter of fact it is questionable whether the promoters of the Bill have really made any concession, so cleverly have the changes in the amendments been worded and one senator who is also a lawyer, is the authority for the statement that it will cost $50,000 to find out what the exact meaning of the amendments is.

In the Railway Committee of the Senate, I moved three amendments to the Bell Telephone Company's Bill. The object of the first was to compel the company to furnish telephones and telephone service, on the application of any person in any city, town, village or territory wherein the company has, or may hereafter have, a main or branch telephone service. This amendment the company accepted.

My second amendment, which was not considered vitally important, and which had relation to the payment and recovery of rates, was struck out, and a subsection substituted for it, placing the provisions of the clause in the discretion of a judge referee to be named by the Governor in Council. This was virtually all the municipalities wanted.

The third amendment and the chief contention of the municipalities, was, to give the government absolute control of rates, according to the spirit, if not the letter, of section 3 of the Act of 1892. This section, however, only gave power expressly to the Governor in Council to prevent any increase of rates. The Bill as amended gives authority to 'increase or diminish' all rates at any time, which in the present outlook of telephony is exceedingly important, and much more than the Act of 1892 contemplated. The municipalities got all they asked for without a word of alteration.

Counsel for the municipalities were quite satisfied with the Bill as amended, and they are men of high reputations in their profession, especially a corporation lawyer.

The other subsection added to my last amendment merely relates to procedure before the referee, in cases of litigation, about which there was no difference of opinion.

If any 'member of the Senate who is also a lawyer,' is, as the reporter says, authority for the statement that it will take $50,000 to find out the exact meaning of the amendments, I would like to meet him, in order to relieve him from the hallucination under which he is labouring, and set his mind at rest on the question.

THIRD READINGS.

Bill (68) An Act respecting the Central Counties Railway Company.—(Hon. Sir Alphonse Pelletier.)

Bill (88) An Act respecting the Medicine Hat Railway and Coal Company.—(Hon. Mr. Watson, in the absence of Hon. Mr. Young.)

Bill (43) An Act respecting the Vancouver, Victoria and Eastern Railway and Navigation Company.—(Hon. Mr. Templeman.)

Bill (63) An Act to incorporate the Medicine Hat and Northern Alberta Railway Company.—(Hon. Mr. Watson.)

Bill (16) An Act respecting the Manitoba and North-western Railway Company of Canada.—(Hon. Mr. Kirchhoffer.)

Bill (X) An Act respecting the Montreal Bridge Company.—(Hon. Mr. McSweeney.)

Bill (72) An Act to incorporate the Pacific Northern and Omineca Railway Company, —(Hon. Mr. Macdonald, B.C.)

Bill (75) An Act to incorporate the Knapp Tubular Steamship Company.—(Hon. Mr. Casgrain De Lanaudière.)

Bill (59) An Act respecting the James' Bay Railway Company.—(Hon. Mr. Kirchhoffer.)

Bill (62) An Act respecting the Klondike Mines Railway Company.—(Hon. Mr. Kirchhoffer.)

NATURALIZATION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (Z) An Act to amend the Naturalization Act, chap. 113 of the Revised Statutes. He said: The object of this Bill is to require the clerks of the courts in the various provinces to make a return to the Secretary of State twice a year of the certificates granted to all persons who

become naturalized, to have the names of persons who have been naturalized at one central point, so that the public can ascertain who are or are not naturalized. It has been found in the past that certificates have been lost or mislaid, and after a few years there is really no record kept, it has been so carelessly done.

The motion was agreed to, and the Bill was read the second time.

NORTH-WEST MOUNTED POLICE PENSION BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (40) An Act respecting the pensions to officers of the North-west Mounted Police. He said: The object of this Bill is to encourage the men in the North-west Mounted Police to remain in the force, by holding out to them the prospect, if they serve for thirty or thirty-five years, that they will be then entitled to a retiring allowance. It applies to any officer who is retired for any cause but misconduct or inefficiency from the service. He is entitled to a pension not exceeding one-fiftieth of the pay and allowances of his rank or permanent appointment at the time of his retirement for each completed year of service. It is practically the same basis as adopted under our Superannuation Act. After twenty-five years' service he may voluntarily retire, but if he does so, his pension will be twenty per cent less than if he were retired compulsorily. If after thirty-five years he retires he gets the full benefit of the superannuation, which is the rule that applies to the Civil Service. They contribute to the fund which is being created for the allowance. The Bill also provides that under certain circumstances the widow and the children—boys, until they attain the age of eighteen years, and girls until they attain the age of twenty-one, or marry—may be paid a small limited sum, not, however, if they have other means of support, or in the case of a girl if she marries before the age of twenty-one. That is, the case will depend entirely on the circumstances of the family.

Hon. Mr. LANDRY—I object to the reading of this Bill, because it is not distributed.

Hon. Mr. SCOTT—It is marked on the order paper as being distributed in English and French.

Hon. Mr. LANDRY—In the usual way, but it is not distributed. I want to call the attention of the Speaker to the fact that on the Orders of the Day the letters E and F are used to denote the Bills printed and distributed when the Orders of the Day were printed. Those letters appear at the end of this notice, but the Bill is not distributed. If we are to be strict with the rules, I ask them to be applied.

Hon. Mr. SCOTT—I am willing to let the order stand until to-morrow.

Hon. Mr. LANDRY—I do not object to the second reading of the Bill, but I do object to being led into error by the Orders of the Day.

Hon. Mr. SCOTT—The hon. gentleman is quite right. It occurred several times a fortnight ago, and I called the attention of the officer in charge to the fact, and asked that greater attention be given to the subject, and not mark the Bills on the paper 'E' and 'F' until they were printed and distributed in both languages. In some cases they were found so marked on the paper when they had not been distributed.

Hon. Mr. LANDRY—I withdraw my objection to the Bill to-day.

Hon. Mr. McMULLEN—I should like to know whether the Bill is intended to be retroactive in its application.

Hon. Mr. SCOTT—It will apply to all officers now in the force.

Hon. Mr. LOUGHEED—Is this modelled somewhat after the Imperial Pensions Act?

Hon. Mr. SCOTT—I fancy it is. It has been carefully drawn. We will have all the details in the committee.

The motion was agreed to, and the Bill was read the second time.

PILOTAGE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (76) An Act further to amend the Pilotage Act. He said: A few years ago the Pilotage Act was amended, and

steam vessels and vessels propelled partly by steam and partly by sail that were then exempted were those trading between the provinces and Newfoundland, and to points north of New York. However, it has been found that the Act really applies, if strictly carried out, to vessels operating from the upper lakes to lower St. Lawrence points, and it is not desirable that they should be under the compulsory pilotage law, because as a rule their officers are men permanently employed on the boats, and quite equal in capacity to the ordinary pilot of the river. The object of this Bill is to exempt all vessels, drawing not more than sixteen feet, that trade between the upper lakes and upper St. Lawrence and lower St. Lawrence, practically vessels that trade from port to port.

Hon. Mr. CHURCH—Do the provisions of this Bill refer to the navigation of the St. Lawrence river only ?

Hon. Mr. SCOTT—The law is not changed. The Bill recites the law as it is at present so far as the maritime provinces are concerned. It merely recites 'C' which was the particular subsection in the original law that related to the lower provinces, and therefore the law is repeated in sections 1 to 3, which are practically the same as they now exist. No change has been made there. Subsections 4 and 5 are new. Four applies to vessels employed between any port in the maritime provinces and any port in Newfoundland. Five applies entirely to vessels when not loaded below 16 feet. Of course, all vessels trading in the upper St. Lawrence draw not more than that, because they could not pass through the canals and points on the lower St. Lawrence if they did. It does not affect the pilotage question in the maritime provinces at all, and has no bearing on that.

Hon. Mr. LANDRY—The only exception is in the ports of Halifax, Miramichi and Pictou.

Hon. Mr. SCOTT—That is the law as it now stands.

Hon. Mr. FERGUSON—It is simply to extend some exemptions to the places that are enumerated in the last two sections.

Hon. Mr. SCOTT—Yes.

The motion was agreed to, and the Bill was read the second time.

Hon. Mr. SCOTT.

SECOND READINGS.

Bill (54) An Act to incorporate the Essex Terminal Railway Company.—(Hon. Mr. Casgrain, Windsor.)

Bill (84) An Act respecting the Bay of Quinté Railway Company.—(Hon. Mr. Ferguson, in absence of Hon. Sir Mackenzie Bowell.)

CANADA EVIDENCE ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (115) An Act further to amend the Canada Evidence Act, 1893.

Hon. Mr. SCOTT—This Bill is intended to remove somewhat of a scandal that has existed in some criminal trials of recent years, in one case within my recollection within the last six months, where some 18 or 20 expert witnesses were called—medical men, I am sorry to say—on one side, and an equal number on the other side, rather leading to the confusion of the court, and this Bill is to limit the number to five such witnesses on each side, unless the court make an order that further evidence of a similar kind may be given.

Hon. Mr. LOUGHEED—Does that extend to all Dominion courts ?

Hon. Mr. SCOTT—Yes, it is the Canada Evidence Act.

The Bill was read the first time.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, April 29, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

NORTH SHORE POWER, RAILWAY AND NAVIGATION COMPANY BILL.

MOTION TO SUSPEND RULE.

Hon. Mr. McKAY (Colchester), from the Committee on Standing Orders, reported Bill (73) 'An Act to incorporate the North Shore Power, Railway and Navigation Company,' recommending the suspension of Rule 49.

Hon. Mr. WATSON moved the suspension of the rule in accordance with the report.

Hon. Mr. FORGET—In view of the extraordinary nature of this Bill, I request that the report be allowed to stand until to-morrow.

Hon. Mr. WATSON—According to the rule of the Senate, a company is supposed to be advertised in every province to which they desire to extend their business. Of course in the House of Commons they advertise in only one paper. In this case the company asked for power to do business outside of the province of Quebec, and they only advertised in the province of Quebec. The principal part of their business, I understand, is manufacturing. They asked for power to own steamships also. The committee saw fit to suspend the rule and allow the company their charter under condition that the manufacturing operations be confined to the province of Quebec.

Hon. Mr. WOOD (Hamilton)—We had better understand whether this is a railway Bill or a trading company's Bill. It must be both combined in one. From my recollection, the practice in the House of Commons has been to refuse all such Bills as that. If a railway company want a Bill give them a Bill as common carriers. When they go into trade and interfere with business carried on by private individuals, they are not to monopolize and become large departmental stores to crush out all the smaller people. The hon. gentleman should explain to the House what this Bill is to be, whether a trading company's Bill or a railway company's Bill.

Hon. Mr. WATSON—The merits of the Bill will be discussed when it is referred to the committee. The object of the motion now is to get it before the Committee on Railways. The Committee on Standing Orders saw fit to recommend the suspension of the rule, where the applicants have complied with the rule of the House of Commons, but not with that of the Senate. They confine the manufacturing operations to the province of Quebec.

The SPEAKER—As I understand, the hon. gentleman from Portage la Prairie has acceded to the request of the hon. gentleman from Sorel, that this report shall be taken into consideration to-morrow.

NOTICES OF MOTION.

MOTION.

Hon. Sir MACKENZIE BOWELL moved:

That a senator, when giving notice of motion or of asking a question, shall read the same from his place in the Senate before handing it to the Clerk.

He said: This motion is for the purpose of setting at rest a question which has been in dispute in reference to the giving of notices. I would ask permission, in making this motion, to add the following words to it, 'in compliance with the manual of proceedings of the Senate.' This manual was adopted by the Senate at the time the rules were adopted. My object in adding these words is to make it a little plainer. If there is no objection, I include these words in the motion as it appears on the Order paper.

Hon. Mr. MACDONALD (British Columbia)—The motion of the hon. gentleman does not go far enough. What led to this motion was this: A notice of motion was struck off the Order paper by direction of the Speaker. Some hon. members said then that it was not one of the functions of the Speaker to do so, and that attention should have been called to it by a member of the House. This does not go far enough; who is to be the censor now to say whether a motion shall be published in the Orders of the Day or not? I think it should be fairly understood that any motion to be struck off should be done by the Speaker, after attention has been called to it. If that is not done now, I hope some day the leaders on both sides will take it up, because it is now left entirely undecided. As I said the other day, suppose I give notice of motion to-day, this House could not possibly be seized of it to decide whether that motion should go on the Orders or not.

Hon. Mr. TEMPLEMAN—It seems to me that the motion of the hon. leader of the opposition, which has, I think, the support of the leader of the government, fully covers the point. He provides that in giving notice of motion or of asking a question, it shall be read from the place of the senator in the House. My hon. friend from

Victoria says that under this rule the House will not be seized of the purport of the resolution. I take it that the mere fact of the reading of the motion to the House gives the House full knowledge of the resolution, and if it is in contravention of any rule, if it is an improper motion, I presume it would be the duty of the Speaker, on hearing the resolution read, to rule it out of order. I think the motion fully covers the point. It meets the approval of the leader of the government, and if the motion is not seconded, in the absence of that hon. gentleman, I will be pleased to second it.

Hon. Mr. MACDONALD (British Columbia)—A notice of motion is not before the House until the day it is supposed to come up for consideration. When I give notice of a motion, I give notice that on a certain day I will move it.

Hon. Mr. TEMPLEMAN—Yes, you read it.

Hon. Mr. MACDONALD (British Columbia)—But it is not before the House until I move it. It is only a notice of motion, and the motion is not before the House.

Hon. Mr. LANDRY—I think this motion is not in order at all. Why do we give a notice of motion ? Just to put the House in possession of what a member intends to move at a future day. The motion that was put in your hands to-day, Mr. Speaker, was not the motion which was given notice of. In the motion to-day there is an incidental phrase which says 'in compliance with the manual of proceedings.' That brings into discussion quite a new question. I think for that reason the motion which has been read from the Chair is not in accordance with the motion given, and is not the same motion at all. I, as a member of this House, ask you to rule that the motion is out of order, and there must be a clear day's notice given.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is quite correct in the position he has taken, but I think the House will remember when I rose I made the suggestion that I would add those words if there was no objection, and no objection being raised, I added them; but, as the hon. gentleman has taken exception to it, and as this is not a motion so paramount that it should be passed to-day, I will withdraw it for the present, and give notice that I will move it on Thursday next, so that there will be more than one clear day's notice. That will give His Honour the Speaker time to look up all the authorities.

Hon. Mr. YOUNG—I understand the leader of the opposition, knowing his motion to-day was on the paper, had asked permission to make the change, and so far as I was able to hear, there was not one dissenting voice. Then he proceeded to read the amended notice, and no one objected to the change, and in that way the leader of the opposition, it strikes me, placed himself in order to make his motion if he saw fit.

Hon. Mr. LANDRY—If that is the case, some of us must be in the wrong.

Hon. Mr. YOUNG—It is the hon. gentleman.

Hon. Mr. LANDRY—No, I am not.

Hon. Sir MACKENZIE BOWELL—I should like to call the attention of the Speaker to the fact that the hon. gentleman has already spoken.

Hon. Mr. WOOD (Hamilton)—I do think, when we are to make a change, we should revert to what is the rule in the other House. It is inconvenient to have a discussion arise on a question. The question should be put, and when the answer is given, that should be the end of it. Then, if further information is required, it should come up on resolution. This practice of discussing a question, it seems to me, is wholly out of order. It used to be the practice in the House of Commons, but they have done away with it as being inconvenient. We should confine ourselves to putting a question and getting an answer.

The motion was allowed to stand as a notice of motion for Thursday.

THIRD READING.

Bill (W) An Act respecting the St. Lawrence and Adirondack Railway Company.—(Hon. Mr. Beique.)

THE CASE OF CAPTAIN ADAMSON.

MOTION TO ADOPT THE REPORT OF THE CONTINGENT ACCOUNTS COMMITTEE.

Hon. Mr. WATSON moved the adoption of the third report of the Standing Com-

mittee on Internal Economy and Contingent Accounts of the Senate.

Hon. Mr. McCALLUM—I expected the chairman of the committee to explain this report. I am a member of that committee, and I do not desire to find any fault with the committee, but I do not think they gave this question proper consideration. Our action, if carried out as recommended by the committee, will have a far-reaching effect on the position of the parliament of Canada before the world. A clerk of this House wrote a letter to the chairman of the committee informing them that he had been appointed a captain in the contingent going South Africa. The following is the letter :—

To the Chairman of the Committee on Internal Economy and Contingent Accounts, the Senate.

Sir,—I have the honour to inform you that I have been appointed to a captaincy in the Fourth Canadian Contingent now being mobilized at Halifax for service in South Africa.

I should particularly like to accept this if your honourable committee see fit to recommend that I be granted leave of absence, with continuance of my salary during my term of service which is nominally fifteen months.

This was done two years ago when the Senate was good enough to give me a year's leave in order to take a commission in Lord Strathcona's Horse, and is now again being granted universally throughout the civil service.

I have the honour to be, sir,
Your obedient servant,
AGAR ADAMSON.

I do not know this young man. I have only spoken to him once. Are we to refuse this young man, who is ready to take his life in his hands—who is ready to leave his wife and family to defend the honour of his country ? Is it to be said that the parliament of Canada cannot afford to pay him his salary while he is away ? I find no fault with the committee, but I repeat they did not consider the far-reaching effect that this report, if adopted, will have. The monetary institutions of this country have given all the young men in their employ that wanted to go to South Africa the same thing that Captain Adamson asks. Have the stockholders of the monetary institutions of this country found fault with the directors for having done so ? No, they have approved of their action, and if we do not do the same, we will be condemned by the people of Canada. Here is a circular I got from the Bank of Montreal :

Bank of Montreal, Ottawa.

To whom this may concern.

I am authorized by the vice-president of the Bank of Montreal, the Hon. G. A. Drummond, to say that all officials of the bank who applied for permission to join the new contingent for South Africa were granted one year's leave of absence with full pay. And that others wishing to go will be treated in a similar manner.

I may say that three have already gone to Halifax this week.

(Sgd.) W. J. ANDERSON,
Manager of the Bank of Montreal,
Ottawa.

Hon. Mr. WATSON—What date is that ?

Mr. McCALLUM—Two or three days ago. Are we so poor that we cannot afford to pay this young man as the monetary institutions of this country are doing with their employees ? I for one will clear myself, as far as I can, of what I consider would be an injustice. If the committee had considered this question, I am satisfied they would have reported differently. I do not wish to speak of the arguments which were used to induce the committee to make this report, but I hope the gentlemen will repeat them here, and see if they will hold water. I am not doing it, because it would be out of order. There is one gentleman here, the hon. gentleman from Barrie (Mr. Gowan) who has given out of his own funds to encourage the volunteers of this country, more than half the amount that the adoption of my amendment would involve. Are we to stand here and say that we will haggle over the amount to be paid this young man? It is not the individual I consider, but the principle involved. How much has this South African war cost us ? It is true, it has cost us a lot in blood, but not in money. When our volunteers who have been fighting in Africa, come home, in every city, town and village, and at every cross-road, the people will meet and give them an ovation, as they have done in the past and will put their hands in their pockets and buy watches for them. Do hon. gentlemen think the people of this country will approve of the action of the Senate in being so penurious as not to continue this young man's salary, when the monetary institutions of the country can afford to pay the salaries of their employees under similar circumstances ? How can the hon. gentlemen justify this report ? If we are too poor to pay this young man's salary, let us pass round

the hat. I should like the members of the committee to make the same speeches here that they made in committee. I do not want anything cut and dried; let us have it before the world. I move:

That the report of the Standing Committee on Internal Economy and Contingent Accounts of the 25th of April be not adopted, but that it be referred back to the said committee with instructions to amend the same by striking out the word 'but' and inserting the word 'and' after the word 'contingent,' and leaving out the word 'not,' and after 'absence' add the following: 'If Captain Adamson comes back alive, and is fit to perform the duties of an official in the Senate, that he be given the same position that he now holds.'

Hon. Mr. SULLIVAN—I am so situated that I ought to explain why it is that I should support the hon. gentleman for Monck in the resolution he has moved. It is the first time in my life that I have adverted to any military career of my own, but of course brave men are always modest. I am one of the oldest surgeons, by the way, in the province of Ontario. I was appointed surgeon at the time that the volunteer companies were changing from the old militia, and we succeeded the corps which were called "The Sanguinary First." Another term was used, which would be unparliamentary for me to repeat here. This corps had a very marked record. One of their principal achievements was a celebrated charge they made on a distillery in Prescott, which they succeeded in capturing. From that time on I had not much to do with military affairs until the Fenian raids. When the last Fenian raid occurred, and the news was flashed over the wires that there was a disturbance in the Northwest, I received a letter about it, and immediately went home to Kingston. I found that the surgeon who belonged to 'A' Battery of the Canadian Artillery had declined to go with the expedition. I waited a while, to give an opportunity to others who were younger than myself, that they might go. I then thought it would be a disgrace to the town if one of the medical profession did not volunteer, and I at once wrote that I would go. I collected the necessary instruments and appliances, so as to be ready and avoid delay. In reply the Surgeon General appointed me to another position, that of Purveyor General, which turned out to be much better, from a monetary point of view, than the other. Well, I went through that service and received the thanks of the Minister of Militia, the Surgeon General and of parliament, and also of all who had any need of my services. I had charge of all the medical supplies and comforts provided by the government or sent by different citizens and towns or friends. The Senate passed a resolution, without any solicitation, on my part, to allow me the amount of the indemnity. This was a great surprise to me. I gave no intimation that I wanted such a resolution to be passed in any way. Now, if they passed this resolution with reference to me, a senator, how sadly the Senate of to-day must have degenerated, if they should refuse to pass the resolution of the hon. gentleman from Monck. I trust they have not degenerated. I think, as he said, that the committee did not reflect on it. As the hon. gentleman said, this Senate must surely be a guiding light to the people of this country, and every one, even the Medical Council last year, passed resolutions granting to the students who have gone to South Africa all the rights they were entitled to without any expense, just as much as if they had remained at home and gone up for examination. This spirit pervaded the whole country. It has not fallen away, I trust, and I hope the people of this country will not take this report of the committee as an example of the feeling of the Senate. I consider myself that it was right to give this little explanation and at the same time to show that it is not necessary for me to dilate on the great advantage of these contingents to the country. There is nothing in the whole history of Canada that has at all equalled the benefit that these men have conferred on the Dominion. They have given us a position which it would take—I do not think I am speaking too extravagantly—fifty years for Canada to attain to, had not such an opportunity been presented to show its devotion to Britain, and also, above all, to show the sort of men that Canada bred. That these men, both in mind and body, and in all the qualities that constitute a successful soldier, possess in the highest degree. I think that in itself is worth all the money Canada expended, and I hope, therefore, there will not be any hesitation in the hon. gentleman's withdraw-

ing that portion of the report, and making this motion unanimous.

Hon. Mr. PRIMROSE—There seems to be one phase of this matter that has escaped the attention of hon. gentlemen who have spoken before me, and that is the fact, for I am instructed that it is a fact, that this is not the first time Mr. Adamson has volunteered to go to South Africa. He was on one of the previous contingents, and in that case his salary was paid while he was away. Now, I should like to know what different circumstances there are in this case, that he should be refused his salary, when in the former case his salary was allowed. I cannot but think, as the previous speakers have said, that the matter has not really received that consideration at the hands of the committee which its importance warrants. Here is a young man, who is taking his life in his hands, giving up his family ties and going forth to support the honour and integrity of the great empire and the noble flag which we all acknowledge, and I should be very sorry indeed to think that it should go forth to the world, especially under the circumstances I have mentioned, that he received his salary on the first occasion, and he now goes a second time and his salary is denied to him. As has been said by the hon. gentleman from Monck, many of the monetary institutions of Canada have allowed their employees to go and have paid their salaries, and I am in a position to say that I hold what I consider to be undoubted and thoroughly reliable information that employees of the departments of this government are going forth and are receiving their pay. Why are the same privileges to be denied to Captain Adamson? I do not like to use strong adjectives, but I think the outside world would consider our action, taking all the facts into consideration, as a very small affair indeed. I hope the House will support the amendment.

Hon. Mr. TEMPLEMAN—I simply rise in consequence of a remark which has been dropped by the last speaker. I took occasion a few moments ago to ask the Minister of Militia in respect to the treatment that was being accorded to other officials of the government who are going to South Africa, and he told me that while there were quite a number who had been accepted for service in one of those contingents, among others an officer from the Inland Revenue Department, and some others whose names he gave me, but which I have forgotten, that in all cases they were granted leave of absence, but in no case whatever were they receiving their pay as officials. I do not think it would be wise for the impression to go abroad that this gentleman, Captain Adamson, is being treated differently in the Senate from other government officials who are going to South Africa. I do not personally particularly desire to oppose the views of the Senate if they are prepared to vote that Captain Adamson should receive his salary, but I am not afraid to say in this House that the report of the committee meets my views exactly. Mr. Adamson has already, on one occasion, been treated very liberally by the Senate in being relieved of his duties here and receiving double pay. Mr. Adamson does not go to South Africa as a private, but as a captain.

Hon. Mr. PRIMROSE—Senior captain of the contingent.

Hon. Mr. TEMPLEMAN—The pay of a captain, as I understand it, is very liberal indeed.

Hon. Mr. McCALLUM—We do not pay it.

Hon. Mr. TEMPLEMAN—I know; it is probably two or three times the amount he is receiving in his capacity as an attache of this Senate. The fact that he will receive while in South Africa a very high salary indeed, ought to be a matter to be taken into consideration in deciding this question. There is another point which will decide me in voting this way. Captain Adamson is receiving a very excellent position indeed in the contingent. I know a number of young men, lieutenants, captains and others, who applied to be taken on this contingent, and who have not been appointed because the number of applicants was too great, and they could not take them all—men who are not at the present moment in employment of any kind or receiving any salary. It was quite right, in the earlier days of the war, to treat our officials in that way, but I really think the time has passed for us to be giving our employees leave of absence, retaining their positions for them, and pay-

ing them during the time they are absent, particularly those men who occupy prominent positions in the force and receive high salaries. I could well understand a private in the ranks being treated in that way, and I for one would be very happy to vote, in such a case, that a man should not only receive his salary, but that his position be retained for him. Whatever the wish of the House is I will bow to its decision, but I for one prefer to sustain the report of the committee. I think it is a proper report, and should be adopted by the House.

Hon. Mr. PRIMROSE—The hon. gentleman says he has information from the Minister of Militia that in no case has this privilege been granted to any employee in the departments of the government. Now, it is quite conceivable that under the pressure of business which rests upon the shoulders of the Minister of Militia it is scarcely to be expected that he should be conversant with all the minutiæ of his department. I have to say that I hold in my hand the names of at least two gentlemen employed in the department to whom this privilege has been accorded. I will not give the names unless the House calls for them—one on a previous occasion, and one on this.

Hon. Mr. TEMPLEMAN—I am speaking of the present time.

Hon. Mr. PRIMROSE—One is in April, 1902, and one on a previous occasion.

Hon. Mr. GOWAN—This is a case in which the committee did not follow the noble example set by the government of this country when the voice of the people called on them to render aid to Britain in her hour of need. I think that anything that is done for the volunteers is but a compliment to the example of the government, and in this matter, a small matter in itself, I would be exceedingly distressed to find that a branch of the legislature of this great country paused to consider the trifling sum that would be necessary in order to really do what the government of the country did on the great occasion when they sent the first contingent to South Africa. The government did not hesitate to take, as it were, their lives in their hands, and to cause a very considerable expenditure to be made before they had the authority of parliament to do so. Their action was according to usage and the constitution, and they were amply sustained in the action they took. It may be the committee hesitated to follow in the same strain, but I think had the fact been brought before them, that all the large institutions of this country, the banks in Lower Canada, in Nova Scotia and New Brunswick, and certainly in Ontario, and I believe all the large financial concerns, not only gave their employees who volunteered leave of absence, and promised to hold their position for them until they returned, if they did return, but also allowed them their pay during their absence. It is a very small matter, but I for one would blush for this great legislature if they failed to do what the monetary institutions of the country have done. My hon. friend from British Columbia, I find, is not personally adverse to it, and he speaks properly as a minister of the Crown of other cases in which the government of the country may be called upon to do what this House does out of its contingent funds, or what I hope it will do, in allowing this young man his salary during his absence. But according to all I have heard, I do not suppose there are a dozen public employees who are in the same position, but if there were a hundred, I think it would belittle the noble action of the government in spending the large sums that they have spent to aid the mother country in her hour of peril—it would belittle their action if we failed in this matter to meet the wishes, I believe, of the people of Canada. It is a very small sum, but I think the principle and precedent point to the duty of not belittling the grand action of the government in yielding to the mandate of the people in spending money to send men to South Africa, seeing that the government and parliament have set the pace.

Hon. Mr. FERGUSON—The principal objection I have felt towards supporting the motion of my hon. friend from Monck is in the dissimilarity that will be created between the position of Mr. Adamson in the force, and that of his comrades. That is a very serious consideration, and on first blush, I felt inclined to give such weight to it, that I could not vote for the motion of my hon. friend. At the same time, I feel this, that while Canada has earned a great deal of credit in the estimation of the

empire and of the world in the matter of the support we have given Great Britain during this conflict in South Africa, in men, I felt that we have hardly come up to the mark of our obligations in the way of putting our hands into our pockets and meeting our fair and reasonable share of the expense. With that feeling so strong on my mind as it is, I think that this House can hardly afford to refuse to this servant of their own the consideration that institutions such as the Bank of Montreal, and I am told large mercantile institutions of the country are giving to those of their employees who are going to the front. I see objections to the vote, but representing as I believe we do, to a very large extent, the sentiments of the people of Canada, with regard to the loyal support that is due to the empire in this great South African trouble. I feel that we cannot afford to refuse to this servant of ours, that consideration which private institutions give to their men who go to the war.

Hon. Mr. PERLEY—I took a little part in the committee in moving the resolution that is embodied in the report to-day. Whilst I did not take occasion there and then to express my opinion, still as the hon. gentleman from Monck desires every one to express his opinion on the subject now, I am willing to give mine. I have no objection to this young man going to South Africa. He went there once and fought, no doubt, with credit to himself and the country. He received his pay as a commissioned officer, and the Senate voted him his pay here. Now he is going again. I only say this, we have granted him the privilege to go and are keeping his position open for him. In the district from which I come, there are many young men who want to go out to South Africa, and I cannot get them positions on the contingent. If we have to send young men out and give them commissions, and pay them besides, it shows a want of loyalty on the part of the people of Canada if we cannot get them to go out on one pay. A large number of young men in my district are willing to go out on troopers' pay, and cannot get a position on the contingent. It will show more loyalty to let our young men go on single pay than have to pay double to get them to go. I hope Captain Adamson will come back, and there is no doubt he will do more credit to Canada than by going out with the impression that he had to get double pay to go. I shall support the report of the committee in its entirety, and I think we are doing honour to our country and to the young man as well.

Hon. Mr. COX—The mistake the committee made, if any was made, was in granting Mr. Adamson leave of absence for the second time. As the hon. gentleman who has just spoken has said, there is a large number of persons who are anxious to go, and cannot get the opportunity of going. The committee, therefore, in that respect made a mistake in granting Mr. Adamson permission a second time; but if they did grant permission—if there were special circumstances that warranted them in doing so, I think they should not have departed from the rule of allowing his salary to go on; but they ought not to have allowed the second application when there are so many persons who are anxious to go and cannot get on the contingent.

Hon. Mr. BERNIER—It has been remarked that the committee could not have taken proper consideration of the case of Mr. Adamson. I think I may say that due consideration was given to the application. There was a special meeting called to consider it, and all the remarks made here passed through the minds of members of the committee. After fully considering the case, we thought that the decision we came to was the right one. It is very regrettable that this discussion should be forced on the House at the present stage. I think the committee should have gone the length of refusing the leave of absence entirely. It is said this young man is taking his life in his hands. That is doubtful, when we have such prospects of peace, but the proposition that is before this House is practically the granting of a bounty to this gentleman. When we adopt the principle of giving bounties, it will be the duty of parliament to pass a vote making bounties apply to all others who serve in South Africa. There is no reason why a gentleman, in very good circumstances in every way, should get a bounty, while others, who also take their lives in their hands, do not get any bounty, especially when many of them are not in such good positions as the gentleman who is applying for this bounty now. Under all

the circumstances, the committee has done very well. It has afforded the young man opportunity to go to the front if he wishes to go, and at the same time retains his place here. When he returns after fifteen months' service he will get his place, while others are not so favourably situated. The committee have done as much as they should do for him.

Hon. Mr. BEIQUE—The hon. member for Queen's (Mr. Ferguson) stated he would be inclined to support the report of the committee were it not that he considers that the country has not fulfilled its full obligation towards Great Britain.

Hon. Mr. FERGUSON—In the matter of money.

Hon. Mr. BEIQUE—This question, it seems to me, is a matter to be settled rather by the popular branch of this parliament than by the Senate, and the question has been decided by the government, and apparently with the consent of the whole House, that on this occasion the Dominion of Canada should not bear any portion of the expense of sending this contingent to South Africa. Therefore, it seems to me we are not called upon to discuss the question before this Chamber, either to confirm or condemn the principle involved. I am in accord with the hon. member from Monck when he said that a principle was involved, but I do not draw the same conclusion that he did as to what that principle is. The principle involved is the one which has been properly referred to by the hon. Minister (Mr. Templeman) : that the government has decided to adopt the rule, that the country will bear no share of the expense, and that, also, the Minister of Militia has adopted as a rule that no officials of the government, if granted leave of absence, should receive pay from the government while they are absent. It seems to me it would be altogether illogical for this Chamber not to approve of the report of the committee, but to support the motion in amendment, because it would create an exception, which for reasons already stated, would be giving an undue advantage to this young man over his companions. A number of young men have offered to take their lives in their hands, as has been said, and have been refused the opportunity. This young man has had the opportunity of rendering valuable services on a former occasion, and has been liberally treated by this honourable House by being paid his salary, and it seems to me that he should not have asked a second time for the favour which was granted to him on the first occasion. I oppose the amendment because it would be creating a bad precedent, placing him at a considerable advantage over his companions in South Africa, and creating in the minds of his companions, who are also members of the civil service, a feeling that they are not treated as liberally as he is being treated. For these reasons I will support the report of the committee.

Hon. Mr. KIRCHHOFFER—I have been so often and so long chairman of committees that I hesitate very much in supporting any motion which is calculated to refer back a report to a committee ; but on this occasion, I must confess that when I read the report of the committee, while it might not be exactly calculated to stagger humanity, it certainly staggered me. The way I look at this affair is this : in the Senate are a lot of old gentlemen who, no doubt, have served their country themselves in their youth. They have either carried their muskets or marched at the head of their men, as the hon. leader of the opposition in this House has done, when called to the front. I have done so myself, I have received two medals for having served the country twice. I am very proud to wear them, but as I said before, we are past the time when we can go to serve our country.

Hon. Mr. FORGET—Had you double pay?

Hon. Mr. KIRCHHOFFER—No, but I would have been very glad to get it. In the Senate there was a feeling of pride when the first contingent were ordered to the front, and when we found we had a gentleman connected with the Senate whom we looked upon as our representative at the front. He bore himself well, and came back with such a character that he has been offered a higher position, to go out with this new contingent. I think the Senate should still look upon itself as being honoured by having a representative of the Senate—because it is the only way we can send a repersentative now—chosen and sent to the front on this occasion. I do not understand that in any way Captain Adamson

has stipulated that he must have his salary given to him by this House before he will go to the front. On the contrary, I understand he has offered his services, and they have been accepted, and that it is only the Senate itself which has to give him the gratuity of paying his salary while away. He does not stipulate that he shall get it, or he will refuse the position awarded him. There is no reason, therefore, why he should be looked down upon, because he has not taken that position at all. He does not say 'I must get double pay or I will not go to the front.' Of course he expects to have his position kept open for him, but it is for the Senate itself, like all other large employers of labour, not only to keep the positions open, but pay the salaries of their employees while they are at the front. When I heard my hon. friend from the North-west (Mr. Perley), whom I hate to differ from in any way—I always second the motions he brings forward, and so does he for me—but when I heard him state here that it was enough that Mr. Adamson should be allowed to go to the front, the phrase seemed very familiar, and I cast over in my mind where I had heard it. That was one of the reasons given by the government of the country, that they allowed the members of the civil service to enlist for the purpose of fighting for their country. That is not the way in which I look at it at all. When Canada went into this war it should have gone heart and soul, and should pay all the expenses connected with our share of it. I am prepared to pay my share—poor as I am compared with other gentlemen—for the Canadian contingent, and then they will be representatives of the country, and we will be able to point with pride to everything they do. On this occasion, while it is not stipulated by Mr. Adamson in any way, the gentlemen who brought that report, looking to the feeling that has been shown in this House with regard to that portion of the report, should themselves adopt the amendment of the hon. gentleman from Monck, so as to make this appear not to have been forced upon them, and say, with the feeling that is shown in the Senate to-day, we will ask leave to amend our report, and introduce those words. The chairman of the committee, I am sure, would feel that way, and I expect him to come forward in support of it.

Hon. Mr. CHURCH—My sympathies to some extent are with the hon. gentleman from Monck who moved the amendment. I am glad, to a certain extent, to agree with my hon. friend from Kingston, but after all, small as this matter may appear to be, there is a principle involved in it. I never knew, until I came here a few weeks ago, that this gentleman who is to be a captain in the contingent, was ever in South Africa before. I do not know the circumstances under which he went before, or whether a promise of a year's pay was made him or not. At all events, the Senate gave him a year's pay. He came back safe and sound, and I have no doubt he did credit to Canada, but all young men throughout this Dominion who have been in South Africa have done credit to Canada, and hundreds of them are leaving who will do credit to their native country. I look upon it something like this: The case of this young man would commend itself more to my judgment if, when expressing his willingness to the committee to go, he had never said one word about his year's pay. I believe in the end this Senate would have done the right thing by him, and I would have been prepared, as one member of the Senate, to do what is right to this young man, particularly if he came back wounded, and incapacitated in any way to support his family hereafter. We should be careful not to put a premium on young men in the civil service going out of the country under those conditions, because we know in connection with this very contingent there are scores of young men in all parts of the Dominion who would be very glad to go, and probably, physically and intellectually, they are not inferior to this young man himself. But they have not gone; they have not had the opportunity. Taking this into consideration, and believing in the general principle of standing by reports of committees in this House, because the gentlemen selected to fill those positions are selected for their fitness to serve the Senate—believing that they have considered this matter wisely and well, and, on the whole, taking a general view of the case, we should stand by their report. The committee have looked into the matter very well, and I think the fact that there are many others who would be glad if given an opportunity to go and

serve their country, without any stipulation whatever as to holding their positions and paying their salaries while they are away, should weigh with us in this regard. This I would say as a member of the Senate, if I should have the pleasure of being here when this young man comes back, and he should be incapacitated in any way, I should be glad to do what I could to make his lot a pleasant one. I have an idea that all money votes that come out of the treasury of this country should originate in the House of Commons. There are certain salaries which are fixed by statute which go without saying, and this body could deal with it so far as it applies to them. I do not know exactly what the powers of the Committee on Internal Economy are, but it appears to me this is a matter which lies outside of their ordinary powers.

Hon. Mr. MACDONALD (B.C.)—It is a contingent fund given to the Senate, and they can deal with it as they please.

Hon. Mr. CHURCH—If the Senate in its wisdom should see fit to send a dozen of its young men to the front, and there were another dozen of young men in the district of Ottawa, equally good individually, I think it would be unfair to them that these twelve employees of the Senate should be selected, and the others should not have an opportunity to serve their country. I do not say this out of any ill-feeling to the young man. I do not know him personally, but as the hon. gentleman from New Westminster says, he has a good position and he suffers nothing materially by going on the contingent. If he comes back safe and sound, his position will be as good or better than if he remained here, and I believe the Senate will do the right thing by him when he returns.

Hon. Mr. WOOD (Westmoreland)—I entirely agree with the views which have been expressed by some hon. senators, that it is highly creditable to Canada that so many of our young men are volunteering to go to the war in South Africa, and I would even go as far as my hon. friend behind me did a little while ago, and say it would please me better if this contingent was made up, not only of young Canadians, but that the Canadian government were paying all the expenses of the contingent and sending it as a Canadian contingent to assist the mother country in the campaign in South Africa. So far as the committee is concerned, I do not think the small amount of money which Mr. Adamson would have taken from the treasury, if his salary had been paid him while he was away, was a matter which was considered at all. I do not think it had the slightest weight with the committee, and I do not know that I should have said a word to-day, except that it appeared to me, from the remarks of those who support the amendment to the report of the committee, that there was a feeling in this House that the committee had in some way desired in this report to discriminate against Mr. Adamson, or to show want of appreciation of the services he had rendered, or his patriotism in volunteering to go to South Africa the second time. I hope there is no impression of that kind, for I do not think there was a single member of that committee who failed to appreciate the patriotism of this young man, and his self-sacrifice in offering to go a second time to South Africa. The real point which weighed with me was the point which was referred to by the hon. gentleman from Prince Edward Island. The foundation of all the arguments which have been presented in favour of amending this report has been, that if this young man is not paid his salary while he is away, he will be discriminated against. Now, in my judgment, if he is paid his salary while he is away, he will be placed in a more advantageous position than a majority of those who are his comrades in South Africa. The hon. gentleman who moved this amendment read a note from Mr. Drummond, of the Bank of Montreal, that some of the employees of the bank who are going on this contingent would be paid their salaries while they were away. That may be so, and there may be other instances in which young men who go on the contingent will be placed in that position, but those will be the exception. It will not be the rule. The majority of those who go will only receive the regular pay, and for my own part, I do not think that this Senate will be acting wisely in this case, if they place this young man in the excep-

tional position to which I refer. Even taking him in comparison with the other members of the civil service who may go, we had a little conflict of statement between a member of the government and the hon. gentleman from Pictou. I cannot say which is right, but I think the statement of the member of the government who has spoken must be accepted as representing the views of the government, that other civil servants who may volunteer their services on this contingent will not be paid their salaries while they are away. If such is the case, we would certainly be placing this young man in an exceptional position if we allowed him to draw his salary while he was away in South Africa. There is another point which I confess weighed with me as a member of that committee, and that is, that this is the second time he has applied. It has been stated here, and is well known to the committee, that there were a large number of persons volunteering, ready and anxious to go, and that Mr. Adamson's being accepted simply meant, that some other young man in the country, who was able to fill the position, has been obliged to remain at home. I do not know whether there is another case. There has certainly been no mention of a case where an employee, even in a bank or in the civil service, or any other position in this country, has been twice granted leave of absence to go to the war, and received his pay both times. I think there is quite a difference between granting to a young man in the employ of a bank or in the civil service his pay for the first time he goes, and granting it a second time. That is a consideration, whatever it is worth, which weighed with me. I merely wish to say, in conclusion, that I think it is unfortunate that this debate has been brought up, and I regret that the report of the committee was not accepted. Of course if it is not in accord with the views of the Senate, I cheerfully submit to what the majority of the Senate may do, but I would have very much preferred myself, if the matter had been left as reported by the committee, and if this young man goes to South Africa and achieves distinction there, I quite agree with what has been said by several speakers, that when he comes back, if it is thought that he is deserving, he will be dealt with generously by the Senate as one if its employees; but we have gone as far as we felt justified in going, in granting leave of absence and keeping his position for him until his return.

Hon. Mr. GIBSON—As a member of the committee, it is due to me, after the challenge thrown out by the hon. gentleman from Monck, that we dare not say on the floor of the House what we said in committee, to make a few remarks. I am bound to say, for the honour and credit of every gentleman who belongs to that committee, that much more has been said on the floor of the House to-day than was said in committee. It is quite true we are not privileged to say in this House what we said in committee, but I cordially endorse every word of the report presented by the chairman of the committee. I endorse that report on the very grounds that the hon. gentleman from Westmoreland endorsed them. It is quite true, Mr. Adamson went away to South Africa and came back, and was fairly and decently treated by the Senate last year, and it is true that monetary institutions and large corporate bodies that are rich allowed their employees to go, and on their return their places were kept for them, and their salaries were paid. This was done in the case of Mr. Adamson. While the hon. gentleman from Monck has quoted a statement he has received within the last day or two to the effect that some other gentlemen belonging to the Bank of Montreal, are now going to South Africa, are en route to Halifax, and that the same privileges are to be extended to them as were extended to the gentlemen who went on the first contingent, may I ask the hon. gentlemen if these men were there before ?

Hon. Mr. McCALLUM—I do not know whether they were or not, but the hon. gentleman is making quite a statement about what took place in committee. I will tell what was done in committee before we get through.

Hon. Mr. GIBSON—I did not make any statement of what was done in committee. The reason I support the report is the fact that this committee dealt generously by Mr. Adamson in allowing him to go a second time, when there are so many gentlemen, inside and outside of the service

here, willing to go without any consideration being given them at all. In Mr. Adamson's case he is to receive, I am credibly informed, $2,500 a year.

Hon. Mr. McCALLUM—From whom does he get that ?

Hon. Mr. GIBSON—From the British government. If this committee is obliged to have the report sent back to them, of course we must bow to the will of the House, but I for one would be in favour of withdrawing his leave of absence altogether, because if I understood the letter aright, his application is simply a demand on the committee that they would have to pay him or he would not go. The committee refuses to pay his salary. With one or two exceptions, the committee were unanimous in making their report, and I submit no argument has been shown to reverse that report, and it is for the House to say whether it will support the report of the committee or not.

Hon. Mr. McMULLEN—I was a member of the committee, and was there when the question was decided. In Canada, in my humble opinion, we should treat very generously, and very kindly, every volunteer in our force. We all feel very proud of the record they made for themselves in South Africa. They have unquestionably done credit to Canada. They are, under present conditions, the only force that we have to rely upon in case of any trouble arising between us and any other country. We are not in a position to keep a standing army. The only way we can secure the active and hearty co-operation of our volunteers is that we should deal generously and kindly with them, recognizing their services when they render a desirable service to the country and to the empire. I am very glad to learn that that course has been adopted with every single returning volunteer, so far as I know, of the several forces that went to South Africa. I am glad to feel that the people turned out so nobly and unanimously to recognize their work, and the services that they had rendered to the empire in risking their lives to fight the battles of the country to which we belong. While I admit all this, and am glad to say that so far I think we have treated our volunteers very liberally and very creditably, I would have been glad to have seen this young man, even if he did volunteer a second time to go to South Africa, granted leave of absence with the continuation of his salary ; but I am rather surprised to find, from the statement of Hon. Mr. Templeman, that those who are now volunteering to go, officers of the Dominion, are not allowed or encouraged by getting their salaries continued while they are away.

Hon. Mr. TEMPLEMAN—I do not know that they have asked for it.

Hon. Mr. McMULLEN—While that is so, I would not like to force on the House an exception in the case of Mr. Adamson. I understood that in many cases they did get their salaries continued. I certainly think that the Bank of Montreal is dealing very generously with its officers. I would have fancied that an institution presided over by men of the ability and far-seeing character that they must have in the Bank of Montreal would no doubt deal generously with those volunteering to go to South Africa. I would have suggested that they should be allowed to draw their salaries until peace was declared. The prospects are we may have peace in a very short time. I would have had no objection to placing Mr. Adamson in full pay had it been the rule in other departments, allowing him pay until peace was declared, if other civil servants were being treated that way. I must admit that when the question came up before, I was not aware he had already been granted leave of absence and paid full pay during the time he was away. There is no doubt many of our young men would be very glad of the opportunity of going now. It is a more desirable time to go now, than it was when the war was presenting very serious and dangerous aspects. To-day we hope and believe it is on the wane, and in all probability, peace may be declared in a very short time, and those who are volunteering now are not running the same risks as those who volunteered a year or two ago, and when the war was at its height. I daresay many young men would be glad to volunteer to go there for the purpose of bettering their position, and perhaps not returning at all. That may be the case with many of them. I am sorry the discussion has come up in this shape. I would prefer to see it settled otherwise. If there is any doubt in the minds of senators present

as to the statement of the hon. minister that none of the volunteer civil servants are treated in this way, and that it would therefore be unfair to make exception in the case of Mr. Adamson, I would be very glad to see the debate adjourned, for the purpose of getting that point settled, because if it is settled that none of them are being paid, I would not care to make exception in the case of Mr. Adamson; but if it is granted in any case, I would have no objection to granting it in Mr. Adamson's case. In the absence of that information, and in view of the fact that he went away before and was paid for his time while away, and in view of the fact that there are so many others anxious to go and cannot go, I would not in this case make an exception by granting him leave of absence a second time, and paying his salary in full.

Hon. Mr. WATSON—As chairman of the committee, I wish to say a few words. I, like others, regret that this matter has been discussed in the Senate. The matter was thoroughly considered by the committee, and while there were two opinions expressed with regard to Mr. Adamson's application, the minority who objected to the report was very small. They viewed the matter as has been expressed by the hon. gentleman from Westmoreland (Hon. Mr. Wood), and I might say that he, in his statement to this House, has expressed my opinion. I know that a great number of volunteers have made application to go to South Africa. A number of officers have made application to myself. I have received telegrams from captains in the west who, if not superior to Mr. Adamson, are as good as the best, and they were refused because others had been taken in preference. While we have a number of outside officers wanting to go to South Africa who have not salaries or positions to fall back upon, I think they ought to be at least on an equal footing with Mr. Adamson. Mr. Adamson wanted to go out two years ago. He made application and got leave to go. The hon. gentleman who was chairman of the Contingent Accounts Committee at that time, states to-day that he was shocked when he heard this report. I was rather surprised at him making this statement, because we have the report of that committee, made some two years ago, when Mr. Adamson's application to go to South Africa was reported upon, when I think the sacrifices made by Mr. Adamson were much greater than they are to-day. Because we must remember this : at that time they had the whole war before them, and at the present time it is practically for police duty that the volunteers are going out. So far as we are concerned, the war is practically at an end, and we are allowing Mr. Adamson to go out to do police duty in South Africa. Mr. Adamson made application two years ago to go to South Africa with the first contingent, when the demands on the men were much greater than they are to-day, and the committee at that time were generous enough to give Mr. Adamson permission to go. The report of the Contingent Accounts Committee was submitted on the 20th March, 1900, and they recommended that Mr. Adamson be granted leave of absence for one year, but his duties here were to be discharged by a competent person to be paid out of his salary. Now, if Mr. Adamson's duties were discharged by a competent person during his absence, I should say that the competent person would be worth as much as Mr. Adamson to the Senate. In that case the pay to Mr. Adamson would be nothing. That was the report presented by the hon. gentleman from Brandon himself to the House, and yet he is shocked at this report. I want to call attention to Mr. Adamson's application to the committee. The committee acted without any feeling towards Mr. Adamson. They judged this matter as a business proposition. Mr. Adamson sent this application to me, addressed to the chairman of the Committee on Internal Economy, on April 23, and I immediately called the committee together, because he informed me that he had to report at Halifax on the 30th. This is the communication :

To the Chairman of the Committee on Internal Economy and Contingent Accounts, the Senate.

Sir,—I have the honour to inform you that I have been appointed to a captaincy in the Fourth Canadian Contingent now being mobilized at Halifax for service in South Africa.

I should particularly like to accept this if your honourable committee see fit to recommend that I be granted leave of absence, with continuance of my salary during my term of service which is nominally fifteen months.

This was done two years ago when the Senate was good enough to give me a year's leave in

order to take a commission in Lord Strathcona's Horse, and is now again being granted universally throughout the civil service.

I have the honour to be, sir,
Your obedient servant,
AGAR ADAMSON.

Now, Mr. Adamson wanted, apparently, to put the committee on their mettle to see whether they were prepared to send him to South Africa, paying his salary while he was away in addition to his allowance as a captain. This is nothing more or less than a bounty to a civil servant as against others who wish to go to South Africa and cannot find a position. I say I am in entire sympathy, as a member of that committee, with the majority. There was very little debate in the committee. A great deal more has been said in the House to-day than at our meeting. But that was the view the committee took of this matter, and I consider the report is fair. Mr. Adamson was granted leave of absence two years ago. He went to South Africa and came back. After he came back the committee thought they should be generous to him, and they granted him the difference in pay between what had been paid his substitute and what he should have received himself. This is Mr. Adamson's second application to go to South Africa. He no doubt did his duty before while he belonged to the Strathcona Horse, and I think that he, having once received that generous treatment, should have allowed some others who wished to go, to have an opportunity to go out with this contingent. I for one, regret that this matter has been brought up. Still, at the same time, as a member of that committee, I am prepared to support its report. The committee, by a large majority, endorsed the report, and I trust the House will do the same. Occasions of this kind give some hon. gentlemen an opportunity of making loyal speeches. This is not a case of loyalty, or of the empire wanting men. We have any amount of men volunteering to go to South Africa, certainly Mr. Adamson's equal, and they cannot have an opportunity of going, simply because men like Mr. Adamson can go, receiving captain's pay. For these reasons, the House ought to adopt our report, and Mr. Adamson is being fairly well treated in being allowed a second term of absence of fifteen months and his position being held for him until he comes back, because I understand the pay for the position he has secured is worth $2,500 to $3,000 a year. If it were one of our messengers here with a salary of $600, going as a full private, with barely enough to pay expenses, I would say it was a different matter altogether, but this gentleman has a position in which he will receive $2,500 to $3,000 a year. He is fairly well paid, and I do not think we ought to allow our sympathetic feelings to run away with us in a matter of this kind. We are informed by a member of the government that other officers who are going to South Africa from other departments of the public service are not being paid, and I do not think we should make an exception of Mr. Adamson. I have no particular feeling in the matter myself, so far as the amount is concerned. It would be quite as easy to make a report that Mr. Adamson should be paid as not, but there are some duties devolving upon a committee of this House for the purpose of conserving the funds of the Senate, and also doing what we consider is fair and right. The committee considered the whole matter, and brought in their report, and I trust, as a member of the committee, and one of a large majority of the committee, that the House will see fit to adopt the report.

Hon. Mr. MACDONALD (B.C.)—I think a great many of the hon. gentlemen who have spoken are mistaken as to the pay of officers in the British Army. It is 11 shillings and 7 pence per day—that is about $1,000 a year.

Hon. Mr. WATSON—I have simply the report of the experience of a gentleman in my own town who was out there fifteen months, and he cleaned up some $3,200. The salary is not large, but the allowances are large.

Hon. Mr. MACDONALD (B.C.)—In India they get about two shillings extra pay. We have nothing whatever to do with outside people who volunteered and could not be accepted. We are dealing with an officer of this House, and him only. Some hon. gentlemen have spoken as if it were a great offence that he has applied a second time. That is the greatest feather in his cap, that he applied a second time. Any small thing we can do to help him we ought to do. It is a very small and ill-advised economy that the committee reported. Instead of the hon.

gentleman from Monck finding fault with the committee, he has dealt very leniently with it. My opinion is we should do all we can to encourage young men to serve their country. This is the only case which has come before us of a man volunteering for the second time. The only point the hon. gentleman made was in favour of Mr. Adamson. He told us he found a substitute to discharge his duties here in his absence, and that he only got the balance of his salary after that man was paid. The whole of the work was done during his absence by a man he paid himself. Why could not that be done now ? I hope the House will agree with the amendment without a division, and grant Mr. Adamson his pay during his absence. It would be a generous thing for this House to do, because he does not go there for honour and glory, but to fight the battles of his King and country. No doubt he will find a substitute, as he did before, to attend to his duties here, and what will be coming to him will be a very small amount.

Hon. Mr. PRIMROSE—I rise for the purpose of explanation. The hon. gentleman from Westmoreland, in the course of his remarks, made use of my name. I presume he made some reference to the remarks which fell from me, but I did not catch them.

Hon. Mr. SULLIVAN—You gave nothing to Mr. Adamson last time. It was no saving to the Senate in any way. He simply got the balance of his salary, after paying a substitute to do his work.

Hon. Mr. CLEMOW—I regret exceedingly that this discussion has taken place. I think it will have an injurious effect in the Dominion generally. It will be misconstrued. We have nothing to do with what other people do. I believe that other governments and large institutions have contributed towards getting proper persons to fill these positions. I think it is a feather in the cap of Mr. Adamson to be appointed a second time. It shows that the Minister of Militia and the authorities have great confidence in him, selecting him when we have so many applications for appointment. I, for one, would not wish that any kind of slur would be cast on the Senate by their action in this matter. I hope the cry of disloyalty will not be raised against them, for what they are doing in this case. I for one would deplore that anything of a disloyal character should be attributed to us. I think the country cannot do too much for those men who have fought in defence of their King and country, and this Dominion might have done a great deal more than it has done. We should not have sent C.O.D. contingents over the ocean when assisting in the defence of the empire. We should have paid the whole of the expenses of the contribution. I do not think there is a man in the country, rich or poor, who would not have sanctioned that course. I contend that it is a matter purely for the Senate to consider. It is not whether Mr. Adamson has been paid this or that before, but whether we should grant him this small indulgence. And what does it amount to after all ? The paltry sum of $1,000 a year. It is ridiculous to consider the matter in that light. We should be only too glad to see that the government have appointed this man ; we should appreciate their action in doing what they have done for him. I do not think we should consider what his remuneration is to be, but should treat him generously and fairly, and when he returns pay him his money like men, and not cavil over it at all. There is not a man in the country who would disapprove of such a course, and there would be an uproar in the country if we adopted the other course. Depend upon it, there will be a great deal said about it, and as far as we are concerned, we will not be charged with a disloyal act because the majority have thought proper to adopt a different course. The members of the committee have considered the matter, but they may have been a little too hasty. They might be willing to alter their report to meet the objections which have been raised very temperately by members of the Senate. Let us keep our good name. We have a first-rate name in the country, and let us not forfeit that for the paltry sum of one thousand dollars. It is too insignificant to consider, and therefore I hope the committee will see their way clear to change the report to meet the wishes of all parties concerned. We have only one feeling in the matter. It is not a personal feeling. I merely take the act of the government in selecting that man, and it shows me that they have confidence in

him, and if they have confidence in him we should not be slow in acting upon that.

Hon. Mr. ELLIS—We were not influenced by the considerations which the hon. gentleman from Rideau (Hon. Mr. Clemow) refers to. The whole matter has been so well stated by the hon. gentleman from Westmoreland that it is not necessary to go over it again. It is merely whether a precedent can be created at this moment. Mr. Adamson put the case hypothetically—that he would go if certain things were done; the committee did not see quite the same as he did, but gave him leave of absence. The hon. gentleman from Toronto made the observation that the committee should have refused him leave altogether or should have paid him his salary. I do not think there is very much logic in that. The committee could not have refused Mr. Adamson, and would not refuse anybody leave to go. Mr. Adamson was given permission to go, and his place was to be kept open for him, but the money consideration did not enter into the matter at all.

Hon. Mr. McCALLUM—I am not going to speak further, but I wish to say that I think the question is misunderstood. The member for Pictou says the government are sending men and paying their salaries the same as is asked for in the case of Mr. Adamson. Well, I hope they are. If they are, they deserve credit for it—at least they shall have all the support I can give them for that action. It is rumoured—and I fancy it can be proved—that in one instance they allowed a man to go, paid his salary, and, in order to equip him, they gave him six hundred dollars in advance. If they did so, I say that is all right. If they did that, so much the better. It must have cost Captain Adamson something to prepare himself for this work in the first place, and if he is going there the second time, certainly the knowledge he acquired when there before must increase the value of his services for the British Crown. I am not going to say anything about what took place in committee. They say Captain Adamson gets so much pay and they say he can afford to go because he has a rich wife. That is a nice thing to say about him. They brought this up themselves. I am dealing mildly with the committee's report when I say they did not give it enough consideration. I do not accuse them of anything, but they did not see what a far-reaching effect it would have to refuse to give a thousand dollars extra to Captain Adamson to go to South Africa. I do not want that fact to go before the world. I have an interest in the country, and I believe the interest and the honour of every senator is the same as mine. My opinion may not be worth much, but I have a right to that opinion and shall hold it.

Hon. Mr. COX—I should like to move that the report be referred back to committee with instructions to reconsider the leave of absence in consequence of the applicant having already served in the same capacity.

Hon. Mr. LANDRY—The hon. member has no right to move an amendment.

Hon. Mr. MILLER—The hon. gentleman has already spoken and cannot move an amendment.

The SPEAKER—The hon. gentleman does not persist in his amendment. The question is now on the amendment.

Hon. Mr. MACDONALD (B.C.)—I call for the yeas and nays.

Hon. Mr. McCALLUM—Yeas and nays.

Hon. Mr. MILLER—Call in the members.

The SPEAKER—The members cannot be called in after the question has been put.

The House divided on the amendment, which was lost on the following division:

Contents:

Hon. Messieurs

Carling (Sir John),	MacKeen,
Casgrain (Windsor),	McCallum,
Clemow,	McDonald (C.B.),
Dever,	McKay (Truro),
Dobson,	McMillan,
Ferguson,	Miller,
Gowan (C.M.G.),	Owens,
Kirchhoffer,	Primrose,
Macdonald (Victoria),	Sullivan.—18

Non-Contents:

Hon. Messieurs

Baird,	McSweeney,
Béique,	Pelletier (Sir Alphonse),
Bernier,	Perley,
Boucherville, de (C.M.G.),	Power (Speaker),
Church,	Reid,
Cox,	Scott,
Ellis,	Shehyn,
Forget,	Templeman,
Gibson,	Thompson,
Gillmor,	Vidal,
King,	Watson,
Landerkin,	Wood (Westmoreland),
Landry,	Wood (Hamilton),
Lovitt,	Yeo,
Macdonald (P.E.I.),	Young.—32.
Mackay (Alma),	
McMullen,	

Hon. Mr. LANDRY—I ask that the names be read.

The Clerk then read the names.

Hon. Mr. LANDRY—I call the attention of the House to the fact that the hon. gentleman from de Lorimier did not vote.

Hon. Mr. DANDURAND—I am paired with the Hon. Mr. Baker on all questions. I would have voted against the amendment.

Hon. Mr. LANDRY—And the hon. gentleman from Acadia did not vote.

Hon. Mr. POIRIER—I did not hear the motion put to the House and I should like to be perfectly correct in my vote.

Hon. Mr. WATSON—I call attention to the fact that the hon. member for King's did not vote.

Hon. Mr. ROBERTSON—I am paired with Hon. Senator McLaren till to-morrow and therefore I could not vote.

The SPEAKER—The amendment is lost and the question is now on the motion to adopt the report.

The motion was agreed to.

NATURALIZATION ACT AMENDMENT BILL.

REPORT FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (Z) An Act to amend the Naturalization Act, chapter 113 of the Revised Statutes.

(In the committee.)

On the first clause,

Hon. Mr. MACDONALD (B.C.)—There is a question which will come up appropriately in discussing this matter, with reference to the deportation of a young girl from the United States side, who did not go there to work, but simply to seek a sick relative. Has it come to the notice of the government, and if so, have they taken any notice of it ?

Hon. Mr. SCOTT—I am quite unable to answer the question. I saw the report in the newspapers, and I was not present at the early part of the council meeting. I will certainly make some reference to it in council. Whatever action may be taken, I thought it was a great outrage.

The clause was adopted.

On clause 7,

Hon. Mr. POWER—I am always ready enough to criticise Bills which come before the committee. In the present instance, it is only right to say that I think this Bill has been very carefully, skilfully and well drawn.

The clause was adopted.

Hon. Mr. ELLIS, from the committee, reported the Bill without amendment.

NORTH-WEST MOUNTED POLICE PENSIONS BILL.

REPORT FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (40) An Act respecting pensions to officers of the North-west Mounted Police.

(In the committee.)

On clause 1,

Hon. Mr. SCOTT—Last year parliament passed a law applying the principle of pensions to the militia, and this Bill contains many clauses similar to that Act passed in the session of 1901. There is this addition to it, that provision is made in the present Bill for pensions to widows and children under certain circumstances, where the father and husband performed long services.

Hon. Mr. POWER—This Bill is really a copy of the Militia Pensions Bill of last year, so far as it affects officers, with the necessary substitutions, and, further, the men of the North-west Mounted Police have been getting pensions for several years.

The clause was adopted.

On clause 3,

Hon. Sir MACKENZIE BOWELL—This does not apply to privates ?

Hon. Mr. SCOTT—Yes, they are called constables.

Hon. Sir MACKENZIE BOWELL—Yes, but the officer who may have been a constable is entitled to this. But is a con-

stable who never attains to the position of an officer entitled to it ?

Hon. Mr. SCOTT—Oh, yes; this is for the purpose of putting the officers of the mounted police on the same plane as the officers of the militia force. Last year we passed a Bill giving the officers of the militia a pension and their widows and children certain pensions. We are now assimilating the mounted police law to the actual militia law.

The clause was adopted.

On clause 4,

Hon. Sir MACKENZIE BOWELL—There must have been a change of opinion in the minds of some of the senators who were very much opposed to anything in the character of superannuation. I do not see the hon. gentleman here who used to take such strong grounds on that point. I suppose as they become older, they become more Conservative in their views, and are prepared to accept the laws which have been on the statute-books for a number of years. I should like to have heard the hon. senator from Wellington (Mr. McMullen) on the subject.

The clause was adopted.

On clause 9,

Hon. Sir MACKENZIE BOWELL—There is a provision in this clause which will be hard to carry out. Is it to be optional with the head of the department to decide whether a pensioner is wealthy ?

The CHAIRMAN—I suppose that is limited by clause 8.

Hon. Mr. SCOTT—If he had independent means and was able to live without it. That is what it means.

Hon. Sir MACKENZIE BOWELL—Now, is that a good reason ?

Hon. Mr. SCOTT—It is a gratuity. A man has been paid for his services and we are paying something more.

Hon. Sir MACKENZIE BOWELL—We are recognizing the principle of granting support or aid to wives and children of officers who have served, but we make an exception that if the person becomes wealthy she shall not have it. If the services which justify the granting of the pension to the widow of an officer has justified it, I do not see why any distinction should be made. You might go further and say that you would not pay a wealthy party anything at all for his services.

Hon. Mr. POWER—The same provision exists in the Militia Pension Act passed last year—'If the applicant is already, in the opinion of the minister, wealthy.' In this Bill the Governor in Council appears to take the place of the Minister, and it would be for the government to decide whether the applicant was already wealthy or not. This provision is taken from the English Royal Regulations with respect to pensions and compassionate allowances to widows and children of deceased officers. Of course, if the woman is rich there is no reason why the country should pay her a pension.

Hon. Mr. LANDRY—Is there anything in the Interpretation Act describing what is meant by being wealthy ?

Hon. Mr. SCOTT—It just depends on whether they have means enough to live without it.

Hon. Mr. FERGUSON—This is in addition to the pension he will be entitled to receive in consideration of contributing to the fund ?

Hon. Mr. SCOTT—Yes, the widow could only reach it after his superannuation would have ceased.

Hon. Mr. FERGUSON—This is entirely at the discretion of the Governor in Council. The government are not required to give it to any, but are forbidden to give it in certain cases. They grant a pension to the widow and compassionate allowance to each of the children, and section 9 says it shall not be granted in certain cases.

Hon. Mr. SCOTT—It is similar to the law on the statute-book with regard to the militia.

Hon. Mr. FERGUSON—It might have been passed without sufficient discussion.

Hon. Mr. POWER—The provision is borrowed from the English Army Regulations.

Hon. Mr. FERGUSON—That certainly is a guarantee that it has been well considered.

Hon. Mr. MACDONALD (P.E.I.)—I do not think it is a very desirable provision, even if it is embodied in those Acts. We have to judge from a different standpoint altogether. This is a new country, under different regulations and different conditions altogether from those in the old country, and because this has been embodied in a former Act, I think is not a sufficient reason why it should be embodied in this measure, if we do not consider it is a wise provision. I do not think it should be left to the judgment of the minister, or of the government, to decide whether the person is entitled to a pension—whether he is so wealthy that he is to be deprived of that pension. I think if he has served in the militia or constabulary of the North-west Territories, for a term of twenty years, it shows he has devoted his time during that period, whether he was wealthy or poor, to the services of the country and earned his pension.

Hon. Mr. TEMPLEMAN—This refers to the widow and children.

The CHAIRMAN—Clause 9 simply qualifies the class of cases in clause 8.

Hon. Mr. MACDONALD (P.E.I.)—If the applicant is wealthy and does not require the pension he will not take it.

Hon. Sir MACKENZIE BOWELL—Supposing they would inherit from a relative by the death of father, mother, or anybody else, and become wealthy, would that deprive them of it ?

Hon. Mr. SCOTT—No government would be very critical in the interpretation of the Act.

Hon. Mr. POWER—That is provided for in clause 4.

Hon. Mr. SCOTT—We must prevent the abuses which have occurred in the United States Pension Fund, where old men about to die married young wives to give them the pension. There are widows drawing pensions whose husbands served in the war of 1812.

The clause was adopted.

On clause 13,

Hon. Mr. McMULLEN—I think there should be an amendment to subsection 2 of clause 13. This clause says that if the widow remarries, her pension should be suspended from the day following that of her remarriage, and in case of the second husband's death and she is a widow again, she should be entitled to the pension. I do not think that clause should be there. If she chooses to marry and deprive herself of the pension, I do not think she should become entitled to it again.

Hon. Mr. SCOTT—It is the militia law at present and I think it desirable to retain it.

The clause was adopted.

On clause 17,

Hon. Sir MACKENZIE BOWELL—Can they commute, under this clause, the same as under the Superannuation Act ?

Hon. Mr. SCOTT—No, I think we lay down certain specific terms upon which they will receive their superannuation. They pay a larger sum and get a larger amount. They pay five per cent.

Hon. Sir MACKENZIE BOWELL—The hon. Secretary of State is, I think, mistaken. The superannuation law under the old system provided that a man should pay so much annually out of his salary, and when superannuated he was to draw a certain percentage of the salary in proportion to the number of years' service. Another Act was passed since the present government came into power, enabling any one who is living under the Superannuation Act to declare that he may pay so much per annum and draw at the end of his service, the total amount with a certain percentage.

Hon. Mr. SCOTT—Or in the event of his death.

Hon. Sir MACKENZIE BOWELL—Yes. which goes to his family. Do I understand that that Act is intended to apply in this case ?

Hon. Mr. SCOTT—I do not think so. The Civil Service Retirement Act applies here if the applicant within six months from the passing of the Act, announces his desire, &c.

Hon. Mr. LOUGHEED, from the committee, reported the Bill without amendment.

PILOTAGE ACT AMENDMENT BILL.

REPORT FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (76) An Act further to amend the Pilotage Act.

(In the Committee.)

Hon. Mr. SCOTT—This Bill substitutes the paragraph in the Bill for paragraph 59 of the Pilotage Act. Clauses 1, 2 and 3 are the same as in the law at present. All those vessels named are exempt. Clause 4, by a subsequent amendment, takes in any vessel from Newfoundland. Clause 5 is entirely new.

Hon. Sir MACKENZIE BOWELL—I think that is a good provision. What about those vessels sailing on the lakes that draw more than 16 feet ?

Hon. Mr. SCOTT—They cannot get through the Welland Canal and cannot reach the lower St. Lawrence.

Hon. Mr. LANDRY—Does that legislation just add a clause in relation to the vessels called in the Pilotage Act exempted ships ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—How does this affect the St. Lawrence vessels ? By the present law, are those vessels already exempted ?

Hon. Mr. SCOTT—No, not strictly. They take on a pilot at the Long Sault, or the Lachine Rapids.

Hon. Mr. LANDRY—Clause 59 says that the following ships, called in this Act exempted ships, shall be exempted from the compulsory payment of pilotage dues. Those vessels are enumerated in subsections A and B. Then comes subsection C, which exempts ships propelled wholly or in part by steam, travelling or trading in certain determined circumstances. Among the ships that are exempted are those employed in trading in one or more of the provinces. The St. Lawrence is in the province of Quebec.

Hon. Mr. SCOTT—This Bill copies the law in that respect.

Hon. Mr. LANDRY—They are already exempted.

Hon. Mr. SCOTT—Yes. We are repealing the section and substituting this clause for it, but a part of that clause is merely the repetition of what is already the law.

Hon. Mr. LANDRY—The addition to it bears on the lakes.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—It does not affect the St. Lawrence ?

Hon. Mr. SCOTT—No. It is a more convenient way to take the whole section and make the changes.

Hon. Mr. ELLIS, from the committee, reported the Bill without amendment.

BILLS OF EXCHANGE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (105) 'An Act to amend the Bills of Exchange Act, 1890. He said : This makes no change in the law, but it appears that some of the judges have held that the clause is rather abstruse. To-morrow we will give the explanation. I think it is clear, but it has been held not to be clear. It allows the drawee two days to decide whether he will accept a draft or not, and if he does not decide, it is liable to be protested. It is simply making the law clearer than it is at present.

The motion was agreed to, and the Bill was read the second time.

CANADA EVIDENCE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (115) 'An Act further to amend the Canada Evidence Act, 1893.' He said : This Bill is limiting the number of expert witnesses. In a case a short time ago eighteen or twenty doctors gave evidence on one side, and the same number on the other side ; this limits the number to five, unless the court considers it proper that further witnesses should be examined.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, April 30, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

TRANS-CANADA RAILWAY BILL.

REPORT FROM COMMITTEE.

Hon. Sir ALPHONSE PELLETIER, from the Committee on Railways, Telegraphs and Harbours, reported Bill (78) 'An Act respecting the Trans-Canada Railway Company,' without amendment.

Hon. Mr. WATSON moved that the Bill be read the third time to-morrow.

Hon. Mr. MILLER—This Bill appears to go through the House, as it went through the Railway Committee, without causing the least sensation. I recollect the time—and I am sorry that I see so few members of this House who can say the same thing—when the first Canadian Pacific Railway was agitated in this country. It contemplated, according to the terms of union with British Columbia, the construction of the existing Canadian Pacific Railway in ten years. The government that made that bargain with the government of British Columbia were characterized as mad men, fit for the lunatic asylum, and all who supported them were set down in the same category. We were told the road would not pay for the grease for the axles. We were told that it would bankrupt the country, that it was a scheme of recklessness with the simple object of retaining power. What do we find to-day? Virtually we have before us a Bill for the construction of a third trans-continental railway over Canadian territory, and undertaking to accomplish it within ten years, and this company has not the backing of the government of Canada, but is simply an undertaking of private capitalists. They are not styled 'madmen' to-day, and I do not believe they are madmen. I am almost as enthusiastic with regard to this Bill as I was thirty years ago over the construction of the Canadian Pacific Railway. I believe in that northern railway. I believe it is going to be constructed in time, although I may not live to see its accomplishment. I believe it is a necessity for the industrial development of this country, for its national strength and greatness. We have learned a great deal in thirty years, but the courage of the great statesman who inaugurated the policy of connecting the Atlantic and the Pacific oceans, over British soil by railway, the magnificent conceptions of statesmanship of that great man, Sir John A. Macdonald, are now beginning to be appreciated. I am glad to-day to be in a position to pay a tribute to those magnificent conceptions, and I cannot help, in this connection, addressing a remark or two to my hon. friend the Secretary of State, who was reported—and I believe correctly reported—on the public hustings of the city of Ottawa to have said when the first Canadian Pacific Railway was under consideration, that not all the resources of the British Empire could accomplish that great work in forty years. I have no doubt the hon. gentleman, according to his lights, was honest on that occasion, but it shows the difference in grasp and foresight of Sir John A. Macdonald. My hon. friend (Hon. Mr. Dever), who came in shortly after confederation, will vote for this Bill, I presume. We are the only two to-day in this House who voted for the first Canadian Pacific Railway, and we have no reason to be sorry for our action on that occasion. Who would have believed thirty years ago that Canadian Pacific Railway stock would be to-day 120 or 130. That is something better than the gloomy prospect of bankrupting the country preached thirty years ago. What would this country be to-day if the policy of my hon. friend opposite had been carried out—the policy of the 'water stretches' and so forth which we all heard so much about during the Mackenzie regime? What would this country be to-day without the Canadian Pacific Railway? The Canadian Pacific has not only been necessary to the development of this Dominion, but it has been one of the greatest material services the Dominion has ever had in its power to render to the empire.

It is a contrast, and a happy contrast, to-day, to see a Bill going through this House for the construction of a third Canadian Pacific Railway, when I and those who acted with me at that time, recollect the fierceness of the war that was waged against the first Canadian Pacific Railway. You hear men to-day glibly talking of the land

we gave away. Not only the government that inaugurated that policy, but men of fortune, in the way we estimated fortunes that day in Canada, took their financial lives in their hands, and went into that great enterprise. They were considered madmen too, and might have lost everything if it had not been for the patriotic and statesmanlike conduct of the Conservative government, and especially of Sir Charles Tupper, when they found themselves temporarily embarrassed, advancing them 30 millions of dollars to get them out of their trouble. That loan they repaid with interest within the time they asked for it, and on that too the Conservative party were denounced as making a reckless bargain. They were told that not a dollar of that money would be paid back, but it was paid back a year or two within the time it was promised. I am happy, myself, to be able to look back upon these things, and to see this vindication of the conduct of the men, my humble self among the number, who were ridiculed and scoffed at for the course we pursued in supporting our first Pacific Railway. Did not these men who took their financial lives in their hands deserve to make fortunes? No men took greater risks than they did in the colossal undertaking that they assumed, and when we talk of the government that day giving away land lavishly to the Pacific Railway, I ask what would have been the good of those lands, if it had not been that they were opened up and developed by the construction of the Canadian Pacific Railway? Why, they would yet be inhabited by the buffalo and the half-breed instead of being the happy home of a great population and destined to become the seat of a great empire.

Hon. Mr. WATSON—I am pleased to know that the hon. gentleman supports the Bill which I have moved for third reading tomorrow. At the same time, as one who has had some knowledge of the development of the western part of Canada which has been referred to in such glowing terms by my hon. friend, I cannot allow these remarks to pass without giving my opinion at least as to the wisdom of the original contract for the Canadian Pacific Railway. Probably it would be as well, for the Conservative party at least, not to have revived the record of the past, knowing that there were some matters in connection with the original proposition to build the Canadian Pacific Railway that do not redound particularly to the credit of the Conservative party, and which contributed to the defeat of that party in 1874. There were two propositions. One, I consider, presented much better terms than the contract adopted by the Conservative party after they came back to power. The proposition that was submitted and passed by the parliament of Canada for the purpose of opening up and developing the North-west, was a charter granting the company a monopoly for 21 years, giving them twenty-five millions of dollars in cash, 25,000,000 acres of land, and handing over a large portion of the railway constructed at the public expense to that corporation. As a matter of fact, it has been clearly demonstrated since, that sufficient was given the Canadian Pacific Railway Company to build and equip that railroad out of the treasury of Canada, without costing them one cent, and the company to-day own the road. Since that contract was let, it has been proved that a great mistake was made—that if the policy of Mr. Mackenzie had been carried out at that time, it would have been much better for the North-west. (Cries of Oh, oh, hear, hear, and laughter.) I know what I am speaking about. I have gone through the pioneer days of that North-west. I am one of those who suffered by the monoply granted the Canadian Pacific Railway, and am suffering to-day on account of the exorbitant freight rates charged by that railway. The feeling is growing to-day, that if that was to be done over again, the government should build and own the road. We find that the popular Chamber of this parliament discussed the other night the subject whether the Intercolonial Railway should be extended not only to our North-west, but through to the coast, on account of the fear of United States capital getting control of our Canadian railways, which of course are in the market, open for sale at any time. Some people talk about loyalty, and British connection, and Britain ruling the waves, but we find even the people in England are prepared to sell British bottoms for United States gold. We find members of the House of Commons suggesting that the government should extend the Intercolonial Railway through the North-west, and to the coast for the purpose of maintain-

ing a Canadian road, and securing for us better rates. The proposition of Mr. Mackenzie was to retain the main line, as a government highway, and to grant 6,400 acres of land per mile to any company that would build branch lines throughout the prairie section. In my experience of 26 years in that country, I believe had that policy been carried out, the North-west would have been worth a great deal more to Canada to-day than it is. The Conservative government assisted the company to build the railway at an earlier date than they agreed with the people of British Columbia to complete it. They extended it beyond civilization, and for years a large portion of that railway did not pay. A portion of it does not pay to-day, and the result has been the Dominion government have had to give large land subsidies, and cash subsidies, and the province of Manitoba has to give cash guarantees, and subsidies for the purpose of providing those very colonization roads that the companies would have been only too glad to build for the small land subsidies offered by Mr. Mackenzie, if they had had an outlet from Winnipeg to Lake Superior. There is no question in my mind, and experience has shown, that it was a great mistake to give that contract to the Canadian Pacific Railway as it was given. No doubt a great many people of Canada were under the impression that it was a wise policy, but at this late date, it does not rest with hon. gentlemen to criticise those who opposed the letting of that contract, because I am satisfied if the policy of Mr. Mackenzie had been carried out at that time, retaining the road as a public highway to the head waters of Lake Superior, and giving assistance to roads in the prairie country, it would have been better for Canada to-day. So far as this road to the north is concerned, I am glad my hon. friend is supporting the Bill, but a part of that road follows the Mackenzie line. There is no question at all that the route by the Yellowhead Pass should have been adopted in the first place. The Canadian Pacific Railway Company saw fit to divert the route to the south by way of the Kicking Horse Pass, where they have a 4½ per cent grade. The main object of all railways to-day is to carry large tonnage on a train. We know railways that were operated a few years ago took about eight hundred tons of freight to the load; now they take 1,800 tons. On the Mackenzie route, through Yellowhead Pass, they were not troubled with snow-slides, and had easy grades. That route is sought to be opened up to-day by the Canadian Northern, and inside of five years we probably will have another transcontinental road. If this Bill goes through, we will have three such roads. There is no doubt the Yellowhead Pass is superior to the Kicking Horse Pass, because the steepest grade on the Yellowhead is only 2½, while there is a 4½ grade on the Kicking Horse Pass. The ordinary locomotive on the prairies could not take even one load of freight up the Kicking Horse Pass grade. When the Canadian Pacific Railway was diverted to the south, the object was to go as near the boundary line as possible, to control the whole trade of the north, having 20 years of a monopoly. Take the Canadian Northern route, from Rainy River, where it strikes the province of Manitoba, and I venture to say that there is not 50 miles of that whole route that will not be a paying road. The local freight will pay the expense of running. A few settlers in the easterly part of the North-west had to provide freight to pay for the running of hundreds of miles of the Canadian Pacific Railway. The railway land grants, at that time, were exempt from taxation, and it is a question to-day as to when that exemption will cease. It is a question to-day, and has been discussed in the other branch of parliament, as to whether they have the right to exemption from taxes for 20 years. There are some seven millions of acres of land which the Canadian Pacific Railway Company still holds which have not been taken over, and are exempt in Manitoba and the Territories. It would have been a wonder if the Canadian Pacific Railway Company could not have built the road with all the privileges granted them, with the credit of Canada at their back. The road has been built by the people of Canada, and it is owned and controlled by the Canadian Pacific Railway Company, and the people of the North-west are complaining of the exorbitant freight rates they have to pay. It would be much better if the people of Canada, when they built that road, had owned it, and had some say about

the freight rates. No one is more pleased than I am to see that the Canadian Pacific Railway has been a success. No one is better pleased than I am to see that the stock of the road is worth 126. It is an institution of Canada, and it is creditable to Canada that the stock is worth so much, but I say, at this date, I am surprised that any gentleman will attempt to justify the action of the government of some 25 or 30 years ago, in adopting the policy of giving any corporation sufficient to build a railway and allowing them to own it and control the rates to be charged to the public.

Hon. Sir MACKENZIE BOWELL—I must express my surprise at the remarks made by the hon. gentleman from Portage la Prairie, who, I think, was in parliament at the time the Canadian Pacific Railway Bill was passed. His whole tirade against the action of the late government had as much to do with the remarks made by the hon. gentleman from Richmond as they would have if he had been discussing the propriety of building another road, or the question of transportation. All that the hon. gentleman from Richmond did was to justify the action which he took at the time, when my hon. friend opposite and his party opposed the great scheme of a trans-continental railway. He congratulated the country on its advancement, arising principally, if not wholly, from the construction of that road, and contemplated still greater developments of the great North-west in case of the construction of the two roads which are now under discussion. There is a couplet in one of Watt's hymns which might be applied to the Secretary of State. I regret to see it is not applicable to the hon. gentleman who has just spoken, that :

> While the lamp holds out to burn
> The vilest sinner may return.

He is so wedded, or thinks he is so wedded, to the opinions he expressed at the time to which he refers, that he would be inconsistent were he now to acknowledge he was wrong. It is a great pity he could not take a lesson from the premier of the province of Ontario, who, but a few days ago, announced that the great error of his life was his opposition to the Canadian Pacific Railway and the policy which was then the policy of the Conservative government.

Hon. Mr. CASGRAIN (de Lanaudière)—Oh, oh.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Does my hon. friend say that I am wrong ?

Hon. Mr. CASGRAIN (de Lanaudière)—I should like to know whether he used those words—the greatest error of his life.

Hon. Sir MACKENZIE BOWELL—That he made a great mistake.

Hon. Mr. CASGRAIN (de Lanaudière)—But not the greatest error of his life.

Hon. Sir MACKENZIE BOWELL—Well, I think it was one of the greatest errors of his life. The hon. gentleman can put it in whatever language he pleases, but the expression was that he made a great mistake and the results which followed that policy have been the development of this country that never would have been developed under other circumstances. When the hon. member for Marquette talks about the policy of the Mackenzie government, one marvels at his audacity—if it is not unparliamentary to use the word in this assembly—at this stage and after thirty years' experience. Does he not know—of course he knows—that the Mackenzie government offered better terms for the construction of the prairie sections of that road than were contained in the policy of Sir John Macdonald ?

Hon. Mr. WATSON—No.

Hon. Sir MACKENZIE BOWELL—And if there is anything of which I feel proud as a public man, and if I had never done anything else in my whole life in connection with the administration of the affairs of this country except that I was a member of the government which pursued that policy, considering the results which followed it, I would be quite willing to rest my reputation there. What have we presented to us to-day ? We have the Canadian Pacific Railway, with a marvellous amount of rolling stock, unprecedented in value and in quantity in the history of the world, and yet it is unable to bring out the products of that country. We have, in addition to that, this Canadian Northern Railway, for which we have passed a Bill to-day, to ex-

tend another line to the Pacific, bringing out millions of bushels of wheat to the head of Lake Superior, and still there are remaining in the granary of the North-west and Manitoba, millions and millions of bushels which they have not the capacity to take to market, and yet the hon. gentleman tells us to-day, in this year of our Lord, 1902, that the policy that was to bring out the whole product of that country by water stretches—

Hon. Mr. WATSON—No, I did not say that.

Hon. Sir MACKENZIE BOWELL—I know the hon. gentleman did not say that, but that was the policy of the government which he thought preferable to ours. The hon. gentleman spoke of the policy of the Mackenzie government being better than the one adopted by Sir John Macdonald's government.

Hon. Mr. WATSON—I said it would have been better to own and control the road to Lake Superior.

Hon. Sir MACKENZIE BOWELL—That is the very section of the road which the hon. gentleman says never paid a cent and will not pay a cent, the whole of the road in Ontario from Callender to the head of Lake Superior. It passes through a country which produces no traffic whatever, and it is the incubus which hangs upon the Canadian Pacific Railway and makes it, to a certain extent, not as profitable as it would be otherwise. Yet the hon. gentleman now tells us that that portion of the road should belong to the government. It passes through an unsettled portion of the country, and unless mines are developed and furnish freight—which mines were not known to exist then—there never can be any freight. They have been developed to a certain extent, but it is a surprise, and must be to any one who knows anything of the history of this country, to see, as I saw to-day in the paper, the government of Ontario, and the Liberal members, taking credit for the development and growth of certain portions of Ontario, owing to what they are doing for New Ontario. To prove their statements, they mention the different towns and villages that have grown up along the route of the Canadian Pacific Railway as the result of their policy. All these portions of Ontario were a wilderness and inaccessible before the construction of that road. If there is any development along that portion of the road running through Ontario, up to Rat Portage more particularly the northern portion of Ontario, to-day and these towns exist and the people are taking up and settling the arable portions of that section, it is owing to the construction of the Canadian Pacific Railway. I repeat, the proposition made by the Mackenzie government was not one that contractors or capitalists would touch upon any consideration. It was before the country during the larger proportion of the time that that government was in power, and yet no one would touch it, and while I agree with the hon. gentleman who has spoken, that some of the concessions that were made to the Canadian Pacific Railway might have appeared, and do appear at the present day, to be of an extraordinary character, they were necessary under the circumstances of that time, and as the hon. gentleman from Richmond said, they took not only their political but their financial lives in their hands when they attempted and promised to construct that road, particularly from the opposition they were receiving from the party the hon. gentleman pretends to represent to-day. The company were, as the hon. gentleman from Richmond said a few minutes ago, on the verge of bankruptcy upon two occasions. On one occasion they asked the government for an advance of $6,000,000 to assist them in going on. That met with the most vehement opposition of the Liberal party in the House of Commons. The money was advanced. Every dollar of it was repaid in cash before six months had expired. Subsequently, other difficulties arose of a financial character, which would have rendered those who were engaged in the undertaking bankrupt. The construction of the road would have ceased, and I hesitate not to say that it would, in all probability, have affected the government of the day just as well as the contractors. Sir John A. Macdonald, and those with whom he was associated, had the boldness to come to parliament, and ask them for no less than thirty millions in order to enable them to proceed with that great work. Before the time elapsed for the repayment of it, twenty

millions in cash was repaid, and ten millions of land taken from the Canadian Pacific Railway at a price about one-quarter or one-half of what it is selling for to-day in the market. And the result has been what we all glory in knowing to have been the result, that it has added to the prosperity of this country to such an extent as no other enterprise ever did, or, I hesitate not to say, ever could do. I am surprised to hear anybody at the present day make the statements which we have heard. I do not think the Secretary of State, notwithstanding the gloomy view he took of the situation at that time, would rise and repeat the statements of the hon. gentleman from Marquette. Being a member of the Mackenzie government at that time, I would not expect him to say that they had made a mistake. Not by any means. That would be scarcely natural, but I am convinced that he has sufficient love for his country, and sufficient breadth of mind to admit that the policy which followed that of his own government has resulted in the benefit of his country and made the Dominion which, under other circumstances, could not have been made. I am not going to discuss the routes to which the hon. gentleman refers. I do not propose to discuss the particular terms of the contract. There are conditions in that contract which, probably, if our knowledge thirty years ago were the same as it is to-day, we might not have assented to, but I do say this: The laws upon the statute-book, and the documents which are in existence and the facts sustain the position that at the time it was the best bargain that could possibly be made, and no other contractors were prepared to step in and take that work upon any better terms other than that famous, what will I call it—famous round robin which was proposed in the House of Commons after the bargain was made.

There were certain individuals who had capital enough, probably, within themselves to build thirty, fifty or a hundred miles of railway. They came down with a proposition for no other purpose, and with no other intention, than to humbug the people of this country by laying a scheme before them which was apparently of a more liberal character than the contract into which the government had entered with the Canadian Pacific Railway Company. We have seen that kind of political tactics almost every day of our lives. We cannot help recognizing that fact, because it is the practice of certain politicians. I am not attributing it to my hon. friend's party more than to any other, but just as soon as the policy of the government was known, then a syndicate come forward and pretend to the country that they were prepared to go on and construct that road upon more liberal terms. The government of the day—and I am quite prepared to take my share of the responsibility—rejected that proposition—knowing it to be politically bogus and without sufficient foundation to justify the government in accepting it. The exemption of the lands granted to the Canadian Pacific Railway from taxation was necessary, or we could not have got the company to accept the land. If the policy that the hon. gentleman has suggested had been carried out, and the government had undertaken to construct and own that road, it would not have been built to-day. It would have destroyed dozens of governments before it would have been possible to complete a road in that way. Any one who has paid the slightest attention to the construction of railways knows that no government could do what that company has done. No government could move a step before getting power from parliament. They would have to come to parliament for millions and millions and how would they have been met? Those who have had experience of parliamentary affairs know the answer to that without any explanation from me. The Canadian Pacific Railway syndicate went into the market and bought millions of dollars worth of material when opportunities presented themselves. No government could have done that. If any government had attempted to construct and own that railway as a government road, I venture the assertion that it would not have been built to-day, and Canada would have been in the insignificantly isolated position she occupied prior to the construction of that railway. I have spoken longer than I intended on this question, but I could not allow the remarks of the hon. gentleman from Portage la Prairie to pass without replying. I join heartily with the hon. gentleman from Richmond in his expressions

of opinion at the gratifying result of the construction of the Canadian Pacific Railway. The Northern Canadian Railway is to be constructed some hundreds of miles north of the Canadian Pacific Railway, and is to run either through the Yellowhead Pass or the Pine River Pass. There is a great difference between the two, because the Pine River Pass is some three hundred miles further north than the other, and would come out at Port Simpson, while the Yellowhead Pass route would come out at Bute Inlet, and any one who has been at the head of Bute Inlet knows what that means. It means the construction of a road for sixty or seventy miles through a country of the same character as the Canadian Pacific Railway had to encounter in building down the Fraser river. I speak from personal knowledge. I have been at the head of that inlet and have studied attentively the character of the country where such a road would have to pass, from the fact that it was discussed at the time the road was inaugurated. I am proud of the fact that I was a member of the government that had the courage to grasp the great question which presented itself, and still prouder to know the results which have followed the completion of that road.

Hon. Mr. WOOD (Hamilton)—I would not have intervened in this debate but for the remark of the hon. gentleman (Hon. Sir Mackenzie Bowell) who said that the second syndicate formed to build the Canadian Pacific Railway was a bogus concern. I denounce that statement as unworthy of the hon. gentleman. If he knows anything, he must know that the members composing that syndicate were, man for man, equal in ability and capital, to any man in the other syndicate, with the exception of Lord Strathcona. For the hon. gentleman to come here to-day and represent as a bogus proposition the offer made by such men as William Hendry, Edward Gurney, and other men, some of them leading Conservatives where I come from, and characterize those men as being party to a bogus transaction is something I cannot stand. It is unworthy of the hon. gentleman at this late date to characterize these gentlemen as being engaged in any bogus operation. I had some little to do with it myself.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. WOOD (Hamilton)—I know what I am talking about, and when I tell hon. gentlemen that that syndicate deposited with the government a certified bank check for the immense sum of $1,500,000 and that there was not $100,000 in hard cash put up by the syndicate that got the contract, hon. gentlemen will wonder, as I do, that the hon. gentleman has the temerity to tell us that the syndicate was bogus. When he rose to reply to the hon. gentleman from Portage la Prairie (Hon. Mr. Watson), I supposed he was going to contradict the statement he made that the Canadian Pacific Railway had got everything they possess from this country. The company built the road, having everything given to them. They pledged their lands and their subsidy in order to get the money to start with, and yet we are told that they did such an enormous work. They did one thing that was very much against the interests of the settlers in the North-west. They built the road south of where Mackenzie had located it, and now, in order to get the advantage of railway facilities through that section of the country, another road has to be built much further to the north, where the Canadian Pacific Railway should have gone in the first place, and through the Yellowhead Pass, thus avoiding the enormous expense of building through the Cascades Range. We are told that the Canadian Pacific Railway built the road out of their own resources.

Hon. Sir MACKENZIE BOWELL—Who said so? Nobody said they built it out of their own resources.

Hon. Mr. WOOD (Hamilton)—The whole discussion has been about what the Canadian Pacific Railway Company has done, and why could they not do it when everything was given to them? They got the money and got the land. When they wanted a loan, all they had to do was to come to the government and get that loan, and they repaid it out of the sale of the lands.

Hon. Sir MACKENZIE BOWELL—I said nobody would have done it without those concessions.

Hon. Mr. WOOD (Hamilton)—Had the policy of Mr. Mackenzie been followed out,

the country would have owned the road, and instead of being burdened to-day with the enormous rates that are charged to-day, the country would have been very much better off in having much lower freight rates than now prevail.

Hon. Mr. MILLER—That is not the experience with the Intercolonial Railway.

Hon. Mr. WOOD (Hamilton)—The Intercolonial Railway was not built through the same sort of a locality. The North-west has been year after year increasing its produce and traffic, whereas the country through which the Intercolonial Railway run is almost at a standstill, so far as new enterprises and new traffic are concerned.

Hon. Sir MACKENZIE BOWELL—At a standstill, except the expenditure of money.

Hon. Mr. WOOD (Hamilton)—We own the road at any rate, and whatever we spend on it belongs to the people and not to a company. I simply rose to draw the attention of the House to the uncalled-for statement made by the hon. leader of the opposition, and I think it is due to this House and to the gentlemen who composed that second Canadian Pacific Railway syndicate that the hon. gentleman should rise and withdraw his statement, because they are just as honourable gentlemen as any of the men connected with the Canadian Pacific Railway were or ever will be.

Hon. Mr. McCALLUM—I do not desire to say very much on this question, but I have been in parliament during the whole of the history of this transaction.

Hon. Mr. WOOD (Hamilton)—And so have I.

Hon. Mr. McCALLUM—Oh, no, not all the time. The hon. gentleman was in parliament until the people defeated him for his conduct in reference to the building of the Canadian Pacific Railway, but I was here all the time representing a western constituency. I know something of the history of this matter. Hon. gentlemen talk about building the railway as a government work to Lake Superior; but how were they going to reach the prairie country? What about the water stretches scheme? The policy of the Mackenzie government was to build the railway to Lake Superior, and then from the head of Lake Superior to use the water stretches to get to the prairie country. They opposed the building of the railway north of Lake Superior. The Conservative party of that day said: 'We want a railway through our own country—a through railway.'

Hon. Mr. MACDONALD (B.C.)—The same party opposed the Rocky Mountain section also.

Hon. Mr. McCALLUM—Yes, they stigmatized British Columbia as a sea of mountains, and they even advised the giving up of the province of British Columbia, and said it was better it should go to the United States. They were ready to forfeit that province if they could only carry out their own policy. The hon. gentleman from Hamilton speaks of syndicates. There was a syndicate organized at Duluth, I remember speaking of it in the other House, the time Mr. Blake was a prominent member of that House. He had a meeting at Montreal to which the public were not admitted only the faithful of the party, by ticket. I remember asking Mr. Blake across the floor of the House if he would be kind enough to send me a ticket.

Hon. Mr. WOOD (Hamilton)—Did he send it?

Hon. Mr. McCALLUM—No, and he did not want me there. I don't suppose he was afraid of me, but he did not send me the ticket. My hon. friend from Portage la Prairie tells the House about Mackenzie's policy to build the road to Lake Superior, but he said nothing about the water stretches. The real policy was to go through the United States to reach the prairie section. We have had some experience of depending on the United States. When we wanted to go from Lake Huron to Lake Superior, the House will remember what the United States government did at Sault Ste. Marie: They closed the canal against us. The policy of these men would have made us subject to the United States. It is very well to talk to-day about railway building, but what did hon. gentlemen opposite say when the Pacific Railway scheme was inaugurated? That the whole resources of the empire could not build that railway in ten years. Two or three Canadians and two or three Scotchmen built it within the time. Even Alexander Mackenzie himself,

before his death, admitted that they did wonders—that they had done more than he ever expected could be done in the time. But hon. gentlemen will remember, talking about syndicates, there was more than one. The syndicate formed at Duluth was a bogus syndicate.

Hon. Mr. WOOD (Hamilton)—I do not know anything about that.

Hon. Mr. McCALLUM—It was organized to prevent the building of the Canadian Pacific Railway through Canadian territory. Its object was to secure the whole of the trade of the North-west to the United States. I am sorry to hear that any one at this late hour of the day has the audacity to get up in this House and say their terms were more favourable than those of the Canadian Pacific Railway Company. The Canadian Pacific Railway Company have carried out the promise they made to the people of this country. It is true at one time, when they were hard up, the government of Sir John Macdonald took their political lives in their hands when they advanced the company money to see them through. What did the men, who to-day say the government should build the railway, say at that time ? They held that Canada would never see a dollar of that money returned. They said parliament might as well throw it into the sea. But what was the result? We got the money back. We have our country settling up rapidly. We have got a railway that means everything to the country, and we have the province of British Columbia. We did not give that up to the United States ; it is not a province lost to the British Crown, and to-day, these gentlemen who opposed the policy of the government of Sir John Macdonald talk glibly about this country being built up since the success of the Canadian Pacific Railway has opened the eyes of the world to the resources of the Dominion. The Prime Minister of the province of Ontario opposed the building of the Canadian Pacific Railway and tried to run down the resources of that western country in order to prevent the building of the road through northern Ontario. I can refer to that gentleman's speeches in the Hansard of the House of Commons, I think in 1878, where he refers to our great North-west as an unknown country, and to British Columbia as nothing but rock and brush. To-day, that party have discovered that they have a New Ontario. But that is only within the last three or four years. They are booming New Ontario to-day, for fear they will be swamped in the coming election for the course they pursued in the past. My hon. friend from Portage la Prairie wants to give them a helping hand by showing that the government of Sir John Macdonald did something wrong in encouraging the Canadian Pacific Railway Company. Are we to stand here and be lectured by the hon. gentleman for that ? I will not, for one. While I have a tongue in my head, I will express my opinions, and I do not care who is displeased, because I am a living witness of the difficulties that had to be encountered by those who inaugurated and carried through the policy of building the Pacific Railway. I know those who opposed it. I know them all, yes, some of them from their cradles, and I know their inconsistencies just as well as anybody in this country does. When they come here for political purposes, and try to make black white and white black, it is more than human nature can stand. How could I keep quiet when my hon. friend from Hamilton rises and finds fault with the leader of the opposition for the course that he took in supporting the contract with the Canadian Pacific Railway Company ? I am a living witness to the fact that the hon. gentleman from Hamilton used to say that the hon. leader of the opposition was the best Minister of Customs we ever had.

Hon. Mr. WOOD—That is quite right.

Hon. Mr. McCALLUM—It is quite right, but the hon. gentleman says he is slandering the men who composed that second syndicate. I know that several bogus syndicates were gotten up at that time to try and prevent Canada from building the Canadian Pacific Railway.

Hon. Mr. WOOD (Hamilton)—Did a syndicate that could deposit $1,500,000 in hard cash look like a bogus concern ?

Hon. Mr. McCALLUM—I did not call it a bogus syndicate.

Hon. Mr. WOOD (Hamilton)—The hon. gentleman's leader did.

Hon. Mr. McCALLUM—There were two or three syndicates, and I say there were bogus ones to try and prevent the building of the Canadian Pacific Railway. The hon. gentleman from Hamilton is often astray—he carries his politics too far. He carries them into the Senate, where we do not want politics. He has only come here lately, and has not got the modesty to leave his politics outside, but wants to force them on the Senate on every occasion, and make a noise.

Hon. Mr. McDONALD (C.B.)—He is not the worst.

Hon. Mr. McCALLUM—No, the hon. gentleman is one of the best. I have no better friend in parliament; still I cannot sit here, with all the respect I have for my hon. friend, and remain silent, when he attempts to show us that his party could have done so much better in building the Canadian Pacific Railway than the Conservative government did. It would take me from sunrise to sundown to describe one-tenth of the inconsistencies of the parties who are trying to make themselves the champions of this country now.

Hon. Mr. GOWAN—I do not propose to enter into any of the controversial questions which have been discussed here. In truth I am not qualified to do so, but a little circumstance occurs to me which may be of some interest to some of the hon. senators here. I remember very well when the scheme was first conceived of building a railway across this continent, and I am afraid it found little favour outside of Canada, but there were men in Canada strong of heart, and conviction, who were willing to risk their all in the undertaking. I happened to be in England some thirty years ago, I think in 1870 or 1871, and had the honour of meeting at dinner one of the most distinguished statesmen in England and a member of the then cabinet. He spoke to me in very kind terms of Canada, and I was pleased to hear what he said, being then, as I am now, heart and soul Canadian. After a while he said: 'You Canadians are most wonderfully enterprising people. You have lofty conceptions of things. You can do a great deal that other nations cannot accomplish. I understand you have conceived a scheme of actually building a road from the Atlantic to the Pacific, but let me tell you that the engineering difficulties are insuperable, and the financial difficulties are equally insuperable.' I happened to know something of the explorations that were made, and I gave the best answers I could to what he said, and with regard to the financial difficulties, I told him there were men in Canada who were willing to risk their all in the undertaking—patriotic men who would risk everything they had—and one of the largest banking institutions on this continent was willing, as far as they could properly do so, to back up the scheme. But he still was of the idea that the engineering and finanlial difficulties were insuperable. But owing to the pluck and determination of our people that road was built, and we are now proud of it whatever party we belong to. We are proud of that road connecting the Atlantic with the Pacific, and I am glad to say that the statesman to whom I have referred lived to see the design carried out—what an intelligent, industrious, enterprising and self-reliant people could accomplish.

Hon. Mr. McMULLEN—I am not desirous of extending this debate to any great length, and I certainly would not have risen on this occasion had it not been for the statements which fell from the hon. gentleman from Monck and the hon. gentleman from Richmond, and the leader of the opposition. These hon. gentlemen stated that the policy of the Mackenzie government was to open up the North-west by water stretches, and that they had proceeded with the construction of locks and canals for that purpose. I should like my hon. friend, the leader of the opposition—because his memory I presume is fairly good—to say whether, before the Conservative government came into power in 1878, the Mackenzie government had let the building of that section of the Canadian Pacific Railway which runs from Lake Superior to Winnipeg, and that it was then under construction.

Hon. Mr. MACDONALD (B.C.)—That is quite true.

Hon. Mr. McMULLEN—Then why do hon. gentlemen try to-day to say that the policy of Mr. Mackenzie was to open up the North-west by water stretches? I think it is time we should post ourselves in this

Chamber so that our statements will not be directly contrary to the facts. It is true that was the policy of Mr. Mackenzie. Then with regard to the trans-continental scheme, Mr. Mackenzie's policy was to build the road across the prairie section of the Dominion, and as that section got settled up and there was evidence to show the necessity of its continuation to the Pacific, it should be then built to the Pacific. That was Mr. Mackenzie's policy, and it would have been carried out had he remained in power. Now we are glad indeed to know that there is to-day a charter asked for another trans-continental road. The hon. gentleman from Richmond claimed very great credit for the Conservative party, headed by the Hon. Sir John A. Macdonald, for the manner in which they carried through the construction of the Canadian Pacific Railway. We all feel proud of the Canadian Pacific Railway. It is an honour to Canada and a credit to the men that are at the head of it, and its management is well and ably conducted. They did receive large subsidies from this country and they had an arduous task when they undertook to construct the road. They have carried out their scheme very well, but I do not think it is wise to enter into a minute investigation of the inception and everytning connected with the start of the scheme whereby that road has been built. I earnestly hope, in connection with the trans-continental line, which is projected by the charter that is now before us, that we will not have a set of charter-mongers who will sell that charter for $360,000. I hope the country is not going to have that experience with the second line. I sat in the otner House for eighteen years, during the whole time the Canadian Pacific Railway scheme was carried out, and I say, as far as dishonesty and extravagance and corruption are concerned, it is the blackest page in the history of this Dominion. We never got at the bottom of those contracts. We never got at the bottom of section B contract. We never got at the bottom of the Onderdonk contract. We were prevented from investigating those things, and I would say to hon. gentlemen here present that I believe the less that is said about the inception of that scheme, and the manner in which it was carried out by the party that held power at that time, the better. The best evidence that the people of this country did not appreciate the course adopted is the fact that our hon. friends have been relegated to the opposition side of the House. They are in opposition to-day. I do not for a moment say there were not good men connected with the Conservative party, but I say there were transactions connected with the inception of that scheme which were no credit to Canada, and I hope, no matter how many trans-continental schemes we may have after this, we will never have one which has such a black record as that in connection with the first scheme. My hon. friend spoke of New Ontario, and said the development of that section never would have been accomplished if it had not been for the construction of the Canadian Pacific Railway. That may be quite true. Mr. Mackenzie, as I have said, let the first section of that road, which passes through some four hundred miles of that very district. But where would New Ontario be to-day if the hon. leader of the opposition had his way? It would be attached to the province of Manitoba, and it would not be New Ontario at all. There would be no New Ontario. So that we have not his party to thank for having New Ontario to-day. The government of New Ontario, headed by Sir Oliver Mowat, fought for the rights of the province of Ontario along that line, and defeated the party to which the hon. leader of the opposition belongs, and secured that territory, which is a rich inheritance for the province of Ontario, and Ontario owns it to-day. Then, he talks about our having made an advance to the Canadian Pacific Railway of $30,000,000. At that time, no doubt, the Canadian Pacific Railway was in a condition that necessitated the country assisting them. I believe it was wise that we should have done so. He says that we got back every dollar. We did not do that. We received $20,000,000 and 660,000 acres of land. The land that we sold the Canadian Pacific Railway for a dollar an acre we took back at a dollar and a half.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is just as wrong in that statement as in his other statements. It was a dollar and a quarter.

Hon. Mr. McMULLEN—It was an increase at any rate. My hon. friend said some-

thing about the other syndicate. I surely thought the leader of the opposition, being an old member of this House and an old member of the other House, and a man with a remarkable memory, would have known better than to cast the aspersion he did on the second syndicate, by saying that they were a bogus syndicate, and that they had not means enough to build forty miles of road. The hon. gentleman from Hamilton says they put up the necessary deposit. They put up more than the necesary deposit. The deposit demanded by the government was $1,250,000. That is what the first syndicate put up, and the other syndicate deposited a mililon and a half. It is not fair to say they were a lot of bogus men or that it was a bogus syndicate. We are proud to think that the Canadian Pafic Railway has been finished. It is a credit to Canada. It has been the great pioneer institution of this country, particularly of the North-west. If we have other roads built through the North-west of this Dominion we will be glad of it, but I hope that any other trans-continental line constructed in this country will have a more savoury record in connection with its inception than the record associated with the Canadian Pacific Railway in the commencement of the scheme for the purpose of building that road.

Hon. Mr. WOOD (Westmoreland)—The only point I wish to refer to in this debate, is a point which it appears to me has not been sufficiently noted, and which appeared to me to be the whole pith of the argument which was presented to the House by the hon. gentleman from Marquette at the beginning of this debate. His whole speech was a defence of the policy of the late Mackenzie government as opposed to the policy of the Sir John A. Macdonald government in the construction of the Canadian Pacific Railway, and the hon. gentleman's defence, as I understood it, amounted to this, that if the policy of the Mackenzie government had been carried out that road, instead of belonging to-day, as it does, to the Canadian Pacific Railway Company, would be a government road under government control, and operated by the government to the great advantage of the people of the North-west. I have, in previous debates in this House, expressed my own views as opposed to the government ownership of railways, or rather to any extension of the government ownership of railways in this Dominion. I have not changed my mind, and I do not think the hon. gentleman, if he had reflected for a moment, would have advanced such an argument as that in favour of the policy of the Mackenzie government, and I may say that if we are to accept that from the hon. gentleman as the policy of the Mackenzie government, and if those would be the results and the position to-day if the policy of the Mackenzie government had been carried out, we must congratulate ourselves that that policy did not prevail. Reflect for just one moment. What would have been the position of this Dominion if that road had been built at the expense of the government, instead of being built as it was by the Canadian Pacific Railway ? That road has invested in it, besides the money which has been granted by the Dominion, to which the hon. gentleman referred, at least from one hundred to one hundred and fifty millions of capital. If it had been built as a government road that would necessarily have increased the debt of this Dominion by that amount of money, somewhere from one hundred to one hundred and fifty millions. The hon. gentleman has not attempted to show what advantage the Dominion would have derived under those conditions which it does not enjoy to-day. I am at a loss to find any. He says that the people of the North-west are complaining of the usage they receive at the hands of the Canadian Pacific Railway, that the rates charged there are excessive and are the subject of complaint. I am not prepared to discuss that question, but I am prepared to venture the assertion that if that road was owned and operated as a government road to-day the rates would be nothing less than they are now; and I doubt if it could be profitably operated even at the rates which are in existence there to-day. I will not be like the hon. gentleman—I will give some facts, at least, in support of the position which I take.

We have but one railway in this Dominion which is owned and operated by the government, and that is the Intercolonial, to which the hon. gentleman refers. I will not say he expressed the hope, but I think he said that it had been sug-

gested that the government railway should be extended from Montreal westward to the Georgian Bay, and ultimately to the Pacific coast. That idea, I believe, has been suggested in the House of Commons. It was strongly advocated, I think, by an hon. gentleman who represented a Manitoba constituency in the House of Commons, that our government system of railways should be extended and that the railways of the Dominion should ultimately be owned and operated by the government. This, however, has not, so far, I think, been a live question, and I do not think that any number of people will seriously undertake to advocate such a proposition. In support, however, of the position which I take, I must just direct the attention of the House very briefly to our experience in this Dominion of the results of the operations of a railway by the government as a government railway. We have the speech delivered by the Minister of Railways and Canals in the House of Commons only last week explaining the result of the operations of the Intercolonial Railway during the years that that department has been under his control, and what has he stated to us ? He has told us that they have added to the capital account since 1896 some twelve and a half million dollars. What has that been for ? Nearly one million and a half was for the extension of the road from Lévis to Montreal. Something more than two millions and a half has been expended for rolling stock; expended on rails and fastenings, $400,000 ; for building, renewing and strengthening bridges, $50,000, $77,000, and $167,000 ; for increased accommodation, $65,000, $154,000, $300,000, $729,000, $733,000 ; on the ferry service at Canso, $317,000 ; upon station buildings, siding and miscellaneous expenditures, a number of items which total up a little over a million dollars. These are all expenditures on capital account, and go to increase the debt of the Dominion. Now, I want to state this proposition for the serious consideration of gentlemen in this House, the majority of whom, I believe, are practical business men, and understand a business proposition when it is presented. If the Intercolonial Railway had been operated by a private company for the last ten years, it would have been operated without any cost to this Dominion, without any increase to the capital account, or to the debt of this Dominion. Any company, either the large companies which exist in this Dominion at the present time, or a new company which might be organized for the purpose, would have undertaken to operate that railway, to have charged no higher rates than have been charged, either for freight or passenger service, to have maintained their service as efficiently as it has been maintained and to have done it without receiving one dollar from the Dominion. What benefit then has anybody in this country—what benefit has the maritime provinces received from this addition of twelve and a half millions to the debt of this Dominion ? For my own part, I can see no benefit whatever, and I believe it is a mistaken policy. I believe that the time has come, and come some years ago, when further increases to the capital account of the Intercolonial Railway should have ceased, when any improvements which were required should have been made from the earnings of the road. If the Canadian Pacific Railway had been managed in the same way, what would have been the result ? We would have not only, for the construction of the road, the hundred or more millions I have spoken of added to the debt of the Dominion, but if the same policy had prevailed in regard to it as has prevailed with the Intercolonial Railway, for every new engine bought and every siding extended, or new station house built or rail purchased we would have had to come to the Dominion exchequer and ask for the money for it. Will any one say that a policy like that would have been for the benefit of the people of this Dominion ? And so far as rates are concerned, if the experience in the maritime provinces of the Intercolonial Railway are any guide, the people of the North-west would have had no lower rates or no better accommodation in any way than they have at the present time. My only object in rising in this debate, was to meet that one view which appeared to be presented by the hon. gentleman from Marquette, and I think by the hon. gentleman from Hamilton, in some remarks he made, that this country had sustained a serious loss and that the people of the North-west were suffering hardships and inconveniences because this road had

been built by a private company. On the contrary, I believe it is a fairer and truer statement of the case, and a statement which is capable of being sustained by ample proof, that if that policy had been adopted, and resulted as the hon. gentleman claimed to-day, it would have resulted in the building, owning, and operating the Canadian Pacific Railway by the government instead of by a private company, that there is no act of the great Sir John A. Macdonald which deserves greater praise or higher commendation from the people of this country than the policy which he pursued in handing that great undertaking over to a private company to be constructed and operated by them rather than as a government work.

Hon. Mr. CHURCH—It is very instructive to the junior members of this House to listen to this debate. One of the six who came in here this session has addressed the House and therefore I may take the liberty of doing the same. I acquit the hon. gentleman from Richmond of any intention to provoke a debate. I do it conscientiously, because I do not believe he had any idea that this debate would spring up the way it has; although before he took his seat I whispered to my hon. friend near me that the debate would take the course it has taken. The speakers have gone very far afield. We have heard the policy of the late Alexander Mackenzie and the late Sir John A. Macdonald brought forward here in reference to the building of the great Canadian Pacific Railway. We have also heard the policy of the development of New Ontario brought into this debate. As I take it, the matter before us is, to know whether we shall sustain the report of the committee which reported favourably on a Bill for the building of a line of railway known as the Trans-Canada Railway. It is a road, as I understand it, that will run parallel to a large portion of the Canadian Pacific Railway, but several hundred miles north of it, and there appears to be a consensus of opinion all round that it will not hurt the Canadian Pacific Railway, but that it is absolutely necessary in the interest of the people, who are not so well accommodated by the Canadian Pacific Railway as they should be, that it should be built. I take it for granted the Bill will pass without any opposition in this House. Now, on this Bill a debate has arisen which covers the railway policy of this country for the last twenty-five years. I have some little knowledge myself of the events which were connected with the adoption of that policy. I had the pleasure of sitting with the venerable leader of the opposition in the House of Commons when the hon. gentleman from Hamilton was there, and heard the arguments pro and con about the building of the Canadian Pacific Railway. I was a supporter of Mr. Mackenzie, and if I had remained in parliament, would have supported his policy to the end. At that time I believed his policy was safe, cautious, and prudent. However, the other policy prevailed, and I do not stand here at present to arraign it. I believe a better policy might have been adopted, but the Canadian Pacific Railway has been a great success and can be pointed to by the people of this country as showing the enterprise and the indomitable pluck of the people of Canada. That the government took their political lives in their hands showed more boldness than prudence. I do not think I would have said anything in this debate, because perhaps it is well for us juniors to be informed, rather than take up the time of the House, if the policy of running and expense of the Intercolonial Railway had not been brought in. I do not know whether the hon. gentleman from Marquette is responsible for that or not, but I do not think it was fair to this House. It has been talked of in the other House; perhaps that is a better place to discuss it. The estimates are not before us now. When they are under discussion much lattitude is allowed to members in debate. The expenses of the Intercolonial Railway are not before us to-day, in any sense that we are seized of them now, to enable us to criticise what the Minister of Railways has done. I do not think it is fair. Why? Let us take the history of the Intercolonial Railway for a moment. When we went into confederation parts of the Intercolonial Railway had been built by the maritime provinces. It was felt that there should be a line of railway to connect these provinces, and eventually with Canada. True, the Dominion took over the roads and gave us the cost of them. It was part of the scheme of confederation, like other things which have been a part of that scheme that I do not hear hon.

gentlemen sneer about. What has happened? Talk about rates. It is well known that from a business and commercial standpoint, the Intercolonial Railway was built too far to the north. It was not a direct route to the provinces by the sea. What has happened? A government seized with the responsibility and duties of governing this country properly and wisely, saw fit to extend the Canadian Pacific Railway through a portion of the state of Maine, thereby offering a shorter route, and it has become a rival to our national road, and consequently a great deal of freight which should go over the Intercolonial Railway goes that way, and that accounts for the earnings of the Intercolonial Railway being less than they should be. I do not think it is fair to be charging this matter of the expense of the Intercolonial Railway as a damper upon public improvements. If the present Minister of Railways and Canals and the government of which he is a prominent member have not done their duty in this regard, the whole matter will be threshed out in the next appeal to the country, and the people will decide whether they have done right or wrong. Coming to the merits of the Bill before us, in itself, I think it is a good measure. The road ought to be built. Hon. gentlemen are all agreed upon that. I rejoice to know that the great Canadian North-west is developing, and that the yield of grain is so great that the Canadian Pacific Railway alone cannot carry the whole of it. If a route further to the north is needed, all the better for Canada. We have a great Dominion. Let us see to it that we implement, as far as possible in the public interest, all great undertakings and works brought to our notice. By doing so, we will be doing our duty, and we will not be called a house of waxworks in the future. That statement was made by a prominent man in the other Chamber. If we discuss matters with the vim and spirit that I have witnessed since I came here, that cannot truly be said. The great Howe, when in a United States city, heard the remark made by a public man of that country, a vainglorious American:

> 'No pent-up Utica confines our powers,
> The whole boundless continent is ours.

What a colossal untruth was this statement, as the larger half of this North American continent lies north of the boundary line, and forms the Dominion of Canada. And it was once said by Americans: 'You are too far north to compete with us.' To which Howe replied: 'I deny the soft impeachment. We live in a climate so cold that in the winter season Jack Frost makes our people lie close together in feather beds, and from that contact will come a healthy vigorous race of people that will possess brain, brawn and muscle, to hold their own and dominate the best interests of our portion of this fair continent.'

Hon. Mr. FERGUSON—This discussion has taken a very wide range. Some antiquarian of the future, after the Trans-Canada road has been built from the Atlantic to the Pacific, may take the trouble to inquire what were the views of the Senate of Canada with regard to that road at the time they undertook to consider a charter for this company. He will naturally turn to this debate upon the Bill, and if he should do so, he will be surprised to find that so little was said about the Trans-Canada road, and so much about other railroads. I have recently been watching the surveys and the information gained in that way, and reading over attentively the literature supplied to the members of parliament by the Trans-Canada Railway Company, and I have come to the conclusion that this company has a good project. This is not the first time they have been before parliament. They got a charter in 1888 and have renewed it from time to time. They have built some of the road, not much, but I have come to this conclusion, that this company have, and I think they are very well aware of it themselves, a most valuable franchise. I look to-day with a great deal more interest on this northern country of ours from the Pacific to the Atlantic than I formerly did, and I do not know that I am alone in that respect. I believe that most of the public men in the country, since the Yukon development, have learned to know and appreciate more highly this great northern country of ours than they did before, and I have examined the surveys and reports made by Henry O'Sullivan for the province of Quebec between Lake St. John and James' Bay, and am convinced it is a very valuable country with great resources, especially in spruce timber and agricultural lands. I am satisfied when a line of railway traverses

James' Bay and Hudson Bay to the Atlantice ocean to the Saguenay, what is practically an open winter port on the St. Lawrence, there will be an extraordinary development in that part of the great north as well as in other parts of our northern country. I have not studied the difficulties of railway construction immediately west of James' Bay. We have not been supplied with detailed information from James' Bay westward to the Peace river, but we all know something of the value of that Peace river country. I have therefore the greatest confidence in what has been said by the hon. gentleman from Richmond in the opening of this discussion, that although I may not live to see it, and many members of this House will not live to see it, the day will come when we will have not only the Canadian Pacific Railway system traversing this country from east to west as it does to-day—not only the system of which Mackenzie & Mann are the promoters, and which is making such strides in spanning the continent, but we will have a trans-continental line still further north, where the distance will be shorter and the gradients easier than by either of the other routes. Nothing gives more promise to the people of Canada than the fact that the old ideas about the value of the northern country are being dissipated, and one by one prejudices in that respect are being removed. We are learning that we have a most valuable country in the north, that Canada, instead of being as was said in the days of confederation discussions, a country with length but no breadth, has not only length but breadth of a most valuable character in the way of the resources which that country possesses.

I suppose I would be almost transgressing were I to sit down without noticing one or two remarks that have been made during the discussion with regard to the other phases of our railway situation. I was particularly struck with the view that my hon. friend from Wellington presented to the House in contradiction of my hon. friend the leader of the opposition with regard to the policy of the Mackenzie government in relation to the construction of the Canadian Pacific Railway. I understood the hon. gentleman to deny very positively the statement of my hon. friend to my left, that the policy of the Mackenzie government was, instead of building the Canadian Pacific Railway immediately, to utilize the magnificent water stretches of Canada for the purpose of opening communication with the Northwest. I understood him to deny that proposition very emphatically, and then he went on to show why he denied it, and he referred to the fact that the Mackenzie administration, before they had gone out of power, had let a contract for building a railway from the head of Lake Superior to Winnipeg.

Hon. Mr. McCALLUM—And the Fort Francis lock too.

Hon. Mr. FERGUSON—I am referring to what the hon. gentleman from Wellington said. To my mind he had completely and emphatically proved the statement of my hon. friend Sir Mackenzie Bowell with regard to the policy of the Mackenzie administration. It was really to build that section between the prairie and Lake Superior, but it was said to be absolutely nonsense to talk about building a railway north of Lake Superior. The great water stretches were to be used, and anybody who spoke about building the railway north of Lake Superior was a madman. My hon. friend from Wellington might have gone farther and claimed the Mackenzie government were wrestling with the transcontinental railway by the fact they put an Act on the statute-book offering land and money as liberally as Sir John Macdonald did afterwards, when he carried into effect a contract to build the Canadian Pacific Railway. But side by side with the legislation were the declarations of the leader of the government of that day that it was not the policy of his government to build that road for a long time to come. The bargain with British Columbia was repudiated; it was said it was a mad bargain which called for the building of that road in ten years. The policy of Mr. Mackenzie was to utilize the magnificent water stretches, to build the road from the water stretches to Winnipeg and over the prairie section, and defer the building of the British Columbia section indefinitely. As for the section north of Lake Superior, that was a proposition that could only be defended by madmen. That was the policy of the Liberal party at the time. I am not

challenging the integrity of Mr. Mackenzie and his friends. They were honest. They believed that the proposition they were making was the best and safest proposition, but, as was stated admirably by my hon. friend who opened this discussion—the hon. gentleman from Richmond —it affords a contrast of how narrow their conceptions were, how slight their faith in the policy and future of Canada was as compared with the conceptions of Sir John Macdonald, the great statesman who grappled with this question and gave to Canada this great trans-continental railway without impairing the resources of the country, but on the contrary, building up this country from one end of it to the other. When I heard the hon. gentleman from Portage la Prairie address the House and call in question the statesmanship which gave the Canadian Pacific Railway to Canada, I reflected for a moment and asked myself would we have the opportunity of hearing the stentorian voice of my hon. friend representing one of the finest of the provinces, had we not had that legislation of Sir John Macdonald's. Manitoba, instead of being a large, rich and populous province, sending men of ability to both Houses of parliament, bearing their share of the general burdens, would have been traversed to-day by Indians and half-breeds.

Hon. Mr. WATSON—I was there five years before there was a railroad.

Hon. Mr. FERGUSON—The hon. gentleman may have been there and might still be there, but his manly presence would have been missed in this House as a representative of that noble province Manitoba. I have only one point further to refer to, and that is the observation made by my hon. friend from Wellington, who generally addresses the House with great ability and with information. I was rather surprised, coming from a source for which I have such great respect, to hear him drawing in a subject which did not properly belong to our subject at all, and charging the government of Sir John Macdonald with refusing to allow an investigation into the unfortunate charges which were made and the unfortunate circumstances which developed at the time of the attempted construction of the Canadian Pacific Railway, in 1871 or 1872. The hon. gentleman's memory is certainly very much at fault when he says that no investigation was permitted regarding the Huntington charges. It will be borne in mind that an investigation was offered—that a commission was appointed to take evidence, and that the parties who formulated the charges at that time were invited to come before the commission, but they declined to do so. They did not present themselves at all. Instead of the government declining to investigate, the parties who made the charges did not appear before the commission, and press them. I have to apologize to the House for having criticised the course the discussion has taken, having myself somewhat drifted into the same groove as my hon. friends who previously addressed the House. However, I could hardly help referring to these points, because I thought it was necessary to make them clear. Our memories are getting a little rusty, and it is only after we hear statements made that matters come back vividly before our recollections, but we remember now very well that it was the terms with British Columbia that imposed the policy on Sir John Macdonald and the people of Canada to construct a railway within a definite period, in ten years. That government remained in power a couple of years afterwards, and failed, although it tried to carry out the contract. The government that followed them were only half-hearted, and it was left for Sir John Macdonald again to come back to power, and initiate the scheme, and carry it to a successful completion. It is a matter of great pride and gratification to those of us who followed Sir John Macdonald in those years and supported him in those trying times when he was carrying this stupendous load upon his back to find that this work of his has been completed in a manner that is not only a credit to his memory, but a credit to the Dominion of Canada, and a source of admiration, even to gentlemen like my hon. friend from Wellington, who opposed it at the time, but who is now one of the greatest admirers of this great Canadian railway of ours, built through the efforts of Sir John Macdonald.

The motion was agreed to.

BILLS INTRODUCED.

Bill (96) An Act to incorporate the Manitoba and Keewatin Railway Company.—(Hon. Mr. Watson.)

Bill (99) An Act respecting the Montreal and Southern Counties Railway Company.—(Hon. Mr. McMullen.)

THE CORONATION OATH.

NOTICE OF MOTION.

Hon. Mr. LANDRY gave notice :

Qu'il demandera—

Le gouvernement a-t-il été mis en possession et a-t-il transmis à qui de droit la protestation des citoyens de la ville d'Halifax, contenue dans la motion suivante proposée le 22 janvier dernier par l'honorable L. G. Power, président du Sénat :

" Comme les croyances religieuses des catholiques ne diminuent en rien leur loyauté, et ne les empêchent pas de verser leur sang pour la cause de l'empire, les catholiques protestent contre le fait qui leur est pénible de signaler, pour qu'elle soit rejetée par le Souverain, la foi qu'ils professent, et demandent respectueusement que cette mention inutile et offensante soit entièrement biffée du serment."

Quelle réponse le gouvernement a-t-il obtenue ?

Hon. Mr. DRUMMOND—I am glad the motion of the hon. gentleman has been put in French and not in English. The word 'demander' if translated into English would be rather peremptory to the King and I congratulate the hon. gentleman on having put his motion in French.

Hon. Mr. LANDRY—The hon. gentleman is referring to a notice already on the paper, and not the one I am now reading. I take occasion of this incident to notify the officials that I do not want my notices to be corrected as I have put them in French. I want them as I have put them.

Hon. Mr. LANDRY rose to inquire of the government :

Whether the petition which the House of Commons adopted on March 1, 1901, demanding from His Majesty the King the amendment of the Act relating to the succession to the Throne (Settlement Act) by the elimination of all expressions that might wound the religious convictions of any subject whatever of the British empire, has been forwarded to him ?

When ?

What is the answer, and from whom does it come ?

What steps has this petition brought about, and what results has it obtained ?

Hon. Mr. SCOTT—The petition in question was duly forwarded to His Majesty the King, on the 18th March, 1901. The answer is dated Downing Street, 11th May, 1901, and is as follows :

Downing Street, May 11, 1901.

My Lord,—I have the honour to acknowledge the receipt of your despatch No. 81 of the 18th March, forwarding an Address to the King from the Commons of Canada respecting the declaration which the Bill of Rights and the Act of Settlement require the Sovereign to make at the meeting of the first parliament or at the Coronation.

2. The Address has been laid before the King and will be referred to the committee of the House of Lords, for the appointment of which the Lord President of the Council is about to move with a view to the consideration of the form of oath to be taken by the Sovereign on his accession.

I have the honour to be,
My Lord,
Your most obedient humble servant,
(Sd.) J. CHAMBERLAIN.

I am not aware that any action has been taken. I have noticed in the press reports it has been alluded to on one or two occasions, but no results have flowed from it.

NOTICES OF MOTION.

Hon. Sir MACKENZIE BOWELL moved :

That in compliance with paragraph 50 of the Manual of Proceedings of the Senate, a senator desirous of giving notice either of a motion or of an inquiry which he intends to make, shall first read said notice from his seat in the Senate, to the House, before handing it to the Clerk for insertion in the Minutes of Proceedings.

He said : The suggestion made by the hon. gentleman from Victoria, in connection with giving the Speaker certain powers, had better be made a substantive motion. It requires some little consideration. This motion, of which I have given notice, simply settles a disputed point as to what the practice should be, and I should prefer that it be confined to that point. However, I may say I am entirely in accord with the views of the hon. gentleman from Victoria, that we should give some powers to the Speaker. It is very well to say we are acting upon the precedents and practices of the House of Lords. Perhaps that may be, to a certain extent, but I have long felt the necessity of the Speaker having some powers other than those which he possesses, to conduct the affairs of the Senate more in accordance with what are the rules and practices of parliament.

Hon. Mr. SCOTT—I entirely concur in the suggestion that we should settle for ever this debatable point, which so frequently

arises in regard to these notices, and I quite concur in the opinion expressed by the hon. leader of the opposition. I think it would be much better if the proposal of the hon. gentleman from Victoria were made an independent proposition, so that we could make changes in it if necessary.

Hon. Mr. MACDONALD (B.C.)—Yesterday I called attention to something defective in my hon. friend's motion, and to-day I have hurriedly drafted a notice of motion, but if the House prefers to have it as a separate motion, I will give the notice of motion now.

Hon. Mr. SCOTT—That would be better.

Hon. Mr. FERGUSON—There is very little necessary beyond what is contained in the notice of motion of my hon. friend, because a notice is read in the House when the Speaker is in the chair. The House is then in session, and if there is anything wrong in a motion that requires action, the Speaker's attention will be called to it, and the House can act. The House is here with full power, and when a motion is read on the floor anything objectionable in it will be noticed, and the power is possessed by the House to prevent it appearing on the minutes. I think the motion of the hon. leader of the opposition is quite sufficient.

Hon. Mr. ELLIS—Will the words 'desirous of' in the notice be calculated to raise any question in the future?

Hon. Mr. LANDRY—This notice was given for to-morrow, and not for to-day. If it is to come on to-day, I will raise an objection.

The SPEAKER—I read the notice as it appears on the minutes. But I think the hon. gentleman is right. The notice was given for to-morrow.

Hon. Sir MACKENZIE BOWELL—Then, it can stand.

The motion was allowed to stand.

JOINT STOCK COMPANIES INCORPORATION BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (R) 'An Act respecting the incorporation of Joint Stock Companies by Letters Patent.' He said: This Bill was carefully considered when the House was in committee, and a number of amendments proposed and properly discussed, and many of them adopted, and incorporated in this Bill. The law clerk of the Senate was instructed to see that all the amendments were carefully inserted in the Bill, and it has been examined, to my certain knowledge, two or three times between the law clerk and the printing office. I think it is rather important that the Bill should get through this session, and it would be better to let it go through this year than to risk the loss of the Bill altogether, as there are a number of companies relying on this, and I fear that any further postponement would endanger the passage of the Bill in the other House. I therefore ask the Senate to consent to its passage now.

The motion was agreed to, and the Bill was read the third time and passed.

THIRD READINGS.

Bill (64) An Act to incorporate the Cosmos Cotton Company.—(Hon. Mr. Lovitt.)

Bill (47) An Act to incorporate the Canadian Manufacturers' Association.—(Hon. Mr. Ferguson.)

Bill (40) An Act respecting Pensions to Officers of the North-west Mounted Police.—(Hon. Mr. Templeman.)

Bill (Z) An Act to amend the Naturalization Act, Chapter 113 of the Revised Statutes.—(Hon. Mr. Scott.)

Bill (76) An Act further to amend the Pilotage Act.—(Hon. Mr. Scott.)

BILLS INTRODUCED.

Bill (100) An Act to incorporate the Toronto and Niagara Power Company.—(Hon. Mr. Watson.)

Bill (117) An Act further to amend the Unorganized Territories Game Preservation Act, 1894.—(Hon. Mr. Scott.)

Bill (121) An Act further to amend the Acts respecting the North-west Territories.—(Hon. Mr. Scott.)

Bill (124) An Act to amend the Civil Service Retirement Act, 1898.—(Hon. Mr. Scott.)

Bill (133) An Act to amend the Rocky Mountains Park Act, 1897.—(Hon. Mr. Templeman.)

BILLS OF EXCHANGE ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (105) 'An Act to amend the Bills of Exchange Act, 1890.'

(In the Committee).

Hon. Mr. SCOTT—The object is to remove doubts in the minds of some bankers and the legal fraternity as to the true meaning of section 42 of the Bills of Exchange Act. I do not really see that it is subject to any ambiguity myself. But the object is that the drawee shall have two days within which to make his decision, and if he decides on the day the Bill is presented, he should mark it on that day, but if he desires to postpone it till the second day, he has the right to do so, and mark it in that way. Some question has arisen as to whether that view of the law is correctly set forth, and this Bill has been drawn with the approval of the counsel and bankers who desire to make the clause more clear. The drawee can date it on any one of the three days, but he must honestly date it on the day on which he does accept it. If it is presented on the third, although he has a right to accept it on the fifth, he cannot say 'On the fifth I will accept it.' He must accept it on the day he actually does accept it, and not postpone it for two days. This measure really makes no material change in the law, but makes it more convenient.

Hon. Mr. MACDONALD (P.E.I.)—I think this Bill makes some little change in the law. We know bills are often drawn against goods that are shipped to a party in one of the lower provinces, and the bill comes forward for acceptance before the goods arrive. It is the practice of the banks there, at the request of the drawee, to hold back the acceptance at his request until the arrival of the goods, even if it should be a longer time than three days, and when the goods come to hand the party on whom the bill is drawn accepts it. That is the practice now, and I think it is in accordance with the law. I do not see why there should be any further change made, which perhaps may lead to a different practice to that which prevails at present. It is accepted by all parties, and is acceptable to everyone.

Hon. Mr. SCOTT—In the case my hon. friend submits there is no change. If the banker is asked not to present the bill for three, or four, or five or six days, those goods which the bill represents have not arrived.

Hon. Mr. WOOD (Hamilton)—But the banker knows nothing about that.

Hon. Mr. SCOTT—No, but you cannot make any provision that the bill should be held over for a particular time. The man should not have drawn the bill at the particular date he did, unless he advised the bank not to present it. That case is not altered by the proposed Bill. The drawer hands a bill to the bank, and it is sent on to the agency. The drawer instructs that the bill should not be presented until a particular day, at which time it is believed the consignment will have reached the consignee.

Hon. Mr. WOOD (Hamilton)—If there are no instructions given and the bill is sent forward, the bank presents the bill, having no instructions at all, but the goods have not come forward and may not come forward for a week or ten days, but according to the law you would have either to accept or let the draft be protested.

Hon. Mr. DRUMMOND—The banker has no option. If he does not present the bill and demand acceptance at the time it is due, he becomes personally responsible for the consequences, and the law is not altered.

Hon. Mr. WOOD (Hamilton)—I think the law as it stands has worked satisfactorily. I have never heard of a case where it has not worked satisfactorily, and I do not see the necessity for a change.

Hon. Mr. DRUMMOND—The date at which the draft is passed to a customer for goods, is a matter between him and the customer. He may draw at any period, but it having been arranged, the banker has no option beyond his instructions. If he allows it to stand over until the goods arrive, he would be held responsible for the payment of the bill.

Hon. Mr. DEVER—I do not think this Bill would remove the difficulty. Goods go forward to the place of destination, but the merchant who ships those goods, draws a

bill of exchange upon the customer. He sends it to the bank and the bank presents it to that customer. He asks the customer to accept that bill on that date. The goods do not arrive, and if the consignee accepts that bill the goods may never arrive, and, as a man who has had some experience in this business, I say that that law should be altered, and that no man should be bound to accept a draft until the goods are in his possession.

Hon. Mr. SCOTT—He is not bound.

Hon. Mr. DEVER—Then the draft will be protested.

Hon. Mr. SCOTT—That is the proper thing to do.

Hon. Mr. DEVER—The hon. Secretary of State said there might be an understanding that the bill should stand over. Now that is not so.

Hon. Mr. DRUMMOND—There is hardly a bill presented for discount at any bank which does not contain the last instructions of the drawer, and it very often takes this form: 'No protest for non-acceptance.' That is a matter of bargain and it does not affect the relative position of the drawer and acceptor of the bill. Everybody in business has had the experience that he has paid for goods which he never received, for in most cases the shipper does not become responsible for the carrying agent. Supposing it takes place across the sea, the moment the seller of the goods puts them on board the ship they are at the risk of the receiver. He has to insure them for his own benefit, and he has to accept the bill and pay for it whether he gets the goods or not. This Bill does not affect the case.

Hon. Mr. DEVER—The bill of lading guarantees the price of the goods to the consignee.

Hon. Mr. WOOD (Hamilton)—But they do not insure the goods.

Hon. Mr. DEVER.—You can take the bill of lading to the bank.

Hon. Mr. WOOD (Hamilton)—Very large quantities of goods are imported and paid for a month before the goods arrive. The goods are sold for cash, and a sight draft is made upon the buyer, and the goods are shipped and may be two months in reaching there, but the goods are sold for cash, and they are drawn against. The importer must have his arrangements for insuring the goods, and with the receipt of the bill of lading, and his insurance policy he is thoroughly protected against the loss of the goods. This has no reference to importing goods. It is a different thing altogether from goods being shipped in the way my hon. friend states.

Hon. Mr. DEVER—The point is this: goods coming from abroad over the sea are subject to very little risk. We receive our bill of lading and the ship is responsible to us for the articles in the bill of lading, but it is a different case where goods are shipped from points in Upper Canada to the lower provinces.

Hon. Mr. FORGET—On the Intercolonial Railway.

Hon. Mr. DEVER—I am not in business at present, but when I was in business, when I received a shipment of goods, the arrangement was that cash should be paid for those goods on delivery. I was prepared to pay for them. The bills of exchange came at sight, and they wanted me to accept, and I said 'No, the goods have not come and I do not think the parties who are sending are very responsible, I do not care about binding myself to that bill of exchange until I know that the goods are forthcoming.' The goods did not come for ten or fifteen days. Supposing I had accepted the bill and the goods never came? I had to telegraph about them, but if they had not come I would have been a loser.

Hon. Sir MACKENZIE BOWELL—That has nothing to do with the question.

Hon. Mr. DRUMMOND—The hon. gentleman's position would not be in the least affected by it.

Hon. Mr. LOUGHEED, from the committee, reported the Bill without amendment.

CANADA EVIDENCE ACT AMENDMENT BILL.

REPORT FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (115) An Act

further to amend the Canada Evidence Act, 1893.

(In the Committee.)

Hon. Mr. DeBOUCHERVILLE—This refers to civil or criminal proceedings. Does not the civil procedure rest with the local legislature ?

Hon. Mr. SCOTT—I fancy our powers extend to regulating those proceedings, but if it is beyond our powers it will not affect anybody.

Hon. Mr. POWER—The hon. gentleman from de Salaberry suggests that there are civil trials in the Exchequer Court.

Hon. Mr. BEIQUE—It seems to me the wording might be changed. We might state that it should apply to the Exchequer Court.

Hon. Sir MACKENZIE BOWELL—This is only as to expert witnesses.

Hon. Mr. SCOTT—I will let it stand and find out from the Justice Department about it.

Hon. Mr. SULLIVAN, from the Committee, reported that they had made some progress with the Bill, and asked leave to sit again.

SECOND READINGS.

Bill (AA) An Act to incorporate the Maritime Stock Breeders' Association.—(Hon. Mr. Scott.)

Bill (9) An Act respecting the United Gold Fields of British Columbia, Limited.—(Hon. Mr. Templeman.)

INSTITUTE OF CHARTERED ACCOUNTANTS INCORPORATION BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. LANDRY moved the adoption of the report of the Committee on Miscellaneous Private Bills on (Bill J) An Act to incorporate the Institute of Chartered Accountants.

Hon. Mr. SULLIVAN—As these amendments involve important principles, in my estimation, and having been contested very much in the committee, I would ask that the amendments be printed.

Hon. Mr. LOUGHEED.

The SPEAKER—That can be done after they are concerned.

The motion was agreed to.

Hon. Mr. SULLIVAN—I move that the Bill be reprinted with the amendments.

Hon. Sir MACKENZIE BOWELL—It might be better that the Senate should be put in possession of the views of those who oppose the Bill. I wish to inform the House of the views taken by those who are opposing it. George Edwards, who is here on the part of the chartered accountants, wrote me a note stating that he was going to Toronto to consult with the committee of Chartered Accountants, and would wire me their decision. This morning I received the following telegram :

Toronto, April 30.

Hon. Sir Mackenzie Bowell, &c.

Ontario chartered accountants have decided to accept the Bill as amended in committee yesterday, provided the promoters do not seek to obtain further amendments.

So that after consultation they have come to the conclusion to accept the Bill as amended, and that may do away with any further discussion upon the general principle.

Hon. Mr. SULLIVAN—I have nothing to do with the chartered accountants whatever. I am not acting for them, and did not think of them at all. It was only the nature of the Bill that struck me, that it was wrong in principle, and that it asked for powers ultra vires of this parliament. We had the opinion of the Minister of Justice, and he declared they were intra vires. I thought the principle of combination was permitted by it, and above all the Senate was asked to confer on this body the power to grant degrees and to hold examinations. There was no curriculum and no mention made of what they were to be examined on. There were some others. The name, &c., was improper, and it is only right the Senate should be possessed of a full knowledge of this Bill that I wish it printed, because these amendments are so lengthy and it would take some time to compare them with the original. I at first moved the rejection of the Bill in toto, and the committee was small and the majority against only one. There was barely a quorum in the committee.

Hon. Mr. FERGUSON—The telegram read by my hon. friend is a little misleading in its terms. It comes from parties opposing the Bill.

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. FERGUSON—They say they will accept it. They are withdrawing their opposition to it. I thought from the words of the telegram that it was the promoters that were speaking in that way. The promoters would have the right to say they would accept the amendments, but the opponents would say that they would withdraw their opposition.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, May 1, 1902.

The SPEAKER took the chair at Three o'clock.

Prayers and routine proceedings.

DISMISSAL OF POSTMASTER McDONALD.

MOTION.

Hon. Mr. FERGUSON moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before this House, copies of all letters, petitions or reports received or in the possession of the Post Office Department or any official thereof, in which it is charged or alleged that Daniel McDonald, late postmaster at Vernon River Bridge, P.E.I., did during the last Dominion election keep intoxicating liquor on his premises in connection with the election, and allowed the post office to be made use of as a place of meeting for party workers,' or alleging that the said Daniel McDonald had during the said election displayed 'active political partisanship.'

He said: I do not propose to make any observations of my own on this motion just at this stage, further than to remark that I was very much surprised indeed at the answer which my hon. friend the Secretary of State gave to the inquiry which I made on this subject some two or three weeks ago in this House. I was very much surprised at that answer because I know Mr. McDonald very well, and I know him to be a merchant of very high respectability. I was astonished when I heard the answer given that the department had made a change in the post office on the ground that the postmaster had allowed spirituous liquors to be used on his premises for election purposes. However, I allowed the matter to drop at the time, but I now observe that Mr. McDonald has written a letter to the independent Liberal paper published at Charlottetown, the *Guardian*, in which, after referring to the answer given by the Secretary of State, he makes use of the following language:

Now with regard to the charges above stated, I positively deny that there is one single word of truth in them from beginning to end, and in proof I challenge any person either Grit or Tory to prove one single instance in which I canvassed any person for a vote, asked him which way he intended to vote, treated any person during the campaign to influence his vote, kept spirituous liquors of any kind on my premises, or allowed the post office, shop, warehouse or my private residence to be made use of as a place of meeting for party workers during the last Dominion election, which covers the charge against me causing my dismissal.

The fact is on the day of election I was on the wharf shipping produce till about 1 o'clock p.m., when I went to the poll and voted and immediately I returned home and resumed my work on the wharf till late in the evening.

Now I consider it very unfair for the government to accept a charge made by one or two wirepullers (who may have a malicious feeling which may occur through other causes clear of politics), without giving the party charged a chance to vindicate his own rights and character, and if the government will only grant me the favour of an investigation into this matter, I will very easily prove that the miserable creature who reported me as above, has falsified me in the meanest and most uncharitable way regardless of what effect such report might have on me as a business man dealing with the public.

I assure you, Mr. Editor, I was by no means anxious about the post office, and if the party wished it changed in order to cure a sore head it was only necessary to acquaint me, and I would have gladly resigned and save the political informers becoming objects of derision and contempt to both parties, who know that there was more than politics at the bottom of it and who also know that the charges made to carry out their wishes are contemptibly mean and false.

In conclusion I may say that the government found me guilty of these charges without ever notifying me that they had been preferred against me; the first knowledge I received was a circular asking me some questions about my successor's location, &c.

Yours truly,

DANIEL McDONALD.

Vernon River Bridge, April 18, 1902.

In view of such a letter as that, published over his own signature, by a gentleman whom I can vouch for as a most highly responsible and respectable merchant in Prince Edward Island, I feel that I am justified in moving that all correspondence in regard to this subject should be brought down to this House, and this will, of course, include the name of the person who made this charge against the postmaster, in order that House and country may see who is telling the truth in the matter.

Hon. Mr. SCOTT—I do not propose to make any comments on the observations of my hon. friend, because I am not in possession of any information on the subject other than I gave the House a few days ago. All I can do is to draw the attention of the Postmaster General to the letter the hon. senator has read, and if there are any letters or documents I can bring down, I shall be glad to do so.

Hon. Mr. FERGUSON—Surely there must be papers.

Hon. Mr. SCOTT—I absolutely know no more about it than my hon. friend does.

NOTICES OF MOTION.

MOTION.

Hon. Sir MACKENZIE BOWELL moved:

That in compliance with paragraph 50 of the Manual of Proceedings of the Senate, a senator on giving notice either of a motion or an inquiry which he intends to make, shall first read said notice from his seat in the Senate, to the House, before handing it to the clerk for insertion in the Minutes of Proceedings.

Hon. Mr. LANDRY—I would ask the mover of this resolution if he would consent to strike out the words 'in compliance with paragraph 50 of the Manual of Proceedings of the Senate,' for this reason: In saying that in passing this motion we comply with paragraph 50 of the Manual of Procedure of the Senate, we state a thing which, in my humble opinion, does not exist, or if it exists, it is useless to go on with such a motion. Either the thing exists or it does not exist. If it exists, the rule is well known, and we do not want to bring up another resolution to state what exists already. If it does not exist, why affirm that it does? Now, I shall try to prove that it does not exist. If I take up the Manual of Proceedings of the Senate and read paragraph 50, it provides:

The Speaker calls 'Notices of Motions.' Motions intended to be moved on a future day require at least one intervening sitting day's previous notice in writing (R. 13). So also notices of Inquiries, or of questions to be put to ministers affecting individual, local, or general interests, or the administration of the government in all its branches; or to senators with regard to Bills, or other matters under their charge.

I see nothing in that which justifies the hon. member in saying that, in compliance with that article, we must read our motions before putting them in the hands of the clerk. There is nothing in that except the small paragraph which precedes that rule, between brackets, which says 'must be read by senator when given, 10th May, page 231.

If we refer to May's tenth edition, page 231, we find nothing of the kind there. I read it over two or three times and there is nothing of the kind to be found there. So this small paragraph, which is not a rule of the House at all, but which was put there, I do not know on what authority, states a thing which is really untrue; I would therefore ask the hon. gentleman to strike out the words to which I refer and let the motion be put without it.

Hon. Mr. MILLER—I quite agree with the hon. gentleman from Stadacona, and perhaps I know more than most members of the House of the history of the manual to which he refers. It never was intended to have anything like the force of authority, and was written under these circumstances: When the late Mr. Lemoine was retiring from the position of clerk of the House, Sir Alexander Campbell asked him to make out some notes of the proceedings of the House, from his long experience, which he thought would be useful to his successor in the office of clerk, and might be useful to himself as leader of the House and to members generally. I frequently was in Mr. Lemoine's room during the latter days he was clerk of the House, and talked over points he was setting down in that manual, and when it was submitted to the House here, it was accepted, not as an authority at all, not as having the binding

force of rules, but merely as a help to members who wished to consult it in proceedings coming before the House. During the last revision of our rules by the committee, of which I was a member, I was surprised to find that this manual was taken up as an authority, and published with our rules, giving it an authority that it was never intended to possess. I know myself that it contains many mistakes. In looking over it on several occasions, I found it asserted as the practice of the House what was not the practice, and I do not think it should have been given the quasi authority which it acquired by having it printed in the same book with our rules. The case cited by our hon. friend who has asked for an amendment to the motion, is a case in point. It shows there is no such authority in May—that the manual is incorrect. There are many instances of the same kind. I think the amendment which has been suggested to the motion of my hon. friend the leader of the opposition is one that should be made, otherwise his motion would have no effect at all, because it attempts to stand on a precedent which does not exist, as my hon. friend has shown by his reference to May.

Hon. Sir MACKENZIE BOWELL—I have not the slightest objection to accept the suggestion of the hon. gentleman from Stadacona, supported by the hon. senator from Richmond. At the same time, although not having the long experience of my hon. friend on my left (Mr. Miller) I must differ from him as to the interpretation which he has put upon this manual of procedure and its force in this House. And I differ from him for this reason: On the 21st March, 1894, I moved the following resolution, seconded by the Hon. Mr. Angers:

That a special committee be appointed to consider and revise or add to the rules, orders and forms of proceeding of the Senate, and that such committee do consist of the Hon. Messrs. Allan, Dickey, Miller, Power, Pelletier, Bellerose, Scott, Macdonald (Victoria), Macdonald (P.E.I.), Lougheed and the mover, with power to report from time to time.

Hon. Mr. MILLER—I did not attend the meetings of the committee regularly.

Hon. Sir MACKENZIE BOWELL—No, but I remember distinctly putting the hon. gentleman's name on the committee from the fact of his long experience and the fact that he had been a Speaker of the House.

Hon. Mr. MILLER—No doubt that committee was appointed.

Hon. Sir MACKENZIE BOWELL—On the 29th of the same month the Hon. Mr. Power, from the special committee appointed to consider and revise, or to add to the rules, orders and forms of proceedings of the Senate, presented their first report.

Ordered that it be read, and the same was then read by the clerk as follows:—

The Senate, Committee room No. 2, Tuesday, 29th March, 1894. The special committee appointed to consider and revise or add to the rules, orders and forms of proceedings of the Senate, with power to report from time to time, beg leave to make this their first report. Your committee herewith submit copies of the rules and standing orders and forms of proceedings as revised, which they recommend for adoption. Your committee also recommend that the new edition, when printed, shall contain the rules and standing orders and manual of proceedings, the British North America Act of 1867, and its amendments, and also His Excellency the Governor General's commission and instructions, that the pages of the volume be numbered continuously, that a table of contents of the whole be affixed, and also separate indexes to the rules and statutes, and that the volume be bound similarly to those hereinbefore in use, &c.

If the form of procedure be not a part of the instructions given to this House as to how they shall proceed upon all questions, then the rules are equally null and void, because the same report that contains the rules contains this manual of procedure, which were both adopted by the Senate, and to my mind, are just as binding upon us as the rules themselves. The rules guide us in conducting business and the manual directs how it shall be done, how the proceedings should be conducted. Both being adopted by the House, I thought I was within the rules in adopting those words in the beginning of the resolution affirming what had been done in the past and that it be a guide in the future, admitting at the same time that during a portion of the period I have been in the House and since the adoption of these rules and manual, we have departed from it. Coming from the House of Commons, where this procedure was not necessary, and not having studied the rules very closely, I did precisely what my hon. friend from Stadacona has done upon a couple of occa-

sions, just handed the motion, of which I intended to give notice, to the clerk in order that it might appear the next day. That is my justification for the course that I have taken in adding those words to the motion; but to avoid all trouble, with the consent of the seconder, while we may differ as to its actual force, I am quite willing to act upon the suggestion, and I think the motion will accomplish the same object if we strike out the words 'in compliance with paragraph 50 of the manual of proceedings of the Senate.'

Hon. Mr. LANDRY—If the House will allow me, I will call attention to the difference between the rules, orders and forms of proceeding of the Senate and the manual of the forms of proceeding of the Senate. Those two things have been confused by the hon. member. What is stated as having taken place on the 21st March, 1894, is quite right. A special committee was appointed to consider and revise, and add to the rules, orders and forms of proceedings of the Senate, but those forms of proceedings of the Senate are not what is called the manual of proceedings, which is quite a different thing. If you look at the beginning of the book you will see 'rules, orders and forms of proceedings of the Senate.' That first part of the volume contains the rules, the orders and the forms. You have the forms at pages 44, 45 and 46. The special committee appointed to revise those rules, orders and forms adopted what is now the first part of the volume. That is the reason of their appointment—to consider, revise, or add to rules, orders and forms of proceeding. When they reported on the 29th March they said:

> Your committee submit herewith a copy of the rules, standing orders, and forms of proceeding as revised, which they recommend for adoption.

Then they recommended that the new edition, when printed, should contain what they had just proposed for the House to adopt, the rules and standing orders, and they add as a simple recommendation, that the volume also contain the manual of proceedings, the British North America Act and its amendments, and also the Governor General's commission and instructions; so there are in that volume three or four different parts.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. MILLER—Did the House adopt the British North America Act?

Hon. Mr. LANDRY—No, but they ordered that the British North America Act and the instructions given to the Governor General should with the manual be embodied in the book, the first part of which they adopted. These are different things altogether, and it is their confusion which probably led the hon. leader of the opposition to put in the words 'in compliance with paragraph 50.' There is no such rule binding the House as paragraph 50. At all events, supposing that should be the case in this particular matter, I have just pointed out to the House the irregularity of the thing, because in that particular paragraph nothing of the kind exists, and more than that, there is a manifest error. That 50th paragraph of the procedure refers erroneously to the 10th edition of May. It is for that reason that I wanted to bring the matter to the attention of the House, and if any explanations are held lucid enough, every one will understand the difference which I pointed out between the rules, orders and proceedings of the Senate and its manual of procedure. Now I call the attention of the Senate to another fact. If this motion is carried—and I do not see why it should not be carried—I will be in this position: in the future I must read my motions. Upon what authority? On the authority of the order which will be adopted to-day. Then is this to have a retroactive effect? If it has not a retroactive effect why certain motions which I handed over to the clerk have not been printed in the Orders of the Day? Why did he take upon himself to keep out those motions and not have them printed? It is for the House to pronounce on those questions. The clerk has in his possession motions which I handed to him and which he refused to publish. He should have either published them or taken the sense of the House, that is through the Speaker the House might have been consulted on the propriety of publishing or keeping back those notices which I gave to the clerk. If this proposed rule becomes one of the orders of the House, I am bound to read my motions, but until it becomes one of our orders, I am free to do what I have done. The other day a member of this

House quoted a decision given by one of the Speakers in 1875. What was that decision ? (It will be found at page 210 of the Debates.) In 1875 Senator Bellerose inquired whether, by the rules of the House, members had to read the notices of motions before they were handed to the clerk of the House or whether it was only optional. What was the answer ? The Speaker believed there was no express rule on the subject : There was no rule. What does he say further ? The practice in the old legislative council and in the Senate had been for the members to read the notices of motion. That is one of the practices followed by the members in giving notice of their motions. The other method was the one which has been followed since that date, as well as before—simply handing the motions to the clerk at the Table. I am not the first one to do that. I have been here for ten years and this is the way I have given my notices. I never read them before. The hon. leader of the opposition says that he himself has been guilty in that respect, if it was a fault, but it was not a fault except in the judgment of the clerk of the House. Coming back to 1875, what does the Speaker go on to say. He says : The practice in the House of Commons was for an hon. member to state his motion without reading it ? How would he state his motion without reading it ? He must give the substance of it. He must rise and tell what the substance of the motion is. Is that the practice in the House of Commons ? Everybody knows that that it not the case. What is done to simplify this ? A member of the House of Commons hands over his motion before five o'clock and it is printed in the Orders of the day following. What is shown by the decision of the Speaker in those days is that there is no rules. The Speaker believed that there were no expressed rules on the subject and why, if there were express rules, should Mr. Bellerose rise and ask if it was optional or not ? It is because both practices were followed in those days as they have always been followed since. Coming now to the question, one of two things will happen. If this is to be a binding rule, I am ready to submit to it, and in future read all my motions, but until it becomes a binding rule, I ask hon. gentlemen of this House if I am going to be dictated to here by the clerk of the House, and if after receiving a notice of motion from me, he is going to keep it in his pocket and not give it to the Senate ? I may be overpowered here, I do not know by what means, and I do not care at all. It is not success I want. I am on my feet to advocate a principle. If I am going to be put down on this question, all right. But as the old English adage says, 'Every dog has his day,' and when we come to the end of the session I will not forget what the rules of this House are.

Hon. Mr. SCOTT—I was very glad indeed to concur in the suggestion that the notice should be altered in the way indicated, because I thought it was going to lead to peace and harmony. Anything that points in that direction always meets with my approval, and I thought there was a pretty universal consensus, if that change was made, that we would accept it as part of the unwritten law of this Chamber, and I was sorry to hear the hon. gentleman from Stadacona say that, notwithstanding its passage, he was going to be independent of it. If that is the line to be taken, the motion will fail.

Hon. Mr. LANDRY—I just said the contrary of that. I said until it passed I claimed the rights I had.

Hon. Mr. SCOTT—I assume it is going to pass within the next five minutes.

Hon. Mr. LANDRY—I am here to submit to it ; I have been speaking of what took place some days ago.

Hon. Mr. SCOTT—I am glad to hear the hon. gentleman say that. There is no necessity for me to make any further observations, except to say that a great many of the rules of the British House of Commons, the highest body of constitutional government in the world, are unwritten, and I suppose we would be governed by the same principle, that where a body of gentlemen acquiesce in a particular rule, it is much more convenient to conform to it unless there is some good reason for departing from it, and I am glad to hear my hon. friend say that if this is adopted no more cavilling will take place, and that he will regard it as a rule although not strictly in conformity with

the laws which govern the practice in this House. I do not think it is necessary to discuss that. We are all agreeable that this shall be observed as a rule, and I think that is sufficient and we will be governed by it.

Hon. Mr. MILLER—The amendment suggested by the hon. gentleman from Stadacona must be made to the motion. It is plainly shown that the precedent cited in the manual of proceedings is incorrect. With regard to the committee appointed in 1894, to revise the rules, I was put on that committee, but I did not take any interest in it, for reasons of my own. I was not aware until the rules were published in book form that the House had even indirectly countenanced the official character which the publication gave to the manual of procedure, because, as I said when last addressing the House, I am aware of mistakes in the manual of proceedings—not many, but enough to destroy all its authoritative character, and no one was more surprised than I was myself when I found it was printed with the rules, giving it a character which it never had and never was intended to have in relation to our proceedings.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Stadacona has stated a number of times that there was no such rule. If he will read the motion of which I gave notice, he will find I do not refer to it as a rule. What I said was in compliance with the paragraph. An attempt was made also to turn the position I took into ridicule by saying the House did not adopt the British North America Act. I never said it did, neither does the resolution read in the House affirm that. If the hon. gentleman will take the trouble to read it, he will find he is hypercritical. After the report was read, it was then moved by myself, seconded by Mr. Power, that rules 14 to 18 of the Senate be suspended in so far as the same relate to the special committee appointed to revise and add to the rules and orders and forms of the proceedings of the Senate. That was carried. Then 'the Hon. Mr. Power moved, seconded by the Hon. Mr. Pelletier, that the report be adopted. The question of concurrence being put, the same was resolved in the affirmative.' Now, it does not say in the motion that we adopt the British North America Act. It simply refers to the rules and forms of procedure, so there was no ground for the attempt to turn the position which I take, because I happened to read the full report, into ridicule by innuendo to show to this House that I had intimated that we had adopted the British North America Act. I studiously avoided using the word rule, because I knew it was not a rule, and I used the other term 'forms of procedure,' because it was adopted with the rules by the Senate of Canada.

Hon. Mr. LANDRY—I have been misunderstood. I did not want to throw any ridicule on the hon. member. The only thing I said was this: there was a certain confusion in the words 'forms of procedure.' What was adopted, as he says, was the rules and standing orders and forms of proceedings. If you look in the rules you find the forms of proceedings. I make a difference between the forms of proceedings and the manual of the forms of proceedings.

Hon. Sir MACKENZIE BOWELL—It is mere carping on a word. The book says the 'manual and forms of proceedings.'

Hon. Mr. LANDRY—What we call the rules is this: 'Rules, orders and forms of proceedings of the Senate of Canada.' You will find the forms of proceedings at page 44, different proceedings, which form part of the rules. The manual is quite a different thing, and the manual was never adopted.

Hon. Mr. VIDAL—I have not ventured to offer any remark on this very intricate question hitherto, but having had an experience of thirty years in this House, I feel I have a right to speak on this subject. I know that the practice of the House has been that which the hon. gentleman from Stadacona has frequently referred to, that is, of handing in notice of motion without reading it. That has been the usual practice. If it is really desirable that the contents of a notice should be known in order that the House may form a judgment as to whether there is any impropriety in the wording of it, I think the course proposed to be taken is of no use, for suppose this motion carried, and my hon. friend from Stadacona, or anybody else, hands in a notice without reading

it, some member calls him to order. The Speaker has to decide that question of order. Does not our rule absolutely require that when the Speaker decides he must mention what order has been violated ? Here there would be no order violated. The distinction drawn by the hon. gentleman from Stadacona between the 'Orders' and the 'Manual,' I think it is clear and unanswerable, that the first are binding on the House, and the other is there to give information to the House, or to the Speaker, as to the ordinary way of doing things. I think the right way to secure the desired process would be just as set forth in the Orders themselves, to move that a notice, under rule 16, be sent to all the members of the House, that a certain order is proposed to be amended, and the notice of the amendment given. That would have been a very simple and effective way of doing it. As to the reason for wishing this alteration to be made, I must confess it has no weight in my mind. I believe that when a member reads a notice of motion, very few other members in the House get an idea of what he is saying, and much more so if there should be an ambiguous sentence in it, which would require consideration before pronouncing it out of order. That could not well be done then. The old practice is, to my mind, much more effective and sensible, that a notice of motion should appear (without reference to the clerk or Speaker), on the record of proposed proceedings of the next day. It does not make it a matter of permanent record, because if there is anything improper in it, every member of the House can see what it is and form his judgment on it, and in that case they would see that if there was an impropriety, the notice should not appear in the Journals of the House. There would be an end of it, and no harm would be done. It appears to me the end to be attained would be much more certainly achieved by having that notice in print before a judgment was formed on it. I do not think, with all deference to the Speaker, and confidence in his judgment, whoever he may happen to be, that the Speaker should have the power to say a notice should not appear in the Orders.

Hon. Mr. YOUNG—It is quite evident that the general feeling of this House is, that we should have some clear cut rule with reference to at least a part of our procedure, more especially that referring to giving notice. Recent events have brought that weakness in our manner of procedure here to the front. We want no better evidence that that appears to be the opinion of the House than the fact that we found two notices on our Order paper not long ago, one by the leader of the House on this side, and one by the leader of the House on the other side, both aiming at the very same object, and that is to prevent, if possible, anything appearing in our minutes in the shape of a motion which would be contrary to the dignity of this honourable body. That is the whole thing we are trying to secure by this notice of my hon. friend the leader of the opposition. In the discussion which has taken place to-day, the fact has been brought out that we have, by our present rules, placed our officers in a very unenviable position, because while they are tied and cannot defend themselves, they are open, through the loose practice that we have had in the past, to being criticised by an hon. member when they are only doing their duty in so far as the honour and dignity of this Senate are concerned, in their opinion. We have another weakness in connection with this, and that is that our Speaker has not sufficient authority. What is everybody's business is nobody's business. The motion which my hon. friend from British Columbia has given notice of, which goes a little further in the direction of giving the Speaker more power, is a very proper one, but we should consider all these things in one motion, in my opinion. We have before us to-day the question, is this the general practice or is it not—that is, of an hon. member standing up in his place in the House and reading his notice of motion. From the evidence of hon. gentlemen who have preceded me, it is clear that that is the general practice—not always the practices, but the general practice, to read a notice of motion. We must have either one practice or the other. We have come to the cross-roads, apparently, and we should make it clear what is the practice of the House. If the motion my hon. friend has moved should be carried, the effect will be a member will have to stand up in his place and read his notice to the House. My hon. friend from

Stadacona wishes to take consolation out of the fact that it does not censure him—and there is no desire to do that—for not having in the past read his notices of motion. He cannot get away from the fact that it was the general practice, and the good sense of this House admitted that the Speaker had acted in the best interests of the Senate on the former occasion, and I think that should be of itself sufficient to notify not only one member, but every member of the House that he should be careful to present only matters in the shape of motions which should properly come before us. My own opinion is, that we should revise our rules with respect to the powers of the Speaker—not giving the clerk authority, but the Speaker himself. The practice of the House of Commons has been quoted. The House of Commons practice works well, because the Speaker there has power that our Speaker does not possess by our practice, and if our Speaker had the same power as the Speaker of the House of Commons, the necessity of this discussion to-day would not arise, because he would be only exercising what is his plain duty, as the rules of the House of Commons set out. That in my view is the position our Speaker should occupy. Of course it follows always that every Speaker's decision is subject to appeal to the House. We do not in any way deprive ourselves of any authority or right, because even in the House of Commons, the Speaker's decision is open to the consideration of the House. I would suggest to my hon. friend, because by unanimity of opinion he was permitted to drop out certain words, that he add after the word 'compliance with' in the motion, the words 'the general practice of the Senate,' and that will meet all the requirements of the present circumstances, leaving it to be understood that in the past we have been doing as his motion will read. If my hon. friend will amend the motion as I have suggested, it will meet with the general approval of this Chamber, and will be a standing order of the House. It would clear up the objections which have been raised with reference to the manual, although I agree with the leader of the opposition that when the committee appointed in 1894 reported, they placed a great deal more value on that manual than the hon. member from Stadacona would lead us to believe to-day. Remember, it was no hasty action, because this committee was appointed in 1893, made their preliminary report in 1893, and I gather from the record this report was allowed to stand over until 1894, so that members of the House would have an opportunity of looking into the work of the committee, and seeing whether it met their views or not. That committee was revived in 1894, and reported the rules which we have to-day, and also the manual of proceeding, and if you will notice on the first page of our rules the wording which my hon. friend mentioned a moment ago is not what appears on the fly-leaf, but take the first page and we read this: 'Rules and Standing Orders of the Senate of Canada.' Then we go over further to the manual of the forms of proceeding, and we find there the very words used in the report of the committee on page 69, 'Manual of the Forms of Proceeding of the Senate of Canada.' Practically word for word as was used in the report quoted by my hon. friend who leads the other side of the House. So it was evident, after one year's deliberation, the members of this House decided that the proper manner of proceeding was in accordance with that committee's report, because it was adopted unanimously, adopted under suspension of rules; therefore there could not have been at that date any difference of opinion. I submit they have greater weight than an ordinary suggestion that is in our proceedings. I take it if we wish to be exactly in order and form, we would be so by using the forms laid down in the manual of proceeding.

Hon. Mr. DeBOUCHERVILLE—I would call the hon. gentleman's attention to rule 123.

Hon. Mr. YOUNG—My hon. friend quotes rule 123. I am very glad that he has called my attention to that, because it is that very rule that has misled my hon. friend from Stadacona. Rule 123 lays down the forms which shall govern the proceeding in divorce:

123. The subjoined forms varied to suit the circumstances of the case, or forms to the like effect, may be used in proceedings for divorce.

A special portion of our work which required special forms and rules to be absolutely distinct. That does not detract in

the slightest from the argument that the manual of proceeding was laid down to guide us in our proceedings, and was adopted unanimously by this House in 1894. Another point I shall call attention to is a decision of Speaker Christie in 1875. Note this, that the decision was given in 1875, and this manual of procedure, with that note in it which says that a senator shall stand up in his place and read his notice of motion, was passed in 1894, long after that decision was given, and evidently with the intention of establishing a practice which we are re-affirming practically today by the notice of motion now before this honourable House.

Hon. Mr. CHURCH—I have listened with a great deal of interest to this discussion. It has brought forcibly to my mind an old quotation : 'to be or not to be, that is the question.' If hon. gentlemen who have been here for a quarter of a century, more or less, and had to do with the revising of the rules, from which quotations have been given this afternoon, differ so much as to the meaning of this rule, and if in that way they also differ as to the practice in carrying out that rule, surely we younger members in this House must be supposed to be altogether at sea. There is a very significant question which should now be asked, borrowed from our United States neighbours, 'where are we at ?' We do not know where we are at, at all. My hon. friend from Stadacona has brought up some very fine points. I admire him for his ingenuity and pluck, but sometimes he fights a little too long. I think the leader of the opposition and the Secretary of State are sincerely anxious to have this difficulty cleared up, and they have gone to a great deal of pains, particularly the leader of the opposition, to afford a reasonable solution of the difficulties we have got into in the past week or two in regard to some matters coming before this honourable body. I agree largely with the hon. gentleman who has just taken his seat. It appears to me very strange, especially when I first had the temerity to address this House, and could not address the Speaker, but had to address some fifty or sixty senators. It seems awkward to address nobody in particular, but hon. gentlemen, it has been my practice for a quarter of a century to address the Speaker in the popular branch of this body, and in the legislature of Nova Scotia. I agree that the Speaker of this House should have more power. It is not only with regard to this matter on which hon. gentlemen differ, but I do hope we may get some rule so plain that all will understand it, and the House will live up to it. But there is another matter here. It is utterly impossible in this House, as I view it—especially when there is anything of importance going on, anything that members generally would like to express their views upon—to know who has the floor. Yesterday, to my knowledge, four members had the floor at once, and the one who rose first had to speak fourth. In the popular branch of this parliament, and in the legislature of Nova Scotia the Speaker is supposed to catch the eye of the gentlemen who are rising to speak, and whoever he says has the floor takes it. But here we get up, three or four of us, and nobody knows who has the floor, and the one who has been here a good while, keeps on talking, and gets the floor at last. As I understand, the Speaker of this Senate is to all intents and purposes simply a machine. He propounds certain questions which are brought before us, and when the Orders of the Day are read, unless some difference of opinion arises between the members, he cannot interfere. As has been stated by the hon. gentleman who has just taken his seat, his ruling is subject to the decision of the Senate and very properly so. In the House of Commons, and the leader of the opposition will bear me out, many times questions of great importance on points of order arose, and if the Speaker could not settle the point then and there, he took time to consider it, and brought in his decision next day, and in nine cases out of ten, those decisions being carefully considered, and authorities consulted, were accepted without comment. Recently I was in the gallery of the other House, and a question of some kind arose. The Speaker decided, and the hon. gentleman who had very strong views in regard to it, immediately bowed to the decision. It appears to me that a committee of the very best men here, versed in the practice and what should be the practice, men capable of establishing a precedent, should be appointed by this body to

bring in a new set of rules, giving the Speaker more power. The matter should be so arranged, that we would get rules which would save valuable time. I think the leader of the opposition and the Secretary of State are perfectly able to frame a rule. The debates may be more exciting in future, as there is younger blood getting into the Senate, and there may be more desire to talk, especially on the part of men who have been a long time in public bodies, and therefore, we may want something more fixed and binding to govern our discussions here. Of course the senators are all honourable men, and will act in an honourable way, but as regards the doing of business here, I think there is too much laxity in the rules. I do not desire to blame any one particularly. I am simply speaking of the practice in the Senate since I have been here.

The SPEAKER—As I understand it at present, the leader of the opposition, who moved the original motion, has consented to a change being made, and, if I am correct, it now reads :

That a senator on giving notice either of a motion or of an inquiry which he intends to make, shall first read said notice from his seat in the Senate, to the House, before handing it to the clerk for insertion in the Minutes of Proceedings.

Hon. Mr. WATSON—I move the following amendment, to add after the word 'with' in the first line 'the general practice.'

Hon. Mr. LANDRY—I rise to a point of order. That motion is irrelevant.

The SPEAKER—The amendment is in order perfectly.

Hon. Mr. LANDRY—The word 'with' is no longer in the motion. The hon. gentleman asks to put words after the word 'with.'

Hon. Mr. WATSON—We might have an opportunity of saying whether we are prepared to support the action of the Speaker. A consensus of opinion was expressed here before that matter has been placed on the Journals of the House by that member which should not have so appeared. I think the Speaker was perfectly justified in excluding it, and I do not think it is right to pass a vote of censure on him for having that notice left off the Journals, when we express by our motion, that the Senate intended to justify the Speaker at the time.

Hon. Mr. LANDRY—I call the attention of the hon. gentleman to this fact : I am not alluding to the motion that the Speaker ordered to be struck out the other day. That is not the question at all. Since that time I have handed in motions and one of them was with reference to honorary colonels in the volunteer force. I am not speaking of the motion which the Speaker ruled out. I accepted that ruling the other day. It is with reference to a subsequent motion that was handed over to the clerk of the House, and the clerk of the House wrote me that he had the authority of the Speaker to exclude it from the Order paper.

Hon. Mr. WATSON—I move that we add to the motion the following words :

In compliance with the general practice of the Senate.

Hon. Mr. MACDONALD (P. E. I.)—It is well known by members who have been here for some time that that has not been the general practice of the Senate. During every session that I have been in this House motions have been handed in at the Table without being read. No hon. gentleman who has been here for ten years can deny that that has been the case.

Hon. Mr. LOUGHEED—I am surprised at the hon. gentleman from Marquette introducing the most contentious factor that could be introduced into the discussion when unanimity prevailed as to the adoption of the motion. If my hon. friend had considered from the time this was first mooted down to the present time, in what way he could have made it more controversial than it is, he could not have succeeded better than embodying in the motion the language he suggests. Will my hon. friend undertake to pass a reflection upon the discussions which have taken place for the last ten or fifteen years upon a controversial subject ?

Hon. Mr. WATSON—I have a perfect right to.

Hon. Mr. LOUGHEED—I quite accede to that, but it simply means that the different views which obtained upon this question many years ago are now pronounced to be entirely wrong by the amendment of my

hon. friend. As all parties are prepared to accept the declaration of what should be the practice hereafter as embodied in the motion of the hon. leader of the opposition, why introduce the contentious factor which he suggests? We have been discussing without being able to arrive at any conclusion as to what has been done in the past. May, Bourinot and all the authorities we have been able to investigate do not pronounce on what the practice has been. Different hon. gentlemen have expressed their views as to what constitutes the practice, and why should we now, at this late stage, after we have agreed upon a satisfactory solution of the question, open up an old sore and pronounce arbitrarily upon what really has never been decided satisfactorily to be the practice. I would point out to hon. gentlemen that this discussion has extended now over several weeks, and there is a large Order paper before us this afternoon, and surely it would comport more with the dignity of the House to deal seriously with the more important business than to discuss the difference between tweedledum and tweedledee.

Hon. Mr. MACDONALD (B.C.)—I do not know whether the hon. gentleman from Marquette was in the House when I gave notice of a motion giving the Speaker power to eliminate a notice from the Order paper. I wished to make that motion at the time the motion of the hon. leader of the opposition was brought up, but at the request of the hon. Secretary of State and the hon. leader of the opposition I will make it a separate motion and it will come up for discussion on Monday, giving the Speaker ample power to strike off the Order paper any motion which is out of order.

Hon. Mr. BERNIER—I rise to a point of order, I submit it is not in order to put before this House a motion which states facts which are controversial.

Hon. Mr. BEIQUE—I rise for the purpose of joining with the hon. gentleman from Calgary in asking the hon. gentleman from Marquette to withdraw his motion.

Hon. Mr. BERNIER—I have risen to a point of order, and I ask for a decision.

The SPEAKER—I do not think the point of order is well taken.

Hon. Mr. BEIQUE—I understand the hon. gentleman from Marquette moved this amendment because he understood that it would be a reflection on the hon. Speaker of this House if we adopted the original motion. For my part I cannot agree with that, because I think that the result of the whole discussion has been to show that the general practice of the Senate has been quite loose in that respect and that in a number of instances, if not in the majority of cases, it has been the practice to hand notices of motions to the clerk without reading them in the Senate. But I entirely agree with the hon. leader of the opposition in the remarks he has made for the purpose of showing that the rules. as adopted by the Senate, were to the contrary, and I entirely approve of what he said in this respect, especially when he bases his contention on the report as adopted in 1894. The report of 1894 was to the effect that the rules of the House being silent on the point under discussion, the manual was to be adopted, and the manual of course, was adding to the rules. The rules being silent and the manual making an express mention of the course which was to be followed by hon. gentlemen of this House, I say the moment this report was adopted by the Senate it was an expression of opinion on the part of this House that the rule as embodied in this paragraph 50 of the manual should be followed, but it is quite plain that in practice hon. members of this House have departed from it, and it seems to me that the hon. gentleman from Marquette should not insist on introducing the element of general practice as his amendment does.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. BEIQUE—I am surprised at the hon. gentleman from Stadacona insisting on bringing the same question so repeatedly before this House. A notice of motion was handed to the clerk and that notice was considered by a majority of this House—almost unanimous—as being an abuse of the privileges of hon. members of this House. The hon. Speaker deemed it in the interest and the dignity of the Senate to order the motion to be removed from the record, and he was supported by the Senate, and therefore I think that it would be no reflection on his conduct to adopt the main motion

as presented by the leader of the opposition. I therefore join the hon. gentleman from Calgary in inviting the hon. gentleman from Marquette not to insist on his amendment.

Hon. Mr. WATSON—That being the understanding so expressed by the hon. gentleman, and this being the amendment moved by the hon. gentleman from Killarney (Hon. Mr. Young), I have no objection to withdraw it. I thought it might be supposed that the original motion was a reflection on the Speaker. However, I desire to withdraw it.

Hon. Sir MACKENZIE BOWELL—I desire to disavow, in the most positive language I can use, that I had any intention, directly or indirectly, of casting any reflection on the Speaker. No such idea ever crossed my mind.

The motion was agreed to.

THE PRINCE EDWARD ISLAND RAILWAY.

INQUIRY.

Hon. Mr. FERGUSON inquired:

Whether it is the intention of the government to invite public tenders for the construction of the railway from Charlottetown to Murray Harbour other than section 2?

If so, when will the notices for such tenders be issued?

Hon. Mr. SCOTT—The answer sent me is as follows:—The department invited tenders by public advertisement for section 2 covering 11½ miles from Mutch's Point towards Murray Harbour, and the contract was awarded accordingly to a responsible contractor, at prices which the engineers pronounced reasonable. The next section was continued at the prices for the work as settled under the first tenders, by Order in Council. The contract has been sent for execution by the contractor.

Hon. Mr. FERGUSON—That is most extraordinary, in the face of the replies that were given across the floor of the House on the authority of the chief engineer of railways, that no work was being done on any section but No. 2, when now it appears that by an Order in Council the work was prosecuted on other sections of the road on the same terms as No. 2.

Hon. Mr. SCOTT—The hon. gentleman is right except as far as the date is concerned. After my hon. friend made the statement that work was going on, I called the attention of the Minister of Railways to it and he denied it, and I spoke to Mr. Schreiber about it. It appears the contractor went on with the approval, perhaps, of the local engineer. Subsequent to the statement made, on a report from the local engineer, confirmed by Mr. Schreiber, a continuation of the work was given beyond the 11½ miles to this contractor at schedule prices contained in the first contract.

Hon. Mr. FERGUSON—That is all right, but what becomes of the denials given by my hon. friend on the authority of the department, that work was being done by the government?

Hon. Mr. SCOTT—Evidently the department did not know the work was going on.

Hon. Mr. FERGUSON—And it was done by Order in Council!

Hon. Mr. SCOTT—No, he went on before the Order in Council. The Order in Council was passed, if my memory is correct, after my attention was called to it by my hon. friend.

Hon. Mr. FERGUSON—It was intended to be retroactive, because the road was well on towards being graded before that.

BILL INTRODUCED.

Bill (113) 'An Act further to amend the Yukon Territory Act and the Acts in amendment thereof.—(Hon. Mr. Scott.)

THE LATE SENATOR DECHENE.

Hon. Mr. SCOTT—Before the Orders of the Day are entered upon, it is my melancholy duty to announce to the Senate that one of our colleagues died last night, the Hon. Mr. Dechene, the senator from la Durantaye. He had been in the Senate a very short time. He was introduced by my hon. friend who represents the Gulf division and the leader of the House, I think, four days before the House rose on the 20th day of May last year. He was only four days, I think, a member of the Senate during 1901. He came up at the opening of parliament this year, and remained here for, I think, a month. I do not know whether he was in daily attendance, but his health was not satisfactory, and he returned to his home and passed to

the other world last evening. The deceased senator was a gentleman who was very highly respected in his own county, the county of L'Islet. He had been elected for that county in 1896 and re-elected in 1900. He took a very warm interest in all that affected the country. He was president of an Agricultural Society and carried on a very large and profitable business. It will be a matter of regret to all those who knew him personally that this gentleman should have been called away at so comparatively early an age. He was not more than fifty-three or fifty-four, and a gentleman who was very highly esteemed and respected by all those who knew him.

Hon. Sir MACKENZIE BOWELL—I certainly have to express the same regret as the hon. Secretary of State. The hon. senator was a gentleman with whom I had no personal acquaintance, and consequently I can only speak of him in his public career further than that I believe that every one who knew him held him in the highest possible esteem. It was my good fortune to have met him personally and casually for only a few days, and I am sure it must be a matter of very great regret to all who have seats in this House when they hear of a young prominent man like Mr. Dechene passing away. I wish to express my very great regret at the loss which the Senate has sustained. I believe Mr. Dechene was universally esteemed by those who knew him, as a courteous, quiet, gentlemanly man.

Hon. Sir ALPHONSE PELLETIER—I can hardly refrain, after the very sad announcement which has just been made to the House, from expressing my sorrow and regret. I fully endorse what has been so well said by the hon. Secretary of State and the hon. leader of the opposition. It was my good fortune to know perhaps a good deal more of our late lamented confrere than those two hon. gentlemen. The hon. senator for several years represented the county of L'Islet in the House of Commons, which county forms part of the division of Grandville which I now represent here. I knew the hon. senator from his childhood. I had very many friendly relations with him, and I always found him very courteous, polite, energetic, and ready to render service to any one. Death visits us very often, and this time it is a very young member who has answered to the call. I am sure that all those who have had occasion to meet him, will concur with me in saying that by his death we lose a kind and honourable confrère. For those who have known him, it may be said that by his integrity and energy he had just attained a very enviable position in his province, and was just arriving at the stage to enjoy life and to be crowned with the reward he had earned during his life. I may say—and I have only one word to add—that I consider his death a very sad loss to his family particularly, and to his many friends, and a sad loss for his county and division, and all his numerous employees. As for us, I think we lose an hon. gentleman who would, like all the members of this House be an honour to the Senate.

THIRD READINGS.

Bill (70) An Act to incorporate the Ross Rifle Company, Limited.—(Hon. Mr. Watson, absence of Hon. Mr. Gibson.)

Bill (Y) An Act to incorporate the Union Life Assurance Company.—(Hon. Mr. Lougheed.)

Bill (83) An Act to incorporate the Canadian Northern Express Company.—(Hon. Mr. McMullen.)

Bill (71) An Act respecting the Dominion Cotton Mills Company, Limited.—(Hon. Mr. Forget.)

Bill (91) An Act respecting the Timagami Railway Company.—(Hon. Mr. Watson, in absence of Hon. Mr. Gibson.)

Bill (50) An Act respecting the Niagara, St. Catharines and Toronto Railway Company.—(Hon. Mr. McCallum.)

Bill (66) An Act respecting La Compagnie du Chemin de fer de Colonisation du Nord.—(Hon. Sir Alphonse Pelletier.)

Bill (74) An Act respecting the Ottawa, Brockville and St. Lawrence Railway Company.—(Hon. Sir Mackenzie Bowell.)

Bill (78) An Act respecting the Trans-Canada Railway Company.—(Hon. Mr. Watson.)

Bill (84) An Act respecting the Bay of Quinté Railway Company.—(Hon. Sir Mackenzie Bowell.)

Bill (54) An Act to incorporate the Essex Terminal Railway Company.—(Hon. Mr. Clemow, in the absence of Hon. Mr. Casgrain, Windsor.)

Bill (103) An Act respecting the Lake Champlain and St. Lawrence Ship Canal Company.—(Hon. Mr. Bernier.)

Bill (53) An Act respecting the Canadian Northern Railway Company.—(Hon. Mr. Lougheed.)

Bill (105) An Act to amend the Bills of Exchange Act, 1890.—(Hon. Mr. Scott.)

CANADIAN PACIFIC RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. JONES, in the absence of Hon. Mr. Drummond, moved the third reading of Bill (69) An Act respecting the Canadian Pacific Railway Company.

Hon. Mr. WOOD (Hamilton) moved that the following clause be added to the Bill as subsection 2 of section 9 :

2. In order further to develop the settlement of the country west of Lake Superior and to stimulate competition in the supply of necessaries and conveniences to settlers, the company may construct, maintain and operate rolling mills and foundries, and may manufacture and sell agricultural machinery of all kinds.

He said: I move this amendment in the interests of the farmers. When this Bill was before the Railway Committee yesterday, the whole discussion arose on how the Bill was going to benefit the farmers. They have given the company power to smelt iron and make steel, but hon. gentlemen all know how little use a pig of iron or an ingot of steel is to a farmer unless it is put into practical shape for the farm. I wish to give them the power to build rolling mills and foundries, so that they can cast pig-iron into the necessary things farmers require for operating on their farms. The company can roll the ingot of steel into bar steel, so that it can be manufactured into machinery of various kinds to be used on the farm. The general wish of the committee seems to be to give the farmer everything at the cheapest possible rate. They even give the company power to lend money, believing that a large company like that would lend money at a much lower rate than the ordinary loan companies could. One hon. gentleman said it was to be free trade in money, and that it would be in the interest of the farmer. I am quite satisfied that the farmer, if he has cheap agricultural implements, is as much, or perhaps more satisfied than he would be with cheap money. I wish to give this company power to manufacture these implements at the cheapest possible rate.

Hon. Mr. FORGET—You do not want to oblige them to do so, do you ?

Hon. Mr. WOOD (Hamilton)—The farmers of the North-west may sometimes be unreasonable, and may want their agricultural implements perhaps cheaper than our manufacturing companies can supply them. We had a deputation from these agricultural implement manufacturers urging an increase of the tariff up to 35 per cent, but the government thought fit, in their wisdom, to refuse that. The manufacturers, thinking they could not compete with our neighbours, asked for the 35 per cent. It is a most extraordinary thing that our agricultural implement manufacutrers can compete with them in the markets of Australia and India, and other foreign countries, but right at their own door cannot compete with them. They want to have the tariff increased, but I am glad the government concluded they had ample protection and would not grant their request.

Hon. Mr. LOUGHEED—The hon. gentleman had better wait until next year before he says that.

Hon. Mr. WOOD (Hamilton)—I am speaking of the present. Some United States manufacturers are now making arrangements to establish large factories in Canada for the purpose of supplying the market of the North-west. I have considerable interest in the North-west. I am doing a large business there, and in British Columbia, and I want to see the farmers prosperous; therefore, I wish to give this company power to manufacture these things at the cheapest possible rate, but they must sell them to the farmers on their own land, as they must manufacture the iron on their own land. I should like to see them get power to sell all over the country. I thought it was in the interest of the farmer that we should give the company these powers. They have not asked for them, but they cannot have too much of a good thing, and I am willing the company should have the power to manufacture agricultural machinery of all kinds.

Hon. Mr. BERNIER—Has the company asked for these privileges ?

Hon. Mr. WOOD (Hamilton)—No.

Hon. Mr. BERNIER—I do not think it is desirable to give them legislation which they have not sought for.

Hon. Mr. JONES—I do not rise to oppose the amendment, but to object first to the wording, which I am inclined to believe my hon. friend did not very carefully consider. Possibly this amendment was written under circumstances when the hon. gentleman was not in the right humour. I am bound to conclude there must have been some such reason as that. The insinuation in the amendment on the milling and manufacturing industries of Canada, I think is unfair and uncalled for. He suggests that this amendment be added, giving the Canadian Pacific Railway this power, for the purpose of stimulating competition in the supply of necessaries and conveniences to settlers. I submit that any one desiring to settle in Canada, on reading that, would conclude that the conditions in this Dominion are such that it is doubtful if they should come to a country where the competition is so limited and the conditions such that the railway companies should be asked to enter into the manufacture of machinery and other necessary articles for the use of settlers, for the purpose ostensibly of getting rid of a difficulty which was a menace to the country. If there are two industries in Canada that we can fairly be proud of, it is the milling and manufacturing interests, and especially the manufacturing industries as they affect the farmers. I think every hon. gentleman in this House will admit that there is no manufacturing industry in Canada that is better taken care of, in Canada, and to some extent outside of Canada, than the manufacturers who are specially dealing with the farmers of the Dominion. The hon. gentleman says, with reference to tariff matters, he expresses an opinion as to what they should do. I am not going to discuss that at present, but, he asks, if the manufacturers of Canada are asking for an increase of tariff to enable them to hold the trade of Canada, how can they compete in Australia, India, and other foreign countries. As to India there is no competition, because there are substantially no implements sold there. They are sold by Canadians, or Americans who are their great competitors. As to Australia, Canadian manufacturers have, and I think it is to their credit to say it, a very considerable business in those colonies. And why? I am glad to be able to give the reason to hon. members. Canada can compete with foreign manufacturers there, because the prices obtained in Australia from the farmers are so much higher than they are in Canada, that they are able to go there and make money, when at home they would be unable to do so. The same reason may be given in Europe. In Great Britain and Ireland, in France, Germany, Russia, Switzerland, Norway and Sweden, Italy, and all those countries, prominent manufacturing industries in Canada are doing business, and in no single country that I have named outside of the Dominion—I say this positively, because I know whereof I speak—in no country except possibly the United States, do the users of agricultural implements purchase their implements so cheaply as the farmers of Canada do. I think it is a very creditable thing to be able to say, because it cannot be denied or disputed, that in Canada the farmers buy their implements for less money than in any other country on earth, except the United States. I will except them. They are a very large country, eighty millions of people, with a tremendous business absolutely preserved to themselves. The largest manufactories in the world have grown up there, and the users of implements there get their goods as cheap, possibly in some states of the Union somewhat cheaper than anywhere else. I believe there is no material difference in the price of implements generally in the United States and in Canada, but in Great Britain—in England itself, there is no line of implements coming within the range of the motion which has been moved, in which the user does not pay on an average 25 per cent more than the user in Canada has to pay. The mover of the resolution has said to the House that the Canadian Pacific Railway Company have not asked for this legislation. I think that would be self-evident, but if they had asked for it, so far as I am concerned, I would not object to their having it, provided it was surrounded by such safeguards as would enable other manufacturers to obtain as reasonable rates of freight over the trans-continental line as the company themselves would get. I

am one of those who are in favour of Canadian competition. I believe in competition among Canadians. I am not a believer in competition coming from countries that refuse to have competition from other countries under reasonable conditions.

Hon. Sir MACKENZIE BOWELL—Bonuses on pig iron for instance.

Hon. Mr. JONES—I do not know that the bonuses on pig iron enter materially into this discussion, but if the hon. gentleman who moved the resolution is able to advise the House just how they operate, because he has a very large interest in the direction of pig iron, and I believe also of lumber, he might enlighten the House, and possibly that is the reason we have this legislation proposed. There is, however, this special reason, to my mind, why the petition of the Canadian Pacific Railway Company as to their own lands should have been given, and I think it will commend itself to the better judgment of this Senate. This parliament years ago gave the Canadian Pacific Railway Company large tracts of land, timber lands, mineral lands, and farming lands. It is desirable, in the interests of the country, and of the railway that they should be able with these to make from them such use as would be in the best interests of the railway company, and of the country, and any gentleman who knows the condition of things in north-western Canada will admit that this legislation will tend to the settlement of lands there that have been closed to settlers for reasons which will be obvious from the legislation which is now sought by the railway company. If it does tend to the conversion of timber into lumber for the supplying of the farmers on these lands, or adjacent to them —if it does tend to the production of iron and steel, because of the mineral wealth that is there, beyond what it would if it were sold to other countries, and if it does further, as it undoubtedly will tend to the settlement of the lands by farmers, surely that will be in the best interests of western Canada, and will have that additional influence towards the settlement of the country in which we are all so much interested. I am sure it is the hon. gentleman's intention not to press this motion. It is a mistake, purely in jest I believe, that this motion is put on our order paper, because it goes on the records, and can always be pointed out against the interests of Canada by those who are only too ready to undertake to influence the people not to settle in the Dominion, that we are so anxious to get—that we are paying so much money to get, and that it is so necessary to have.

Hon. Mr. LANDRY—I do not know if I ought not to raise a question of order. The point I want to make is that this is a private Bill. Notices have been given, and the Bill, to pass in committee, must comply with the notices. Here is an outside party who asks that other privileges be given this company which are not covered by the notices at all.

Hon. Mr. WOOD (Hamilton)—The notice asked for a good deal more than they got, and it was struck out in the House of Commons.

Hon. Mr. LANDRY—The hon. gentleman says that the company have not asked for these powers. If they did not ask for them, they did not give notice of them.

Hon. Sir MACKENZIE BOWELL—He is not serious.

Hon. Mr. LANDRY—We have no right here to add sections to that private Bill which are not covered by the notice.

Hon. Sir MACKENZIE BOWELL—I think it is a pity that the hon. gentleman from Toronto has taken this matter seriously. He has made a very good speech, with which I must confess myself fully in accord, but I do not think the hon. gentleman from Hamilton went quite far enough. I would suggest the propriety of his going a little further. I prepared an addition to his amendment: after the word 'foundry' in his motion, to add 'giving them power to open wholesale and retail hardware stores, and to sell articles in said line of business not exceeding a certain percentage, and if it does exceed that percentage, it shall form part of the revenues of the country,' and I think it would be well to add, 'they shall be compelled to build churches on all their lands for different denominations.' The whole thing seems to me to be a motion that might properly be turned into ridicule, and does not deserve the serious attention given to it by the hon. gentleman from Toronto. I cannot possibly conceive that the

hon. gentleman was serious. If he was, he should have gone a great deal further. To ask the Senate to adopt such a motion is to turn the Bill into ridicule. There is a great deal of force in the objections taken by the hon. gentleman from Stadacona, that to add to a private Bill powers that the promoters never asked for is out of order. The sooner we drop this sort of nonsense the better.

The SPEAKER—Do I understand the hon. gentleman from Hamilton withdraws his motion ?

Hon. Mr. WOOD (Hamilton)—It appears to be the sense of this House that the motion should be withdrawn and of course I comply.

The SPEAKER—Leave is given to the hon. gentleman to withdraw his motion.

The motion for the third reading of the Bill was agreed to, and the Bill was then read the third time and passed.

CANADA EVIDENCE ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (115) An Act further to amend the Canada Evidence Act, 1893.

(In the Committee.)

Hon. Mr. SCOTT—Attention was drawn yesterday to the fact that where the clause reads 'where in any trial, criminal or civil, &c.,' it ought not to apply to civil cases, as the procedure in civil cases would be under the jurisdiction of the Dominion authorities.

Hon. Mr. LOUGHEED—Not in Dominion courts. It would only apply to Dominion courts.

Hon. Mr. SCOTT—This Bill is to form part of the Act relating to witnesses and evidence, passed in 1893, and the second section of this Act states that it applies to all civil as well as criminal proceedings, so far as the parliament of Canada has jurisdiction. That settles it.

Hon. Mr. BEIQUE—The word 'civil' is unnecessary.

Hon. Mr. SCOTT—I had the opinion of the Minister of Justice who thinks it is better that the expression should be used.

Hon. Mr. LANDRY—This is not amending the section of the Canada Evidence Act, but adding a clause.

Hon. Mr. SCOTT—It adds a clause in reference to the limitation of witnesses, limiting the number of expert witnesses to five, unless the judge demands more.

Hon. Mr. LANDRY—It cannot create a special jurisdiction ?

Hon. Mr. SCOTT—No. It only applies where we have jurisdiction.

Hon. Mr. ELLIS, from the Committee, reported the Bill without amendment.

MONTREAL AND SOUTHERN COUNTIES RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. McMULLEN moved the second reading of Bill (99) An Act respecting the Montreal and Southern Railway Company.

The motion was agreed to.

Hon. Mr. McMULLEN moved that the Bill be referred to the Committee on Railways, Telegraphs and Harbours.

Hon. Mr. FORGET—I should like to have some explanation of this Bill. It has not been printed in French.

Hon. Mr. McMULLEN—I understand that this is a Bill for the purpose of accommodating a rural district south-east of Montreal. It is intended to be an electric line, and will largely run on the highways for the accommodation of farmers in that district. It does not come in opposition to either the Grand Trunk or Canadian Pacific Railway. It is to enable the farmers to bring their vegetables to Montreal markets in time in the morning.

Hon. Mr. FORGET—There is a Bill like this already in existence. It was passed three or four years ago. I object to this Bill because it has not been printed in French.

The SPEAKER—It has already been read the second time and referred to committee, and the objection comes too late.

Hon. Mr. LANDRY—I would call the Speaker's attention to the fact that Bills Nos. 96, 99, 100, 124, and 133 are not printed in French, or if printed, are not distributed. That is contrary to the notice given at the

head of the Orders of the Day. That is the fourth or fifth time I have called the attention of the House to this irregularity. I do not know whether some one is paid to continue the irregular procedure, but I call attention to it now for the last time, and in future I shall oppose every Bill which has not been distributed.

SECOND READINGS.

Bill (100) An Act to incorporate the Toronto and Niagara Power Company.—(Hon. Mr. Watson.)

Bill (96) An Act to incorporate the Manitoba and Keewatin Railway Company.—(Hon. Mr. Watson.)

Bill (73) An Act to incorporate the North Shore Power, Railway and Navigation Company.—(Hon. Mr. Watson.)

UNORGANIZED TERRITORIES GAME PRESERVATION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (117) An Act further to amend the Unorganized Territories Game Preservation Act, 1894. He said: The only object of the Bill is to postpone the time when buffalo and bison can be killed.

Hon. Mr. DeBOUCHERVILLE—Are there any more bison?

Hon. Mr. SCOTT—A rare one may be found.

Hon. Sir MACKENZIE BOWELL—I think it refers more particularly to the musk ox.

The motion was agreed to, and the Bill was read the second time.

NORTH-WEST TERRITORIES ACTS AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (121) An Act further to amend the Acts respecting the North-west Territories. He said: The object of this Bill is to give to the North-west Territories Council power to open new trails or roads. It is found in the North-west, though in a less degree than in Ontario and Quebec, that the line laid out for a highway or concession line is not suitable, and one of the adjoining lots should be taken, and it is to authorize the government of the North-west Territories, when that is required, to take proceedings to close up one road and open another.

Hon. Sir MACKENZIE BOWELL—The land there belongs to the government, except the mining locations. Any one who has travelled those roads would think that they were established for no other purpose than to spend money. They are constructed first at the base of a mountain and then go up the mountain, and it would be very interesting to those who have seen those roads to know the reason of running them where they have been located. I have seen roads where the descent would be about two or three miles, where you would have to switch back again, and it would cost an immense amount of money, and after investigation it would be found you could reach the point up Bonanza creek and Eldorado with one of the latest and most delicate buggies you could get, and travel full trot all the time. And yet thousands of dollars have been spent in constructing the road up and down and round the hills with switchbacks this way to keep from tumbling over, where you could get a road without the slightest difficulty almost as level as the roads of Ottawa. If they have not had the power they should have it now, to prevent the wasteful expenditure of money that has characterized the administration in that country in the past.

Hon. Mr. DeBOUCHERVILLE—Does this apply to Manitoba as well as the North-west Territories?

Hon. Mr. SCOTT—The North-west Territories. Manitoba has the power itself.

Hon. Sir MACKENZIE BOWELL—I thought it was the power given to the Yukon Territory. I find it refers to the North-west. I understand it applies only to government lands.

Hon. Mr. SCOTT—I find it applies generally. It applies to road allowances. In the first place the surveyors who surveyed the section laid off roads and then there were certain trails the inhabitants were using from time immemorial, and those trails were preserved wherever they were convenient to

the people and they found they could improve on that when the country became better known and more largely settled.

Hon. Mr. DeBOUCHERVILLE—Manitoba is not included in the Territories, I understand.

Hon. Mr. SCOTT—No.

Hon. Mr. DeBOUCHERVILLE—There was the same demand by Manitoba to take away the trails and straighten the streets, in order to keep the territory gained by that, in the city of Winnipeg. This does not apply to that at all.

Hon. Mr. SCOTT—Oh, no.

The motion was agreed to, and the Bill was read the second time.

CIVIL SERVICE RETIREMENT ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (124) An Act to amend the Civil Service Retirement Act, 1898. He said: This Bill consits of three lines, and reads as follows:

> If a person dies while in the civil service, the amount to his credit in the retirement fund shall be paid to his legal representatives, or to such person as the Treasury Board determines.

Hon. Mr. LOUGHEED—How is it now payable?

Hon. Mr. SCOTT—I fancy to the legal representative, and there are many cases where children have to be considered.

Hon. Sir MACKENZIE BOWELL—The difficulty in the past has been that there is no power to pay it any other than the administrator or legal representative. The difficulties that have presented themselves are these: You might be owing a man two or three hundred dollars or only fifty dollars, and the expense of taking out letters of administration would absorb a good deal of the money. Would this cover also arrears of salary due the man?

Hon. Mr. SCOTT—No, it is only the amount due from the fund. There is always an allowance of two months' salary at death and the balance would go to the legal representative.

Hon. Mr. LANDRY—Is the legal representative named in the Bill the legal representative according to the laws of the different provinces?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—Is not that an interference with civil rights?

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—It is putting aside the laws of the provinces and making laws for them.

Hon. Mr. LOUGHEED—No. The law of the province settles who is to be the legal representative.

Hon. Sir MACKENZIE BOWELL—We have exercised that power scores of times, and sometimes letters of indemnity are taken out to prevent any difficulty. An officer dies and the amount standing to his credit should be paid to some person, and the difficulty is to decide who is the legal representative. This gives to the Treasury Board the power to say: 'We will give it to the wife or the mother.'

The motion was agreed to, and the Bill was read the second time.

ROCKY MOUNTAINS PARK ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. TEMPLEMAN moved the second reading of Bill (No. 133) An Act to amend the Rocky Mountains Park Act. He said: This Bill is for the purpose of increasing the size of the Rocky Mountains Park in the North-west Territories. I am advised the park is now about 20 miles square, and it is proposed by this Bill to make it 70 miles square, giving it nearly an area of 5,000 miles. I think this is a desirable thing to do.

Hon. Mr. LANDRY—Will that interfere with any settlers?

Hon. Mr. TEMPLEMAN—None whatever.

Hon. Mr. LOUGHEED—There are several towns within the district of land, I fancy.

Hon. Mr. TEMPLEMAN—No, I understand not.

Hon. Mr. LOUGHEED—Will it take in the town of Anthracite?

Hon. Mr. TEMPLEMAN—I think not.

Hon. Mr. LOUGHEED—I think it must affect private property.

Hon. Mr. TEMPLEMAN—I learned from the remarks of the Minister of the Interior, who introduced the Bill in the other House, that no lands within the area had been alienated from the Crown excepting a small quantity for lumbering purposes, and sawmills where licenses have been issued, and those licenses would terminate very soon. This park is contiguous to another large park set apart in the railway belt in British Columbia.

Hon. Sir MACKENZIE BOWELL—It says to the eastern boundary of British Columbia.

Hon. Mr. TEMPLEMAN—I will try and get a map in committee.

Hon. Mr. LOUGHEED—There is another question which it seems to me should be settled satisfactorily in regard to this. That is the application of the territorial ordinances. That question should be defined. It seems to me to be doubtful as to the force of that application at the present time. We have two legislative bodies, the territorial assembly, and the orders in council that are issued from time to time by way of regulations ; they frequently came in contact with one another, and it is a question that should be settled satisfactorily so that the people living within the district should know how they are settled.

Hon. Mr. SCOTT—If it is a great national park it should be under the federal government.

Hon. Mr. LOUGHEED—I think the government of the park should be as complete as possible.

The motion was agreed to, and the Bill was read the second time.

MARITIME STOCK BREEDERS' ASSOCIATION BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (AA) An Act to incorporate the Maritime Stock Breeders' Association.

Hon. Mr. LOUGHEED, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed under suspension of the rules.

The Senate adjourned.

Hon. Mr. LOUGHEED.

THE SENATE.

Ottawa, Friday, May 2, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE CORONATION OATH.

INQUIRY.

Hon. Mr. LANDRY inquired of the government—

Whether the government has been put in possession of and to whom has it transmitted in due course the protest of the citizens of the city of Halifax contained in the following motion, moved on January 22nd last, by the Honourable L. G. Power, Speaker of the Senate :

'As the religious belief of Catholics does not diminish their loyalty, nor restrain them from shedding their blood in the cause of the empire, they protest against and resent the singling out of their faith for special rejection by the Sovereign, and respectfully ask that this unnecessary and offensive reference be entirely blotted out.'

What answer has the government received ?

Hon. Mr. SCOTT—On the 12th February, His Honour the Lieutenant Governor of Nova Scotia, transmitted to the Secretary of State a letter from His Grace the Archbishop of Halifax to the Rt. Hon. Secretary of State for the Colonies, accompanied by a statement of proceedings at a recent meeting of a Catholic body of that city, where resolutions were passed protesting against the Declaration taken by the Sovereign on his accession to the Throne, which he requested to be transmitted to His Excellency to the proper quarter, in which letter His Honour adds :

If I may be allowed to express an opinion on such a subject, I may add that the tenor of these resolutions has my hearty concurrence.

That resolution was sent to His Excellency on the 15th day of February, the day it was received, and forwarded by His Excellency to the Hon. Joseph Chamberlain, Secretary of State for the Colonies, and on the 14th March the following acknowledgment was received :—

Downing Street, March 14, 1902.

My Lord,—I have the honour to request that you will acknowledge on my behalf the receipt of the letter from the Roman Catholic Archbishop of Halifax, of the 12th ultimo (inclosed in your despatch No. 74 of the 17th ultimo) forwarding the minutes and press reports of a meeting held at Halifax on the 22nd of January last to protest against the form of the Royal

Declaration taken by the Sovereign on his accession.

I have, &c.,
(Sgd.) J. CHAMBERLAIN.

Governor General,
The Rt. Hon. the Earl of Minto, G.C.M.G.
&c., &c., &c.

No further answer was received.

PRINTING OF NOTICES OF MOTION.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I may be allowed to express the hope that the notice of motion which I read from my seat yesterday will be printed in the Order paper to-morrow. It is not printed in the Order paper to-day. I am speaking of the English edition. I have made inquiries and I was told that the translator did not receive it in time to make the translation and get it in the hands of the printer.

INSTITUTE OF CHARTERED ACCOUNTANTS BILL.

THIRD READING.

Hon. Mr. LANDRY moved the third reading of Bill (J) An Act to incorporate the Institute of Chartered Accountants.

Hon. Mr. SULLIVAN—Before the motion is passed, I desire to say that the Bill was ordered to be printed as amended. That has not been done. I was the only one who asked for it, and I do not wish to delay the Bill at this late stage, having no feeling against it, other than I wish to explain to the House. Therefore, if the rest of the Senate are willing that it should be gone on with now, I am satisfied. But I sought in every way to get this Bill—went to the clerk, and everywhere, and I am sure it has not come to this House, as ordered by the Senate. I leave it to the House to say whether they will insist on that or not. If they do not, I shall go on and make a few remarks.

Hon. Mr. FERGUSON—I think it would be a pity to insist, because if the Bill is otherwise right, a delay now would jeopardise the passage of the measure so late in the session.

Hon. Mr. SULLIVAN—I am well aware that this is an unusual stage at which to make objections, or any remarks about a Bill. Why I make these remarks, arises from the fact that the rule or practice of explaining a Bill at its second reading is more honoured in the breach than in the observance in this Senate. The title of the Bill is misleading and would require explanation in order that the Senate should know what it really is. The heading of the Bill is 'An Act to incorporate the Institute of Chartered Accountants.' So far, all right. No one, I should say, would have any objection to an Act of incorporation, but this goes further, and requests other powers, which I consider educational—powers which I do not think are in the jurisdiction of this parliament to grant. The history of the Bill is that it was rejected last year by the Committee on Banking and Commerce. We sent the Bill, on motion of Hon. Mr. DeBoucherville, to the Minister of Justice for his opinion, and after waiting some days, he replied that it was not beyond the jurisdiction of this Senate—that it was intra vires, and so we proceeded to discuss it. Before entering on the discussion, I attempted to reject the Bill in toto, but was defeated by a majority of one. We then discussed the clauses. Under this Bill, according to the opinion of the Minister of Justice, any calling or occupation or trade would have a right to come here and ask, not only for incorporation, but for any powers which belong to, and are necessary to the calling or trade, and which this Senate would have no right to grant. For instance, the professors of the tonsorial art, the butcher, the baker, the candlestick maker, could take advantage of this Bill—so also could the legal profession, the profession of divinity, the medical profession. Dr. Roddick, who has a Bill which is a most important one to the medical profession of the whole of Canada, and which he has been working at arduously for the last five years, could very easily, by a Bill similar to this, obtain the powers that he has so long worked for. The clauses that I strongly object to are two in number. (I am speaking now of the original Bill.) The first clause 2, defining the objects and powers of the institute, is as follows :—

2. The objects and powers of The Institute of Chartered Accountants, hereinafter referred to as 'the Institute,' shall be to promote by all lawful means the study and practice of accountancy ; and for the said purposes,—

(a.) To hold such examinations as may be found expedient ;

(b.) Ta grant diplomas of fellowship and certificates of efficiency to its members ;

(c.) To establish an 'Associate' and a 'Fellow' class of membership;

(d.) To determine the rights, privileges, terms and conditions of said classes.

The next clause to which I object is the 8th, which provides that:

8. Any person while a member of the institute shall have the right to use after his name, in the case of a Fellow, the initials F.C.A. Can. (Fellow of the Institute of Chartered Accountants, Canada), and in the case of an Associate, A.C.A. Can. (Associate of the Institute of Chartered Accountants, Canada); but no person who is not a member of the institute shall have the right to use either of the said initials or to so designate himself.

These clauses appear to be very objectionable. The powers asked for here belong to a university or educational or scientific institution. They do not belong to anything connected with the state. The state does not interfere except to give to the university permission to confer degrees. As you all know, degrees are of value according to the grade of the degree, but particularly of value according to the institution which grants them. A degree from the University of London is far superior, in the estimation of the learned, to a degree from a university having the same title in some of the western states. Any man, I suppose, has the right to write any letters after his name, and I think it is a terrible thing that if a man should write any letters after his name, if he should write, say, A.S.S., and some institution had those capitals, that he should be liable to prosecution for that and be compelled to remove them. I do not know whether such a law exists in England or not, but I do think it does, from the fact that some time ago, (I do not vouch for the authenticity of this tale), a gentleman appeared at a hotel in Oxford and signed after his name F.R.S. Now, a Fellow of the Royal Society is the designation of the most scientific body in England, and is coveted by all men who have an inclination to science, or make it a study. There was a great fuss made about him, and when he came to settle his bill the landlord found he was short of money, and remonstrated with him on account of his being a Fellow of the Royal Society. The man said, 'Why I am no Fellow of the Royal Society. I am an oyster pedlar, and that F.R.S. after my name means, Fried, Roast and Stewed.' I do not know that I could not put F.C.A. for some other purpose, and I do not think I should be prosecuted. I need not follow this line of argument. Hon. gentlemen see my object, and will see that it would not be right to pass such a Bill as this. Moreover, such Bills as these favour combinations, which I do not think is wise or judicious. I have a case in point. I do not mention the profession, but it is essentially a mechanical one, and, being such, has no relation to the most learned title of doctor. Mark another effect; when these men are combined together, and empowered, after examination, to grant this degree of D.D., and another letter after it, they become a combination, and boys or students (you could scarcely call them students), who wish to enter this calling are required to pay about a thousand dollars before they can do so. Therefore, men are charged a large amount of money for that which previously they would not have had to pay anything for. They impose other restrictions under the sanction of the legislature, in order to protect their calling. It may be wise, but I do not think it is. If it is the opinion of this House that these clauses are harmless, and if it does not conflict with its dignity to allow an association of men like the accountants, for whom I have the greatest regard, and whose calling I respect ever since I read the history of Micawber. I have the highest respect for the accountants, and I should be sorry to think of obstructing these gentlemen in obtaining any concession they consider necessary for the practice of their calling, or for the advantage of the public. Therefore, if the Senate wishes to retain these clauses I have nothing to say. We struck out some of them, but there were so many amendments, I thought it better to have the Bill printed, so that we could see what the Bill was as amended. If the hon. chairman of the committee will tell me that these objectionable clauses have been removed—because I presume he has a copy of the amended Bill, and can fully explain them—I will be glad to withdraw any objection on that score, because I would not advance my opinion against that of gentlemen in this Senate who know a good deal more about these things than I do, but it struck me at the time they were very objectionable. I may say also that I would be very glad to have it pass as

amended, if the Senate agrees to carry this motion, on account of the lateness of the session. If the Bill had been explained at the second reading, it could have been fully discussed. However, I will not attempt to prevent the Bill proceeding in due course. I have no feeling in the matter, and oppose it merely as a matter of imperative duty, and that being so I leave the matter in the hands of the House.

Hon. Mr. LANDRY—In answer to the invitation of my hon. friend, and in justice to the promoters of the Bill, I think I shall call attention to the report of the amendments made by the committee, and submitted to this House and adopted by us.

Hon. Mr. CLEMOW—When ? I have never seen them.

Hon. Mr. LANDRY—They will be found on page 302 of the minutes. The hon. gentleman takes issue specially on account of the second clause, in which it is said that the objects and powers of the chartered accountants should be to promote by all lawful means the study and practice of accountancy. The words 'the study and' have been erased. In the next paragraph the words 'diplomas of fellowship and' have been erased. Coming to the eighth clause, page 2, line 35, leave out from 'purpose' to '9.' That strikes out the whole of the 8th paragraph, so that the 8th clause is erased.

Hon. Mr. SULLIVAN—That is right.

Hon. Mr. LANDRY—I think this meets the objections of the hon. gentleman from Kingston.

Hon. Mr. SULLIVAN—I want to ask the chairman if the whole of the second clause is struck out ?

Hon. Mr. LANDRY—No.

Hon. Mr. SULLIVAN—Are the subsections struck out ?

Hon. Mr. LANDRY—Not all.

Hon. Mr. SULLIVAN—What are retained ? I thought they were all struck out.

Hon. Mr. LANDRY—The word 'institute' has been struck out, the word 'association' has been put in. The clause reads :

The object and powers of the Association of Chartered Accountants, hereinafter referred to as the association, shall be to promote by all lawful means the practice of accountancy, and for the said purposes—

(a.) To hold such examinations as may be found expedient.

(b.) To grant certificates of efficiency to its members.

(c.) To establish classes of membership.

(d.) To determine the rights, privileges, terms and conditions of said classes.

The third clause is eliminated altogether, and replaced by the following :

The membership of the association shall be composed of all members in good standing of existing provincial incorporated institutes and associations who shall apply for membership within one year after the passing of this Act, and of such others of whose qualifications and fitness the council approves.

I think that meets all the objections which have been raised by my hon. friend.

Hon. Mr. FERGUSON—My hon. friend from Kingston was not exactly accurate in saying that this Bill was presented last year and was rejected by the Committee on Banking and Commerce. It was not precisely the same Bill. The Bill of last year proposed to incorporate an Institute of Actuaries as well as of Accountants. It is true that both existing Actuarial Associations, and existing Accountancy Associations, raised objection to the Bill on that occasion, but I remember very well that the strongest objection, the fatal objection against proceeding any further with the Bill at that time was its proposition to deal with the actuarial question, inasmuch as no actuary in Canada had applied, or was connected with it with the exception of one, and all the others appeared to be against it. I watched this Bill with some interest this year, I attended the meeting of the Private Bills Committee when it was under consideration, and I found that the objections to it were that in the first instance it interfered in its name with another body established in Ontario, and that it proposed to grant degrees as evidence of proficiency in accountancy, which also encroached upon the terms used by another institution in Ontario to its students, in granting diplomas of efficiency. In looking over the Bill very carefully, every possible objection on this score has been removed. Clause 8 has been entirely eliminated from the Bill, and this association, as it is now called, has no power to grant degrees. Its educational purposes have been very much

eliminated from the Bill. Indeed I think they are almost entirely eliminated, and my hon. friend, who is not present in the House to-day, the hon. leader of the opposition, read a telegram a day or two ago in the House from the Institute of Chartered Accountants of Ontario, who have been the objectors to the Bill, and whose counsel appeared before the Private Bills Committee, to say that they withdrew all objections to the Bill. That being so, I think we should not now delay the Bill an unnecessary moment, as the objections which were raised to it have been entirely removed, the Bill having passed the ordeal of examination by the Minister of Justice, and as the committee have evidently dealt very carefully with it, and made all necessary amendments to remove the objections which have been raised, I think we ought to pass it as quickly as we can in order to give an opportunity to become law during the present session.

Hon. Mr. SULLIVAN—It was the Hon. Mr. Drummond who told us the Bill had been rejected by the committee. The only thing I object to is giving to any body of men—I don't care who they are—power to fix titles indicating any proficiency, or want of proficiency, on any of their members or on anybody. If they like to do that among themselves, as other societies do, they can make knights commanders and knights grand cross by the dozen if they like, but the principle I go on is that this Senate has no right to give authority to anybody, or society, to grant certain certificates and privileges connected with themselves which are of an educational character, and which should be got from educational institutions. If this is eliminated I am perfectly satisfied.

Hon. Mr. FERGUSON—It is eliminated.

Hon. Mr. SULLIVAN—Then I am satisfied.

Hon. Mr. KERR—This Bill has passed through a somewhat trying ordeal, and, as I understand, when it left the committee, those who appeared as promoters of the measure, and those who appeared in opposition to it, have virtually by the amendment come together. I believe it is generally understood that all opposition arising outside was quieted, and that the opposition to the passing of the Bill would be confined to hon. gentlemen in the Chamber. The committee took the precaution to get the opinion of the Minister of Justice upon the constitutional question, and his opinion was such as to clear the way for the passing of the Bill. The constitutional difficulty being removed, the only further question to consider is whether the Bill is in the public interest, and whether it would serve a useful purpose. I have not any doubt that this Bill will serve a very useful purpose, and I should be pleased if the House were unanimous in its passage and would give it its third reading to-day, so that it might get to the other branch of parliament and stand a reasonable chance of becoming law during the present session of parliament, I therefore strongly support the third reading of the Bill.

Hon. Mr. DEVER—As one of the members before whom this Bill was brought in committee, I have to express my regret that any opposition has been shown to it to-day, because if any Bill before the committee this session received a severe investigation, this Bill had it. The parties opposing each other were very particular, in fact most anxious to carry out their respective views. One hon. gentleman went so far as to make a motion to suppress one of the paragraphs. The lawyers on both sides, and the parties objecting to the Bill, and also the parties promoting the Bill, finally became reconciled by the withdrawal of certain expressions in the Bill, and it became so satisfactory to both parties, and to the committee generally, that many members had shaken hands on the matter, so pleased were they that they had come to be unanimously in favour of the measure. They gave expression to their hope that no further opposition would be shown to it. This was the feeling among the members of the committee, and I am surprised to-day that there should be any other feeling in this House. A Bill which was so satisfactorily passed in the committee should be passed in this House without further opposition. I am surprised that the hon. gentleman from Kingston, after expressing his satisfaction with the amendments and his regret that he opposed the Bill, should again oppose it to-day.

Hon. Mr. SULLIVAN—I expressed no sorrow. In consequence of the eloquent

appeal of the hon. gentleman I withdrew any opposition.

The motion was agreed to, and the Bill was read the third time and passed.

THIRD READINGS.

Bill (115) An Act further to amend the Canada Evidence Act, 1893.—(Hon. Mr. Scott.)

Bill (121) An Act further to amend the Acts respecting the North-west Territories.—(Hon. Mr. Scott.)

BILLS INTRODUCED.

Bill (101) An Act to incorporate the Nipegon Railway Company.—(Hon. Mr. Gibson.)

Bill (116) An Act to amend the provision with regard to tolls, of chapter 1 of the statutes of 1881, respecting the Canadian Pacific Railway.—(Hon. Mr. Scott.)

Bill (120) An Act to amend the Dominion Lands Act.—(Hon. Mr. Scott.)

Bill (135) An Act to amend the Petition of Right Act.—(Hon. Mr. Templeman.)

Bill (137) An Act to amend chapter 41 of the statutes of 1901, respecting the Administration of Justice in the Yukon Territory.—(Hon. Mr. Scott.)

Bill (138) An Act to amend the Act respecting the Judges of Provincial Courts.—(Hon. Mr. Scott.)

YUKON TERRITORY ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (113) An Act further to amend the Yukon Territory Act and the Acts in amendment thereof. He said: The object of this Bill is to appoint one of the police magistrates an extra judge in the Yukon, with a view of giving a Court en Banc and abolishing the present appeal to the British Columbia court, which is found very inconvenient. An appeal where cases involving an amount of $2,000 and upwards, can then be made to the Supreme Court of Canada.

Hon. Mr. FERGUSON—Does it involve the appointment of another judge?

Hon. Mr. SCOTT—The Governor in Council is authorized to name one of the judges to perform the duties now performed by the police magistrate. It does not involve the appointment of any other official.

The motion was agreed to, and the Bill was read the second time.

GAME PRESERVATION ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (117) An Act further to amend the Unorganized Territories Game Preservation Act, 1894.

(In the Committee.)

Hon. Mr. FERGUSON—I understood the buffalo was extinct.

Hon. Mr. SCOTT—So we all believed. There may perhaps be found here and there a few buffalo.

Hon. Mr. SULLIVAN, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

CIVIL SERVICE RETIREMENT ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committe of the Whole on Bill (124) An Act to amend the Civil Service Retirement Act, 1898.

(In the Committee.)

Hon. Mr. MACDONALD (B.C.)—I think this is one of the most just Acts ever passed by the parliament of Canada. It seems monstrous if a man, after contributing for years to the superannuation fund, should die before his retirement, his family lose every thing. I think the Bill is highly commendable.

Hon. Mr. WATSON, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

ROCKY MOUNTAINS PARK ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (133) An Act to amend the Rocky Mountains Park Act.

(In the Committee.)

Hon. Mr. TEMPLEMAN—When moving the second reading of this Bill I had no map before me, and was unable to describe it as fully as my hon. friend from Calgary desired. Evidently there was some misapprehension as to the extent and boundaries of the present park at Banff. My hon. friend from Calgary asked me if this new park would include the town of Anthracite. I notice by a small map with which I have been furnished by the department, that Anthracite and the town of Banff are at present within the area of the National Park at Banff.

Hon. Mr. SULLIVAN—How large a place is Anthracite? I never heard of it.

Hon. Mr. TEMPLEMAN—It is a coal mining town. Quite a number of miners are located there, when the mines are in operation. The increased size of the park is very large. The present park has an area of about 260 square miles; the increased area is 4,900 miles. The form of the park is a triangle, the base of it being the boundary between the North-west Territories and British Columbia, the boundary being the top of the Rocky Mountains running in a north-westerly direction.

Hon. Mr. MACDONALD (B.C.)—How will the shooting and fishing in the park be regulated or controlled?

Hon. Mr. TEMPLEMAN—That is not within the scope of this Bill. The Bill is simply to increase and define the boundaries of the park.

Hon. Mr. MACDONALD (B.C.)—I suppose the Bill to protect the game will cover that?

Hon. Mr. TEMPLEMAN—This is to increase the area of the park. There is in the park a large and increasing herd of buffalo. There are other wild animals, of course under control, such as moose, elk and others, and it is the desire of the government that these wild animals should propagate and increase. I will lay this small map on the Table, so that hon. gentlemen can have an idea of the area and boundaries of the park. The park as increased will surround the present park.

Hon. Mr. FERGUSON—In looking over the clause, I do not think we need be under any apprehension as to its interfering with existing settlements, because the territory is described as such parts as are now vested in the Crown. We are simply withdrawing from settlement a larger area of country than before, but we are only dealing with what is now vested in the Crown, so that we cannot possibly interfere with any existing interest, either mining, lumbering or anything else, so far as I can see.

Hon. Mr. FULFORD, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

YUKON PACIFIC RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. WATSON moved the second reading of Bill (65) An Act to incorporate the Yukon Pacific Railway Company.

Hon. Mr. SCOTT—I wish to call my hon. friend's attention to clause 7. It will be necessary to amend it when the Bill is referred to the committee, in order to define a very important question, that they shall not approach nearer the United States boundary than five miles.

The motion was agreed to, and the Bill was read the second time.

BANK ACT AMENDMENT BILL.

Hon. Mr. ELLIS—I should like if the House would give preference on Tuesday to the Bill (BB) : 'An Act to amend the Bank Act.' One or two gentlemen who are going away desire to make some observations with regard to it, and it would be convenient if it could be made the first Order of the Day.

Hon. Mr. SCOTT—It will be the first Order after the third readings.

Hon. Mr. WOOD (Hamilton)—I think it is a great mistake to bring this measure before the Senate this year. There is no chance of its going through, and it should be a government Bill. Any interference by a private individual with the Bank Act would be very injurious, and I ask my hon. friend not to proceed with the second reading. He does not expect to put the measure through the House of Commons, and we should not create

a discussion at this time on a question which is of the utmost importance to Canada. Our banking institutions should not be interfered with. Until the time arrives for renewing the charters nothing should be done. At any rate, the government should be a party to it.

Hon. Mr. FERGUSON—The hon. gentleman has a perfect right to present a Bill to the House, and ask the House to consider and deal with it.

The SPEAKER—It is understood it will be the first Order of the Day for Tuesday after third readings.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, May 5, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE CORONATION OATH.

INQUIRY.

Hon. Mr. LANDRY rose to draw the attention of the members of the Senate to the following document, published in the month of June last :—

'To the Honourable Joseph Chamberlain :

'Right Honourable Sir :

'The University of Laval has existed fifty years. It was Her Majesty Queen Victoria who signed, at Westminster, the Royal Charter which gives civil existence to the first French Canadian University in Canada. This document is very remarkable ; it will remain for ever as the most evident proof of the breadth of view, and the nobility of sentiment of the Queen, whose life will form the subject of one of the most beautiful pages of the history of the 19th century.

'In 1860, Laval University received a visit from His Majesty King Edward VII, then Prince of Wales. Our institution was very young then; nevertheless it so interested the young Prince with the generous heart and brilliant intelligence that he founded a prize that has been awarded every year for forty years, and which in the month of June last gave rise to a competition in which more than four hundred pupils took part.

'You will understand that the University owes gratitude to the Royal Family ; and this gratitude it strives to show to it by giving to society every year enlightened citizens and convinced Christians.

'Its pupils are to-day everywhere in the different parts of the Dominion. The tongue which they speak, the Catholic religion which they profess, the teaching which they have received at the university, are far from injuring their loyalty. They are firmly attached to the present conditions of their national life ; they are proud to be living under the shadow of the flag of a nation which holds the fifth of the habitable world, which counts four hundred millions of subjects, which by itself alone does one-third of the commerce of the world, which marches boldly at the head of the nations as a colonial, industrial, and commercial power ; they appreciate the advantages of the liberty which they possess, they see with pleasure their institutions and their works flourishing without impediment, and enjoying the respect which this great nation knows how to render to what we have to be respected.

'As these pupils belong to the governing class, they have influence upon their fellow-citizen and they communicate their sentiments to those who surround them. Thus the Catholic French Canadians feel happy, and foreigners that visit them are struck by this air of contentment, of joy, and happiness, which they do not notice elsewhere in the same degree.

'All the thousands of pupils to whom the University has given intellectual life are fervent Catholics, convinced ones, but all are also loyal subjects. They sincerely love the Church whose children they are ; but they also love the nation whose citizens they are. They venerate the Pope who directs them for the salvation of their souls, and they honour the King to whom God has given them as subjects.

'Therefore, they are pained to see His Majesty the King obliged, on the day of his coronation, to take an oath in which are explicitly denied truths which they admit, dogmas which they venerate. And in the name of the professors and of the pupils of the University, in the name of the thousands of citizens whom the University has formed, and who are perhaps the most loyal subjects of His Majesty in Canada, I humbly venture to pray you to use your great influence to have changed a form of oath which is so contrary to the breadth of view which Canadians are pleased to recognize, for many long years, amongst the statesmen of the mother country with whom they have had relations.'

And asked :

Has the government been put in possession of the petition of the University of Laval ?

Has the government sent it to the Hon. the Secretary of State for the Colonies ?

When was it so sent ?

What was the answer received ?

When, and by whom was it given ?

Hon. Mr. SCOTT—The government have no knowledge whatever upon the subject. I think the communication was sent from the University of Laval to His Excellency, and forwarded by him. It did not go through the government. I noticed by the papers at the time that such a petition had been sent to England.

THE PRINCE EDWARD ISLAND RAILWAY.

MOTION.

Hon. Mr. FERGUSON moved :

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate, copies of all—

1. Notices calling for tenders for the construction of any portion of the railway from Charlottetown to Murray Harbour.
2. Tenders received in consequence of such notices.
3. Specifications for the construction of said railway.
4. Orders in Council awarding or authorizing contracts on any part of said railway.
5. Correspondence between the Department of Railways or any officer thereof, and any tenderer or contractor for any part of the said railway, regarding the performance of work thereon.
6. Also a statement showing when the work on said railway, other than on section 2, was commenced, and the authority under which the work was entered upon.

He said : It will be in the recollection of hon. gentlemen that on the 8th April last I made the following inquiry :—

1. What sections and how many miles of the railway from Charlottetown to Murray Harbour are now under contract ?
2. Do the contracts in progress include grading, tracklaying and ballasting, or what do they include ?
3. Who are the contractors, or contractor ?
4. Were these contracts awarded by tender after public competition had been invited ?
5. What amount of money has been paid on these contracts up to the 31st of March ultimo?
6. At what date or dates is the work on these contracts severally required to be completed ?
7. If these contracts, or any of them, are based on a price per mile for grading, tracklaying and ballasting, or any of these operations, give said price.
8. If not based on a price per mile, state on what basis regarding price these contracts have been made.

My hon. friend the Secretary of State gave the following reply :—

1. Section No. 2, Mutch's Point to Village Green—11½ miles.
2. The contract includes grading and completing the roadbed to formation level, also fencing, but does not include ballasting or tracklaying.
3. Willard Kitchen is the contractor.
4. Yes.
5. $53,939.44 has been paid on contract section No. 2—Mutch's Point to Village Green, up to 31st March, ultimo.
6. The date for completion, named in the contract, was 31st December, 1900, but the time has been extended.
7. This contract is not based on a price per mile.
8. Schedule prices.

Hon. Mr. SCOTT.

Hon. Mr. FERGUSON—Work is going on a great deal more than that.

Hon. Mr. SCOTT—I will call the attention of Mr. Schreiber to the hon. gentleman's statement.

Hon. Mr. FERGUSON—I think the answer is not complete.

I called my hon. friend's attention to the fact that work was going forward on other parts of the road besides section No. 2, and my hon. friend told me that he did not know it, and it was then settled that the question should stand over till the following day, when I repeated my question, and my hon. friend replied as follows :—

I have already given the answer to that question that was furnished me ; I have inquired of the department and they still adhere to the correctness of that answer, &c.

On the 14th April I made the following inquiry :—

Whether the work of grading now being done on the railway from Charlottetown to Murray Harbour, other than on section 2, is being proceeded with by day's labour. If not, how is this work being done ?

My hon. friend's reply was :

The answer which I have, signed by Mr. Schreiber, is that no work is being done by day's labour, nor is any work authorized by the department to be proceeded with beyond the eleven and a half miles. When my hon. friend's remarks are printed, I will obtain a copy and send it to Mr. Schreiber. There is evidently a misunderstanding somewhere.

Some days subsequently, as my hon. friend will remember, he very kindly sent me over for perusal a letter addressed to himself by Mr. Schreiber, in which Mr. Schreiber alleged that, as far as the information the department possessed was concerned, the answers previously given were correct, but it had since come to the knowledge of the department that the contractor for No. 2 section was proceeding to do work on the rest of the road, and that orders had been sent to have that work discontinued. On Thursday last I made another inquiry, and I may say that all the time this was going on my information was undoubted that work was proceeding on the whole of that railway, not merely on the eleven and a half miles which the government said was being proceeded with, but on the other forty odd miles, that the work of grading was going on all over the road by Mr. Kitchen, although I was assured across the floor on the authority of the Department of Railways and Canals that no such work was

authorized or being done. On Thursday last I inquired :

Whether it is the intention of the government to invite public tenders for the construction of the railway from Charlottetown to Murray Harbour, other than section 2. If so, when will the notices for such tenders be issued ?

In reply to that question my hon. friend said :

The answer sent me is as follows :—

The department invited tenders by public advertisement for section 2 covering 11½ miles from Mutch's Point towards Murray Harbour, and the contract was awarded accordingly to a responsible contractor, at prices which the engineers pronounced reasonable. The next section was continued at the prices for the work as settled under the first tenders, by Order in Council.

The contract has been sent for execution by the contractor.

Hon. Mr. FERGUSON—That is most extraordinary, in the face of the replies that were given across the floor of the House on the authority of the chief engineer of railways, that no work was being done on any section but No. 2, when now it appears that by an Order in Council, the work was prosecuted on other sections of the road on the same terms as No. 2.

Hon. Mr. SCOTT—The hon. gentleman is right except as far as the date is concerned. After my hon. friend made the statement that work was going on, I called the attention of the Minister of Railways to it and he denied it, and I spoke to Mr. Schreiber about it. It appears the contractor went on with the approval, perhaps, of the local engineer. Subsequent to the statement made on a report from the local engineer, confirmed by Mr. Schreiber, a continuation of the work was given beyond the 11½ miles to this contractor at schedule prices contained in the first contract.

Hon. Mr. FERGUSON—That is all right, but what becomes of the denials given by my hon. friend on the authority of the department, that work was being done by the government ?

Hon. Mr. SCOTT—Evidently the department did not know the work was going on.

Hon. Mr. FERGUSON—And it was done by Order in Council !

Hon. Mr. SCOTT—No, he went on before the Order in Council. The Order in Council was passed, if my memory is correct, after my attention was called to it by my hon. friend.

I have read these questions and replies for the purpose of showing what will probably astonish hon. gentlemen, that this contractor, having a contract for eleven and a half miles, and only eleven and a half miles of that road, went on with the construction of the remainder of the road, three or four times as much as this eleven and a half miles, without the authority of the department, and that the Minister of Railways denied that he knew anything at all about it—that is the statement of my hon. friend the Secretary of State. Mr. Schreiber wrote letters on the authority of which my hon. friend stated several times to this House that no work was going on except on this section No. 2, and that notwithstanding these statements, this contractor was building the road for the government about which all these denials had been made during all this period of time. It may surprise hon. gentlemen to be told this, but the whole story is in the answers the hon. gentleman gave to my inquiries. It is very hard to conceive it possible that this contractor would have proceeded with the work without any contract with the government—without the authority of the Minister of Railways, or the deputy minister or the general manager, but merely that of a local engineer who, it would seem, took upon himself the authority to instruct this man to build that railway. I may mention in connection with this, that Mr. Kitchen is well known to be a particular friend of the Minister of Railways. Whether his friendship is of such a nature as would warrant him in building railways for the government without the authority of the Minister of Railways, and depending to be paid for his work afterwards, whether he had previous authority to go on with the work or not, I do not know, but I do know that since Mr. Kitchen commenced this work in Prince Edward Island, on section 2, when an election was in progress there, and one of the candidates supporting the government had a form of recommendation ready, printed or typewritten, I forget which, although I saw one of the documents myself with the proper blank for putting in the name of the elector to whom it was to be given, and during the progress of that campaign, these letters to Mr. Kitchen were given out by the government candidate, recommending voters to employment with Mr. Kitchen upon this road. It seemed very extraordinary that, if Mr. Kitchen was a contractor, that applications should be made to him as a matter of patronage for the government of the day. I mention this, because I saw myself one or two of these forms which were given to the voters. It was a matter of notoriety that they were given. A great many were given, and when we now find that Mr. Kitchen, without any authority from the Minister of Railways and Canals—at least, that

is what we are told, and we are bound to believe it—without any authority from, or the knowledge of the Minister of Railways or the deputy minister, proceeded to build the railway in this way, we cannot help remembering what took place when these letters were being given to voters all over the constituencies affected by the railway in question. I felt a great deal of surprise when I was receiving from day to day the answers which my hon. friend the Secretary of State gave me. I have no fault to find with him. I believe he was giving the answers faithfully, as they were communicated to him, and that he was not keeping anything that he knew back. I am very far from charging my hon. friend with purposely deceiving the House. The whole course of the discussion of this question showed that he had no desire of any kind that the truth should not be communicated to the House. But my hon. friend will scarcely contradict me when I say that the truth was not communicated to the House, through the ignorance, it would seem of the Minister of Railways and the deputy minister, as to what was going on in their department. They were in such a state of ignorance as to this work, that they gave my hon. friend incorrect and misleading information. In order that the whole facts of the case may come out, I now make the motion of which I have given notice.

Hon. Mr. SCOTT—There is no objection to the motion going. It is quite clear that the hon. gentleman knew a good deal more about the transactions to which he refers than I did. Of course, I am not in a position to explain how it was that the statements were given me which afterwards had to be contradicted. I presume it arises in this way: the work being done by schedule rates, they were thought probably as low as could be got, and as the man was in possession of one part of the work, the balance of the work was extended to him, believing it was in the public interest to do so. However, all the papers will be brought down and the dates also. The Order in Council, if my recollection is correct, was passed subsequent to the first and second questions being asked.

Hon. Mr. FERGUSON—I think it must have been subsequent to the third.

Hon. Mr. FERGUSON.

Hon. Mr. SCOTT—That may be; I do not recollect the date.

Hon. Mr. McCALLUM—Evidently the government have departed from the policy they used to advocate when they were in opposition, that all public work should be let by tender, and given to the lowest bidder. It appears this work was let without tender. This is something strange. I do not wish to say anything further about it, but the government ought to remember what they promised the people of this country. I do not accuse them of fibbing, but it seems they do not know what they are doing, or else they want to hide the facts as far as this work is concerned. However, they ought to remember what they promised the people of this country, and this will not sound very well in the ears of the public. The government do not even say whether they are building this road by day's labour. Because the contractor is a friend of the minister is no excuse. We should have a better excuse than that. We should get value for all the money that we pay for anything of that kind, and the work should be let by tender and to the lowest bidder. It appears we do not get that now. Even during Mackenzie's time he used to do that, but the hon. gentlemen now in power have departed from that principle. They have drifted from their moorings, and where they are going eventually I do not know.

The motion was agreed to.

STEAMSHIP LINE BETWEEN CHARLOTTETOWN AND LIVERPOOL.

INQUIRY.

Hon. Mr. FERGUSON inquired of the government:

1. What steamer, if any, has been engaged to ply between Charlottetown and Liverpool during the present season?
2. Will Charlottetown be the last port of departure of said steamer?
3. How many round trips will be made and when will the service be started?
4. Will the steamer employed be provided with cold storage suitable for carrying meat, poultry, and butter?
5. Will the said steamer be provided with means of generating cold air and distributing the same through such portions of her space as will be used for carrying such perishable products as cheese, eggs and apples, and will an even and suitable temperature in such space be guaranteed?

6. Will sufficient space be reserved for freight offering at Charlottetown ?

Hon. Mr. SCOTT—The answer I received from the Minister of Agriculture is as follows: No vessel is yet engaged, but an arrangement has been made with the Montreal agent of the Manchester Liners Company and the contract is being made out for signature. The vessel is the 'Manchester Trader.' Charlottetown will be the last point of departure from Canada. Four round trips will be made, starting about 10th July. The vessel is fitted with cold storage chambers and fitted with special ventilation for the holds in which apples and cheese will be carried. There is no guarantee given as to the temperature in these holds. Space will be reserved for all freight from Charlottetown.

BILLS INTRODUCED.

Bill (106) An Act to amend the Post Office Act.—(Hon. Mr. Scott.)

Bill (112) An Act to amend the Immigration Act.—(Hon. Mr. Scott.)

Bill (114) An Act to amend the Exchequer Court Act.—(Hon. Mr. Scott.)

Bill (123) An Act to incorporate the Canada Eastern Railway Company.—(Hon. Mr. Thompson.)

EWART DIVORCE BILL.

BILL WITHDRAWN.

Hon. Mr. GOWAN presented the 11th report of the Standing Committee on Divorce on Bill (C) 'An Act for the relief of John Hamilton Ewart' recommending that the petitioner be allowed to withdraw the Bill, and that the fee of $200 paid by the petitioner be refunded to him, less the expense of printing the evidence. He said: The petitioner was unable to give the evidence that would satisfy the committee, and asks leave to withdraw the Bill.

The motion was agreed to.

THIRD READINGS.

Bill (93) An Act respecting the Hudson's Bay and North-west Railway Company.—(Hon. Mr. McDonald, C.B.)

Bill (9) An Act respecting the United Gold Fields of British Columbia, Limited.—(Hon. Mr. Young.)

YUKON TERRITORY ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (113) An Act further to amend the Yukon Territory Act and the Acts in amendment thereof.

(In the Committee.)

Hon. Mr. SCOTT—The object of the Bill is to enable a Court of Appeal to be formed at Dawson. Heretofore appeals have always gone to British Columbia. We now propose that each of the judges in the territorial courts shall have the criminal jurisdiction vested in the police magistrate, and the police magistrate can sit as a judge.

Hon. Mr. LOUGHEED—Is it proposed to make the police magistrate a judge ?

Hon. Mr. SCOTT—Yes, he will sit in appeal.

Hon. Mr. LOUGHEED—Will he be appointed as a judge of the court ?

Hon. Mr. SCOTT—He would have to be. One of the judges will be selected, I do not know which one.

Hon. Mr. MACDONALD (British Columbia)—Is this man a barrister ?

Hon. Mr. SCOTT—Yes, he must be a barrister of five years standing.

Hon. Mr. LOUGHEED—There are only two judges there now ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—And you are appointing a third ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—Any one of the three may act ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—Is there a police magistrate there now ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—But hereafter any one of the three judges may act ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. VIDAL, from the committee, reported the Bill without amendment.

The Bill was then read the third time, and passed under a suspension of the rules.

CANADIAN PACIFIC RAILWAY TOLLS ACT AMENDMENT BILL.

SECOND READING POSTPONED.

Hon. Mr. SCOTT moved the second reading of Bill (116) An Act to amend the provision with regard to Tolls, of Chapter 1 of the Statutes of 1881, respecting the Canadian Pacific Railway.

Hon. Mr. LANDRY—That Bill has not been distributed yet.

Hon. Mr. SCOTT—I think so.

Hon. Mr. LANDRY—Not in French. Orders 5, 6, 7, 8 and 9 are marked in the Orders of the Day as being distributed, but none of them have been distributed in French.

Hon. Mr. SCOTT—It is very curious we cannot get at the bottom of it.

Hon. Mr. LANDRY—We will get at the bottom of it, as I will oppose the second reading.

Hon. Mr. SCOTT—I have given orders that no Bill shall be marked as printed in French unless it is printed. In the House of Commons they will not allow a Bill to be introduced until it is translated in French. Probably we could force the translating on a little faster if we adopted a similar rule, and did not allow Bills to come to this Chamber unless they were translated. An important Bill was passed on the first of May, and I inquired whether it was introduced in the House of Commons and was informed that it had not been. On making further inquiries as to the cause, I was told the rule was that no Bill should be introduced until it was translated, and therefore our Bills are stopped at the threshold unless they are translated.

The SPEAKER—The Bills are translated in the House of Commons and this Bill has been printed in French as well as in English, but has not been distributed. The officers of this House are not responsible for the distribution, because these Bills come from the distribution office in the House of Commons.

Hon. Mr. LANDRY—I call the Speaker's attention to the note under the words Orders of the day. It reads as follows :—

> Note.—The letters 'E, F' denote those printed and distributed in both languages when the Orders of the Day were printed.

In the French edition the word 'distributed' is put in also. I notice now that the words 'and distributed' appear no more in to-day's issue. I see now how the change took place. I called attention to the fact that bills marked printed and distributed were not distributed the other day. If hon. gentlemen will look at page 305 they will see the following note :—

> The words 'E. F.' denote those printed and distributed in both languages when the orders of the day were printed : E printed in English, and F, printed in French.

Then on page 318 we find the following note :

> The letters 'E. F.' denote those printed and distributed in both languages.

To better his position an official has resorted to a new departure again. The words 'and distributed' have been erased, and to suit the circumstances it reads to-day 'those printed in both languages.' It has always been the custom before to make the note read 'those printed and distributed,' but there has been a departure to suit the circumstances. I want to know who gave the order for that departure? Is there an order of the House? Who is going to administer this House? I claim that this Bill has not been distributed and I oppose its second reading.

Hon. Mr. SCOTT—Then call the next item.

Hon. Mr. LANDRY—The rest of the Orders are in the same position.

Hon. Mr. FERGUSON—If the suggestion of the hon. Secretary of State were carried out, that we would not permit a Bill to be introduced in this House until it had not only been printed in English, but translated and printed in French, I am afraid it would be very inconvenient the last day of the session, unless the hon. gentleman and his friends reform.

Hon. Mr. TEMPLEMAN—Not if the hon. gentleman's friends did not kick.

Hon. Mr. FERGUSON—After the House of Commons passed the Bills we would have to go off on a tour until they were printed.

The SPEAKER—This particular Bill had been translated when the Orders of the Day were printed, but had not been distributed. The hon. gentleman will see that it might cause a good deal of inconvenience if the Bill was not put down with these letters in our minutes, because it is assumed, as a general rule, that a Bill that has been printed in both languages at the Bureau in the morning, when our minutes go to press, will be distributed before the House meets in the afternoon ; and that has not been the case in this instance. The trouble seems to be in the distribution office.

Hon. Mr. SCOTT—I sent up to the distribution office and they tell me it has not been distributed, and is not there apparently.

Hon. Mr. LANDRY—I would point out to the hon. leader of the Senate that if the Bill had not been distributed at the time the Orders were printed, and was marked simply 'printed in English' or 'printed in French' I would have made no objection, because I would not be taken by surprise, but when they come and tell us that it has been distributed when it has not, it is putting on the Order paper a statement which is not true. If it had been distributed at the opening of the House, and marked only as printed in English, I would not have raised any objection. I do not want to be misled every day by the Order paper. I should like to know who gave the order to change the Orders of the Day.

Hon. Mr. MACDONALD (British Columbia)—How are they changed ?

Hon. Mr. LANDRY—They are changed by striking out the words 'and distributed.' The rule used to be that Bills were marked 'E. F.' when they were printed and distributed. The words 'and distributed' have been erased from the Orders of the Day. By whose order was that done ?

Hon. Mr. ELLIS—The hon. gentleman might have found fault if it had been the other way—if the Order paper had stated that the Bill was distributed, but it does not say so. The Order paper is exactly exact, and it is hardly worth while to hang up business for such a trifle as the hon. gentleman speaks of.

Hon. Mr. LANDRY—If the hon. member will refer to page 318 he will see that the words 'and distributed' have been erased.

Hon. Mr. ELLIS—The hon. gentleman will quite understand that when a Bill is distributed and printed, the Order paper states that fact, and when it is not distributed, but simply printed, the Order paper says so. The Order Paper is quite right. It would have been an error to have said the Bill was distributed when it was not, and in view of that fact, I think my hon. friend should allow the Bill to proceed, and not hang up the business of the House.

Hon. Mr. FERGUSON—The most important thing is to ascertain who is to blame. If the printing has been done, why are the Bills not distributed ?

Hon. Mr. SCOTT—The delay, I presume, is in the translator's office.

Hon. Mr. FERGUSON—The Order paper says they are printed in both languages, and there must be some delay in sending them from the Printing Bureau to the distribution office.

Hon. Mr. SCOTT—No, the delay is in the translator's office. I had a similar instance of it in a Bill sent down on the 1st of May to the House of Commons. I wanted to know why it had not been introduced. I knew it had to be translated in this House, but they had to go over it again, and it was delayed two or three days. It was all in the translator's office.

Hon. Mr. DeBOUCHERVILLE—It seems to me to be quite useless to have translation if we have not got distribution. For example, I have some doubts about some of the clauses of this Bill. I do not think I understand it properly. We should have it in French. When the order is marked 'E. F.' it is understood we have the Bill before us in both languages.

Hon. Mr. SCOTT—There is no doubt this Bill was translated a fortnight or three weeks ago. The amendments were probably made at the last stage of the Bill, and those amendments have not been printed in con-

sequence of the delay in the translator's office in the House of Commons. That is where the delay comes in. It is the fault of the translators that the Bill has not been sent to the Printing Bureau.

Hon. Mr. LANDRY—We should not forget this point also, and this is not the fault of the House of Commons : I call the attention of the House to the fact that from the first day of the session up to the 30th of April, every Order of the Day read as follows :

Note.—The letters 'E, F' denote those printed and distributed in both languages, &c.

Whenever you find a Bill in the Order paper marked 'E.' and 'F.' that denotes that the Bill has been printed and distributed in English and French. I called the attention of the House that day to the fact. I was told that the Bill was printed and not distributed. I then called attention to the note I have quoted. Since then, some one has stepped in and taken away the words 'and distributed,' and now the Orders of the Day appear without the word 'distributed' in that note.

Hon. Mr. SCOTT—That is right.

Hon. Mr. LANDRY—Who did that ?

Hon. Mr. SCOTT—Whoever had the duty of preparing the paper.

Hon. Mr. LANDRY—I think the hon. minister does not see the point.

Hon. Mr. SCOTT—Perfectly well.

Hon. Mr. LANDRY—Why is not the word 'distributed' in the note ?

Hon. Mr. SCOTT—Attention was called to this before, and I made inquiry as to why it was they put the words 'printed and distributed' there when the French edition was not distributed. I was told that the officer believed, from the representations made to him, that, when the Order paper was being prepared, before the House met, the Bills printed in French would be distributed, and believing that such would be done, he had entered the words E. and F. and put in the word 'distributed' in order not to lose the whole day.

Hon. Mr. LANDRY—That proves precisely that the hon. gentleman does not see my point at all. I am not speaking of the letters 'E.' and 'F.' I am speaking of the word 'distributed,' which has been taken out of that note since the 30th of April.

Hon. Mr. ELLIS—Because the hon. gentleman found fault with it.

Hon. Mr. LANDRY—I did not find fault with it, I have not found fault with the words being there, but because being there the addition of the letters E. and F. gives them an erroneous meaning when such Bills indicated as printed and distributed were not really distributed. What I find fault with now, is, that some one has taken upon himself to strike out what has been the customary notice to this House—that is, words that have hitherto appeared on our orders.

Hon. Mr. TEMPLEMAN—It may have been the proof-reader.

The Order of the Day was discharged.

DOMINION LANDS ACT AMENDMENT BILL.

SECOND READING POSTPONED.

The Order of the Day for the second reading of Bill (120) 'An Act to amend the Dominion Lands Acts,' being called.

Hon. Mr. SCOTT said : I assume that one of the reasons for placing E. and F. after all these Orders is the fact that in all those cases the Bills were printed and distributed two or three weeks ago, though not in Senate form. If the hon. gentleman looks over his file of Bills, he will find that when a Bill is introduced in the House of Commons, and has passed the second reading, he receives a French copy of it.

Hon. Mr. DeBOUCHERVILLE—It may be amended.

Hon. Mr. SCOTT—It may, but sometimes the amendment is trifling and sometimes there is no amendment at all. The Bills are distributed in the Senate after everything has been finally arranged for their passage through this Chamber. It is a very trifling objection to take to a Bill that it has not been reprinted in French in the Senate form.

Hon. Mr. LANDRY—I would not have taken objection if I had not been misled by the letters 'E.F.'. When the Bill has not been distributed, let them omit the letter F.

The Order of the Day was discharged and made an Order for to-morrow.

PETITION OF RIGHT ACT AMENDMENT BILL.

WITHDRAWN.

The Order of the Day being called, second reading Bill (135) 'An Act to amend the Petition of Right Act.'

Hon. Mr. TEMPLEMAN moved that the Order of the Day be discharged.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, May 6th, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

NOTICES OF MOTION.

MOTION.

Hon. Mr. MACDONALD (B.C.) moved:

That the Honourable the Speaker of the Senate be empowered to order that any Notice of Motion he may consider out of order, be not printed in the Minutes of Routine Proceeding, and may cause to be removed from said minutes any Notice of Motion printed therein which he may consider out of order, or of a character which should not appear in the Journals and records of the Senate.

The Speaker on taking such action as he is empowered hereby to take, will report the same, giving his reasons for so acting, at the first sitting of the Senate thereafter. Such action to be subject to the approval of a majority of the senators present when the Speaker so reports.

He said: When the incident arose about fourteen days ago with reference to the rejection of a notice of motion from the Orders, there was a general expression of feeling in this House that something should be done to give the Speaker more power than he has at present, in certain events, and in consequence of that expression of opinion by the leaders on both sides of the House, I prepared the resolution now before us, and think every member will concede that it is more satisfactory that the Speaker of the House should perform certain functions specifically laid down than to perform functions beyond his authority, and that those things should be done by the order of the House. It is very likely that the occasion may never arise again for the exercise of the functions which the Speaker exercised the other day—perhaps not in the lifetime of any hon. gentleman in this Chamber. I have been in this House for thirty years, and no similar occurrence has taken place during all that time, and it may never take place during the same period again. In the young parliament of Japan, which is comparatively new as a legislative body, I read to-day that so conservative are the government and parliament of that country that any member giving a notice of motion must have thirty members of the House endorse it before he can make it. The number of irrelevant and unimportant questions was so great, so annoying and harassing, that the House resorted to the expedient, in order to prevent the abuse, of requiring that any one giving notice of motion must be backed by thirty members of the House. We have not quite come to that yet, but I think it is necessary that we should exercise a wholesome discretion in putting notices of motion on the Order paper, although I have no fear that this power, or this want of power on the part of the Speaker will ever cause trouble again. Hon. gentlemen will see that in the last paragraph of this motion the matter is left entirely to the opinion and approval of the Senate of Canada. If any member disapproves of any action taken by the Speaker, if he should take any action, he can appeal to the House and be supported or not as the House may decide.

Hon. Mr. FERGUSON—My hon. friend in making the motion has, I think, supplied a very substantial reason why we should not adopt the mode of procedure which he suggests, in the fact that in the thirty years he has been a member of this House, he never knew, until a few days ago, of anything occurring that called for the exercise of this power on the part of the Speaker. I think, therefore, this motion should not be agreed to. We should not take this step because the Senate is constituted after the manner of the House of Lords, and the power of the Speaker and other matters are regulated by the practice of that body, and inasmuch as my hon. friend, as I have just remarked, has told us that nothing has occurred in the whole history of this House

to call for anything of this kind up to the present time, we have a good reason why we should not depart from a rule which has prevailed in the parliament of Great Britain, and which we have practised for so long a period of time. In fact, the trouble we have had cannot be said to have originated in the Senate. The Speaker of the House of Commons has power to reject a motion when it is put upon the Order paper, yet, notwithstanding that, an offensive and improper motion was put on the Order paper, aimed at an hon. member of this House, and it was not only printed on the Order paper, but put by the member, and answered across the floor of the House. The trouble did not originate here, where we have a different rule, but in the House of Commons, where it is claimed that there is power in the Speaker to prevent anything of that kind. Of course we all know what followed. My hon. friend from Stadacona, having been personally attacked in the form of a question put by a member of the House of Commons, retaliated in this House. That is where I think my hon. friend made his mistake. His character was not affected by that attack, no matter what the motive of the person making it might have been. There was nothing in it, after all, when we come to examine it, beyond the smallness of the man who made the attack, and the hon. gentleman might have treated it with the silent contempt which it deserved. Unfortunately he did not take that step. No doubt, many of us can lay down a rule as to what an hon. member should do when struck below the belt, more readily than put it in practice when it is against ourselves. It depends upon whose ox is gored. I think my hon. friend will hardly contend to-day that the motion which he gave on that occasion was altogether a right kind of notice to put on the minutes of this Chamber. It appears from the discussion which took place that the difficulty arose from my hon. friend following the practice which he had pursued, and which I understand has been pursued by many members of this House, of handing in a notice without reading it to the House, and having handed it in that way, and it having appeared on the Notice paper, His Honour the Speaker, or the clerk, or both of them, felt that the notice, as we must all feel, was not altogether a proper one to put on our records, and it was removed. I think that there is little danger of anything of the kind happening again, requiring the Speaker to exercise perhaps a little greater power than he now possesses, but which he nevertheless, under the circumstances having the dignity and honour of this House resting upon him, we must feel that he was to be sustained in what he had done. My hon. friend the leader of the opposition introduced a motion, which was adopted by the House, that I think will prevent such trouble in the future. Hereafter, there will be no handing in of notices when the House is not in session or to the clerk, but they will have to be read in the House. If a motion is read which any hon. gentleman thinks is not a proper motion to make, that he thinks reflects on a member in the other House of parliament, or should not be brought up in this House, it will be open to him while the House is in session, to call attention to it. It would be the duty of the clerk, if the Speaker had not heard the motion audibly, to pass it to him in order that he might see it, and then, with the House seized of its full scope, the motion could be objected to, and it could be ruled out in the presence of the House. But if my hon. friend's motion is adopted, I may give notice of motion by reading it in the House; every hon. member knows what it contains, and after the House rises, behind my back somebody may go to the Speaker or to the clerk, and they may exercise the power which this motion may give them, to expunge my notice from the Order paper, without my knowledge, after I have openly given my notice on the floor of the House. When an hon. gentleman gives a notice on the floor of the House in the hearing of the Speaker, and all the members of the House, if no objection is then taken, that should end it.

Hon. Mr. MACDONALD (B.C.)—No one has any right to object then.

Hon. Mr. FERGUSON—This is the freest assembly in the world except the House of Lords after which it is modelled, and every member has a right to express his dissent at any stage of the proceedings of the House. He can rise before the Orders of the Day are called, or at any time, and interpose an objection. We all know that

that is a very easy thing to do in this House, and it is well that it is so.

Hon. Mr. MACDONALD (B.C.)—We cannot discuss notices of motion.

Hon. Mr. FERGUSON—I do not want to curtail the freedom of members of this House in the slightest respect. Our procedure is based on the procedure of the House of Lords, and this freedom of discussion and absence of rules preventing discussion, is one of the grand features of this parliament. That being the case, I think that my hon. friend will see that the passing of his motion would have this effect, that after the notice had been given, after it had passed the ordeal of the House, all the members having heard it and the Speaker, by his silence, having practically assented to the propriety of it, the motion might be dealt with later on, after the House had risen, and the member, the next day, might find that his motion had been expunged from the Notice paper, with no way of bringing the matter up except by forcing the matter before the House, which would be somewhat disagreeable. I think it is much more desirable to leave the matter as it stood after the amendment of the hon. leader of the opposition was carried, which I think renders it unnecessary to proceed further, as the matter is quite in the possession of the House.

Hon. Mr. McMULLEN—With regard to the proposed change in the rules, I have carefully read the resolution submitted by the hon. member for Victoria. I think it is rather sweeping in its character, and goes a little too far. If I understand it aright, the intention in changing the rule at all, is to see that questions that are derogatory to the dignity of this Chamber should not appear upon the public records as questions. With regard to the question of their being in order or out of order, that should remain until the question is read, and if the Speaker of the House decides that the question in itself is out of order, I think it is well then that it should be removed from the records and rejected, but the only object of the House should be to protect the dignity of the House in the matter.

Hon. Mr. McCALLUM—Hear, hear.

Hon. Mr. McMULLEN—And we should simply go this far—that the Speaker of the House be empowered to order that any notice of motion which he may consider of a character that should not appear upon the records of the Senate, should be struck out of the minutes, and should not be printed—simply that when a resolution is made, if the Speaker, after it is handed in, considers that its character is such that it should not be printed in the records, he should have the power to strike it out. But the question as to whether it is in order, or out of order, if there is nothing else that is objectionable about it, should remain until it is printed and comes before the House. With regard to the point raised by my hon. friend who has just spoken, I do not quite agree with him. He says that when a question is read in the House, every member hears that question, and it is open to any member to object to the wording or to the general tone of the resolution. We all know that when notices of motion are given, they are read in such a way that very few members pay much attention to them, hon. gentlemen do not usually listen to what is read.

Hon. Mr. MACDONALD (B.C.)—Hear, hear.

Hon. Mr. McMULLEN—Sometimes it is read in such a tone that you cannot hear it unless the notice is read at the Table after being handed in by the member, so that every member would hear it, or if the Speaker—who I am glad to say has a magnificent tone and can be heard all over the Chamber—would read it, then every member could hear it. When a motion is read by some hon. gentleman at the other end of the Chamber, one-third of the members of the House do not hear it at all. It would not be a good rule that if no person objects at the time a motion is read it should go on the paper. I think we should delegate to the Speaker the power to carefully peruse every notice of motion which is handed in, and if its style is unbecoming to the dignity of the Chamber, he should have power to expunge it. But I would limit it to that extent.

Hon. Mr. SULLIVAN—My object in seconding the motion is to give the Speaker

precisely the power which the hon. gentleman from Wellington says the Speaker should have. In my opinion, the Speaker is the guardian of the dignity and honour of the House, and as the English Houses of Parliament have been mentioned, my recollection is that the history of the Speakers of England is a notable one, and furnishes one of the most striking examples of independence and preservation of dignity that is furnished by the history of any country. If any one man has charge of this House, whether it be given to him by resolution or otherwise, it is the Speaker, no matter how he is appointed, I presume he is a gentleman who will rise to the level of his position and ought, as soon as he is elevated, to hold the confidence of this House. I cannot conceive of a Speaker, no matter how bitter a partisan he may have been previous to his appointment, being influenced by any party feeling when he takes office. I would consider the present Speaker unworthy of confidence if he for a moment thought of such a thing, knowing, as I do, that he was a strong politician before he occupied the chair. Some one should dave charge of the etiquette or the ethics of the House. Some one should have charge so as to be able to scrutinize particularly the motions that are put in this House. If the House has not confidence in the Speaker, then appoint a special committee. But I think that one hon. gentleman should have charge of it, because if a motion came up which I thought was objectionable, I should not like to offend the feelings of a gentleman who might be a friend of mine by bringing the matter to the attention of the Senate. Therefore, it being the duty of one man, I conceive that man to be the Speaker. Because I have confidence in him and his office, I second the motion.

Hon. Mr. DeBOUCHERVILLE—I am happy to see that this question, which appears to me to be a very important one, is going to be discussed, not from a party point of view, but on its merits. I should like to ask the hon. gentleman from North Wellington to correct me if I misunderstand his remarks : I understood him to say that a notice of motion should be read either by the Speaker or by the clerk, so that everybody could hear it.

Hon. Mr. SULLIVAN.

Hon. Mr. McMULLEN—No, I did not say that.

Hon. Mr. DeBOUCHERVILLE—At all events I would not object to having every motion read by His Honour the Speaker, or by the clerk, so that every member might know what it is. It is certain that any hon. gentleman can object, because it is a question of privilege. If the notice of motion is put in such a way as to affect the dignity of this House, any member can arise and bring up the matter as a question of privilege and it can be debated, and we can express our opinions. I am convinced that the hon. member for British Columbia has the best intentions in putting this motion before the House. What he desires is that the dignity of the House should be maintained. I am sorry to differ from him, and I hope my expression will not be disagreeable to him, but I consider it perfectly useless, because if a member gives a notice of motion which the hon. Speaker thinks should not appear on the Notice paper, what will be the result ? The next Speaker will have to inform the House next day that he has forbidden the insertion of this notice and he would have to read it himself. It would make it more public. And further, this is a motion creating a standing order.

Hon. Mr. McKAY (Truro)—No. As I understand, the rule is that you cannot make a standing order under rule 16 unless all the senators have been notified. This will only be good for this session.

Hon. Mr. DeBOUCHERVILLE—A standing order is an order which will stand in the House. The rule reads :

> No motion for making any order of the Senate a standing order can be adopted unless the senators in attendance on the session shall have been previously summoned to consider the same.

Then we cannot pass a standing order. This is an order which will stand, according to the opinion of the hon. gentleman from Victoria, for all sessions, and we have not the right to pass a standing order without having summoned all the senators. Then there is another point. I think it is admitted by all the members of this House that our Speaker has no more power than any of the members of this House.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. DeBOUCHERVILLE—I think that was settled the other day, by citation from May, and I did not hear anybody object to it. Then, we are going to give a power to one of us which will be beyond the power of the other senators. Are the hon. members of the House ready to give up the privileges belonging to them—that is, of being equal one with the other—merely for the sake of getting a thing done by the Speaker which he would be obliged to put before the House the next day? For these two reasons, my hon. friend from Victoria will see that his motion was not in order, and it is useless, because it will not prevent the Order from being read. It will not prevent the notice if it is not put on the Order paper from being, the next day, read by the Speaker himself. Considering all these things, the hon. gentleman should withdraw his motion.

Hon. Mr. SCOTT—When the incident arose which gave rise to the suggestion made by the hon. gentleman from Victoria, it appeared to me that there was a very universal consensus among members of the Chamber, that our Speaker was not clothed with the authority that ought to belong to a gentleman presiding over a body of this kind. It was pointed out that a very improper notice got on the Order paper, and there seemed to be no one in authority to suppress that notice, and there appeared to be a necessity for a change in reference to these notices. But it must be apparent to everybody that when these notices are read, comparatively few senators hear them. Notices are read in the House that I do not hear. I can always hear the hon. gentleman from Stadacona, because he speaks audibly and openly.

Hon. Mr. VIDAL—But he does it in French.

Hon. Mr. SCOTT—When these notices are placed in the hands of the Speaker, comparatively few senators hear them, and it did seem to me that there was quite a universal expression of opinion that we ought to vest in the Speaker the power of looking over the notices of motion. It might never be exercised in the next five or ten years, but at the same time, it did not seem to me that there should be any objection to vesting him with that authority in order to preserve the dignity of the House, and I thought when my hon. friend made the motion it was going to pass by universal consent. I was rather surprised that any hon. gentleman should point out objections to the motion. My own opinion is that the motion should prevail. It is in the right direction. It only lasts for this session and it is in accordance with the feeling expressed by the House a short time ago.

Hon. Mr. McCALLUM—It appears clear to me, from a common-sense point of view, that the rules are all right now without the amendment proposed by the hon. gentleman from Victoria. As my hon. friend says, we cannot hear very well what is going on all the time. That is true, but suppose the Speaker does not hear it? I do not want to express a want of confidence in the Speaker, but I do not wish that the Senate should put all their rights in his hands. Supposing the notice gets on the minutes, what is the duty of the Speaker? He looks over the proceedings of this House the next day, and if he finds anything objectionable he can bring it to the notice of the Senate, and the Senate will order its withdrawal from the minutes, or if it is not agreeable to do that, he can bring it up with closed doors, so that the world will not know that it has been on the minutes at all. While I am willing to sustain the Speaker in carrying on the proceedings of the Senate, I am not willing to make him a dictator, with power to expunge from the minutes whatever he likes without consulting the House. I will not give up my right in that respect, no matter how much I respect the Speaker. And what is the use of this tempest in a tea-pot? I have been a good while in parliament, and have never known anything of the kind to take place before. This is the first time, and the difficulty did not originate here. It commenced at the other end of this building. I hope the dignity of this House will always be maintained before the people of this country, and if a gentleman so far forgets himself as to give notice of a motion which he should not make, if it is printed in the orders, there is nothing to prevent the Speaker from bringing it up

next day, and having it expunged. At this stage of the session, I think it is a waste of time to discuss the matter.

Hon. Mr McDONALD (C.B.)—And it would only last this session.

Hon. Mr. McCALLUM—If so, I hope now that the hon. gentleman, having had an expression of opinion from the House, will withdraw his motion and not indirectly censure the Speaker. If it is pushed to a vote, I shall vote against it.

Hon. Mr. POIRIER—Notwithstanding the great respect I have for the opinion of the Speaker, I believe the motion is distinctly one of a nature that creates a permanent rule. It is not because members are called in that a motion becomes a permanent order; it is the nature of the motion itself that makes it what it is, and this one is decidedly creating one of a permanent character. If we pass it, we vest the Speaker, for all time to come, with certain privileges and powers, and this falls under the category of permanent orders.

Hon. Mr. MACDONALD (B.C.)—What about the motion passed the other day?

Hon. Mr. POIRIER—That motion was, in my humble opinion, decidedly out of order. If my hon. friend from Montarville had not called attention to the fact, I would have done so, that these resolutions are brought up in an irregular manner. As to the merits of the objection itself, I would rather take it favourably, because that motion, instead of giving additional powers to our Speaker, restricts the powers that he has assumed this session. It says:

> That the Honourable the Speaker of the Senate be empowered to order that any notice of motion he may consider out of order, be not printed in the minutes of routine proceeding, and may cause to be removed from said minutes any notice of motion printed therein which he may consider out of order, or of a character which should not appear in the Journals and records of the Senate.

This, our hon. Speaker has done of his own accord, so that I do not see that we need a resolution, or permanent order to give his Honour the power which he has assumed, except perhaps to endorse what he has done. But the hon. Speaker is told here:

> The Speaker on making such action as he is empowered hereby to take, will report the same, giving his reasons for so acting at the first sitting of the Senate thereafter.

Our Speaker has acted on the power which would be given him by this resolution, but he did not report to the House, which at that time I strongly and respectfully insisted he should have done. It was brought before the House in some other way, when the maker of the motion brought it up himself. It was, in my opinion, the duty of the Speaker to have consulted the Senate, in deference to the House. This motion restricts the Speaker. To that extent, I approve of it. It says:

> Such action to be subject to the approval of a majority of the senators present when the Speaker so reports.

The opinion of the Senate was not consulted, and the Speaker did not inquire what the sense of the majority was. His decision was final. Therefore, the motion of the hon. senator from British Columbia restricts the powers which the Speaker has assumed. So far as that goes, I would favour the motion, but as it stands, it is out of order, because the attention of the senators has not been called to it, as is provided for by section 16, and on that opinion, I appeal to the decision of his Honour the Speaker.

Hon. Mr. VIDAL—I venture to differ very widely in opinion from other members who have spoken on this question, for in my judgment the attempt to pass the resolution moved by the hon. gentleman from Victoria is doing greater dishonour to this House than can be done by any improper motion laid on the Table. It conflicts with the constitutional usages of the Senate. We are, as far as possible, modelled after the House of Lords. You will find, in looking over the history of that body, no mention whatever made of such decisions as the hon. gentleman from Kingston has referred to, made by Speakers. They are entirely by Speakers of the House of Commons.

Hon. Mr. SULLIVAN—I only mentioned Speakers in general.

Hon. Mr. VIDAL—That covered Speakers in the House of Lords too. I contend that in the House of Lords no such thing can be found in its history as any thing of that kind being done. I am exceedingly doubtful whether it is pleasant to the Speaker to have forced on him a responsibility which he would rather have us take on our shoulders, according to our custom. We have been

in operation as a Senate for 35 years, and no occasion has occurred to show that the rules by which this Chamber has been guided are defective, even in this respect. I contend the mistake which has been made here might, if the matter had been properly dealt with, have been entirely avoided. If the objectionable motion charged against the hon. gentleman from Stadacona had taken its ordinary course, and appeared printed on the notices of motion, then every member could have formed an opinion as to the propriety or impropriety of that notice. If that notice had been read to the House, could we have formed any judgment upon it then, to prevent it from going into print? I say we could not. As several hon. gentlemen have stated to-day, the notices are often read in such a tone of voice or at such a distance that we fail to catch what is said, and do not pay much attention to it. Even since we have adopted this order that a notice must be read by the member before handing it to the clerk in the House, we know that sometimes it is read in such a way that a majority of us do not understand it. We had an instance of it to-day. A notice of motion was read to-day. Can any hon. member who does not understand French tell us if there was anything improper in it? The time to judge a notice is when it is in print before us. Had the objectionable notice which has given rise to this discussion appeared in print, the whole question would have been decided in five minutes, and we would have avoided hours of contention on this matter.

Hon. Mr. SCOTT—It appeared in print.

Hon. Mr. POIRIER—It was struck out after it had appeared.

Hon. Mr. VIDAL—Then I contend if it was in print it was as much before the House as if it had been read aloud. The House had an opportunity to judge of its character better than if it had been read to the Senate. That is the right process, and when it appeared there, surely any hon. gentleman desirous of maintaining the honour and character of the Senate, would have pointed out the impropriety of allowing it to be brought up, and in five minutes it would have been settled. The motion would have been ordered not to be printed in our records. Its appearing in the minutes I do not consider as appearing on the journal. Had that course been pursued, no trouble would have arisen, and seeing we have gone on so well for many years without in any way infringing on the rights of individual senators, my impression is we should continue in the same way still—that nothing has occurred in this instance to warrant us in departing from the usages of the Senate. The wiser course would be not to interfere with the rights and privileges of individual senators, and shoulder upon the Speaker a responsibility and task to which he should not be exposed. I think the motion should be withdrawn.

Hon. Mr. YOUNG—I think we are agreed upon this, that objectionable motions should not appear on our records. We are also agreed upon this point, that every one in this Chamber—in fact quite a majority—cannot hear notices of motion read, and my hon. friend who has just sat down has brought out another point, that when a motion is read, it is done so rapidly, it is impossible for hon. members to grasp its meaning and bearing at the instant, so as to judge at once whether or not it is a proper motion to appear on our Order paper. Having agreed upon these points, the motion which my hon. friend from British Columbia has placed on the paper for to-day, suggests that our presiding officer shall be the supervising medium to examine these motions, and come to a conclusion upon them, subject to a direct and immediate appeal to the Senate. Before any further step is taken, the Speaker must apprise the House of his action, and give his reasons for it; this body can then deliberate, not only on the motion itself, but can judge the Speaker's action, whether he is justified in taking that step or not. As to publicity, the Speaker can, if he thinks it necessary to take that course, bring up the question with closed doors. Therefore it rests with ourselves to say whether the public shall know or not what has transpired with regard to notices which may be given in the future. I take it, that is a very reasonable and sensible way of doing business, and if my hon. friend's motion is adopted, it takes away no rights or privileges of this honourable body, but it imposes a duty upon the hon. Speaker, a duty which other Speakers in other places have to perform, whether they

like it or not, and a duty which he can perform, without fear, favour, or affection. I think it is a reasonable course. I cannot altogether agree with the hon. gentleman from Marshfield, when he looks upon it as not being in keeping with the traditions of the House of Lords, because we have within our own constitution the right to make our own rules and regulations, and we provide that only when our rules fail us, we can appeal to the practice of the House of Lords. In supoprt of this, I refer the House to rule 124, which provides that in all unprovided cases the rules, usages and proceedings of the House of Lords are to be followed. So we have the power to make our own rules and regulations. From the discussion which has taken place, you will all agree with me that we have come to the time when we must modernize our rules in some respects. It has been suggested here to-day that what we did recently and are doing to-day will only last during the life of this session. It is suggested that one of our first duties next session should be to appoint a small committee to revise and amend our rules, so as to bring them within what the good sense of this House will approve of as the best practice to follow, and have permanent orders governing a great many other points in the direction of giving our Speaker larger power, subject always to an appeal to the Senate, which is a wise provision, not only in respect to motions, but petitions and other things, and in debates. I know I am out of order, but I should just like to point out what occurred here recently. We spent nearly a whole afternoon discussing a matter which had no relation whatever to the motion before the House. The motion was the third reading of a certain Bill, and on that motion we discussed the whole Canadian Pacific Railway question of years ago, which was clearly out of order, and wasting the valuable time of this House. It is true that any hon. senator might have called attention to the fact that the hon. gentleman was out of order, but I take it we are all alike, and do not care to rise and interrupt an hon. gentleman who is speaking, and call him to order in that way, because what is everybody's business is nobody's business, and there is a spirit of fair-play that if one man is allowed to speak on one side, we all feel that another man on the other side should have the same opportunity; but if it is the Speaker's duty to call the attention of a member to the fact that he is out of order, then he must speak to the motion before the House. You would find, as in other deliberative bodies, we would then confine ourselves more strictly to the matter before the Senate, and, further, one of the great principles which govern deliberative bodies would not be violated—that is, that the House would never be taken by surprise by springing on it a discussion on something not before it. I think the motion is a step in the right direction, and whoever is spared to be here next year should see to it that a small committee is appointed to revise our rules and standing orders, so that greater power would be given our Speaker, in line with the motion of the hon. gentleman from British Columbia, subject to appeal to the House, and thereby keep us in better order.

Hon. Mr. ELLIS—If the conclusion reached by the hon. gentleman is correct, it would be better to let the matter stand until next session, and not attempt by a single resolution, piecemeal, to effect what is, after all not so great a matter. The objection I have is to making a rule which is in itself derogatory—I know the hon. gentleman does not mean that—to the character of the House, to assuming that notices are continually given of motions which would call for such action, and it is better to submit to ills we know than to adopt others we know not of. What an unlimited field for discussion it would open, if an appeal could be made to the House, and if the action of the Speaker were condemned. If I were Speaker of the House I should feel called upon to resign the position if my action were condemned twice. Certainly, it would be so unpleasant I should not like to occupy the chair. The hon. gentleman who has made the motion says that in thirty years this difficulty has occurred only once. If so, is it worth while to make a rule which implies on its face the fact that the Senate itself is not what it ought to be?

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from St. John has given expression to an opinion I intended to offer if I spoke on the question at all. We have

been told, first, that a motion which I made the other day declaring how a notice shall be given will only be applicable to this session of parliament. The Secretary of State has also informed the House that the present motion will only be enforced during this session of parliament. We expect to prorogue in eight or ten days. I scarcely see any possible good that can arise from passing the motion, although I have expressed the opinion before that I think there ought to be certain powers vested in the Speaker to keep better order. However, in looking at the practice and precedents of the British Houses of parliament, the remarks made by my hon. friend from Kingston are quite applicable if they are confined to the Speakers of the House of Commons, but they have no reference whatever to the House of Lords. As we are in the dying days of the session, no particular good can arise from passing this motion. If the motion which I had the honour to move is only enforced this session, I think it would be better, if we live to meet another session, those who are then here should appoint a small committee, as suggested by an hon. gentleman, and take the whole matter into consideration. I confess I do not like the wording of the motion which appears on the Notice paper. If I were Speaker, I should not like to have the responsibility thrown upon me that that resolution throws upon him—that is, the manner in which it is done. My hon. friend from Shediac (Hon. Mr. Poirier) stated a short time ago that this motion was regular, but that the motion which I made the other day was irregular, and is only applicable to this session of parliament. I am somewhat puzzled to know how my motion could have been irregular if this one is regular, because they are both in the same line.

Hon. Mr. POIRIER—I think they are both irregular.

Hon. Sir MACKENZIE BOWELL—If one is irregular, certainly the other is. The 16th rule distinctly declares:

> No motion for making any order of the Senate a Standing Order can be adopted unless the senators in attendance on the Session shall have been previously summoned to consider the same.

Was the motion which I made a few days ago a standing order, and, if so, is this a standing order? If they are not, they are clearly out of order under this rule. I hope my hon. friend from British Columbia will act upon the suggestion made, and let the matter drop for the present, and take the first opportunity that presents itself to him, or some other member, next session and move for the appointment of a small committee of the former Speakers, and of members of the government, and those who have paid any attention to the question, and let them make a final report, and after that, summon the House as directed in this rule. I might also mention that I have been informed that a number of orders and rules, and the manual, conflict. I think the hon. gentleman from Stadacona (Mr. Landry) takes that view. A small committee could revise the rules and add to them in the direction indicated by the hon. gentleman if they think proper to do so, in a somewhat modified form, to the notice which he has given.

Hon. Mr. MACDONALD (Prince Edward Island)—This motion, as made by the hon. senator from Victoria, is not going to carry out the purpose he has in view. I believe it would have been much better had the suggestion made by some hon. member that when a question is proposed and read by the member in his place, as now required by the rule passed the other day, if it is not heard by every member of the House, it should then be read by the clerk at the Table, and if there is anything objectionable in the motion, it is for the members of the House to decide on that point, and have it eliminated from the Journals at once. The motion of the hon. gentleman from Victoria will not carry out the object he has in view. There is another view I take which perhaps may not commend itself to hon. gentlemen. The Speaker of this House is in a different position respecting motions of this kind from the Speaker of the House of Commons who is elected by the members of that body. The Speaker of the Senate is an appointee of the government, and in that sense I think we would be delegating to him a power which it is not desirable that every Speaker should possess. It is all right, I presume, in the hands of the hon. gentleman who now holds the position. I should be sorry to say otherwise, but members of the opposition must remember that the Speaker is appointed by the gov-

ernment. Those gentlemen who are now in power may at some future time be in the opposition, and may not take the same view of that question which they do at present. I should prefer that the hon. senator who made this motion should withdraw it, and that the whole question should next session be taken up, as proposed by the hon. leader of the opposition, and the whole of our rules be revised and made more in accordance with what is the desire of the Senate.

The motion was lost on a division.

THE CORONATION OATH.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

Whether the government has received from the clergy and the episcopate of the Dominion, petitions addressed to the Honourable the Secretary of State for the Colonies, in England, on the subject of the striking out from the statutory declaration the expressions offensive to the religious beliefs of the Catholics of this country?

Has it received similar requests on the part of religious institutions or others, from municipal authorities and individuals in this country?

What is the number thereof?

To whom have they been sent in due course?

What is the general tenor of the answers received?

Hon. Mr. SCOTT—On the 15th of February last, the government received, through the Lieutenant Governor of Nova Scotia, a communication from the archbishop of Halifax, addressed to the Secretary of State for the Colonies, covering minutes of a public meeting of Catholics of Halifax, held on the 22nd of January last, protesting against the declaration taken by the Sovereign on his accession to the Throne. This letter and inclosures was forwarded to the Secretary of State for the Colonies, who acknowledged the receipt thereof in a despatch dated 14th of March, 1902.

Again, on the 11th of April, 1902, the government received a further communication from the archbishop of Halifax to the Secretary of State for the Colonies forwarding resolutions on the subject of the accession oath passed at public meetings held at the following places in the province of Nova Scotia: Kentville, Liverpool, Sheet Harbour, Salmon River, Saulnierville, L'Ile Surette, Joggin Mines, Dartmouth, Meteghan, Caledonia, Church Point, Tusket Wedge, Buttes Amirault, Eel Brook, Acadia Mines, Bridgewater, Amherst, Truro, Spring Hill, Weymouth, Annapolis, Prospect, Windsor, Yarmouth,

These resolutions were communicated to the Secretary of State for the Colonies on the 16th of April last. There has not been time for any reply to be received.

A CORRECTION.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I desire to draw attention to an error in a notice of inquiry I gave for the eighth of May. The inquiry appears in the Order paper as follows:—

Are the field batteries in the civil service equipped in such a way as to be of any use in winter? Have they sleds for the transport of their cannons, and baggage carts?

I never gave such a notice as that? My motion in French reads:—

Are the field batteries in the artillery service equipped, &c.

I hope that correction will be made in the minutes.

Hon. Mr. DANDURAND—At page 365 of the debates, after the vote was taken on the amendment proposed by the hon. gentleman from Monck, the report of a committee, I am made to say as follows:—

I am paired with Mr. Baker on all questions and would have voted for the amendment if I had voted.

I said the contrary, that I would have voted against the amendment.

FRUIT MARKS ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (136) An Act to amend the Fruit Marks Act, 1901.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow.

Hon. Sir MACKENZIE BOWELL—In what respect does it change the law?

Hon. Mr. SCOTT—It is defining who the packer is and holding the packer responsible. It provides for the different designations of the marks. In the maritime provinces and in Ontario the marks 1, 2, 3,

X, XX, and XXX do not agree. I think it holds the grower responsible as a general thing for the barrel. That is my recollection of the explanation in the other House.

Hon. Mr. FERGUSON—When the Bill comes up for second reading, we will have to look into it a little more closely, but I want to call attention to one point—and that is the only material point in the Bill—on which I have a strong opinion, and that is that in the parts of the country where the numbers are adhered to, and not the Xs—I refer now to the eastern part of Canada where the shippers use No. 1, No. 2 and No. 3—there is no place for what is called 'extra.' Extra is the best, and corresponds with triple X. No. 1 is what forms the bulk of the crop of a good merchantable fruit, that should correspond with XX, and so on. However, we can go into these points more closely on the second reading. The effect of the Bill as it stands now would be to force shippers in the east, who are not prepared to adopt the Xs as their mode of designation, to mark in that way, but it would throw the bulk of the crop under the designation of No. 2. Unless something is done to remedy that, it would reduce the price by five or six shillings. I think, therefore, we will have to try and remedy that by allowing the Xs to stand, and then have extras and No. 1 and No. 2.

The motion was agreed to.

THIRD READING.

Bill (H) An Act for the relief of Samuel Nelson Chipman.—(Hon. Mr. Kirchhoffer.)

BANK ACT AMENDMENT BILL.

BILL WITHDRAWN.

The Order of the Day being called:

Second reading Bill (BB) 'An Act to amend the Bank Act.'

Hon. Mr. ELLIS said: I have been requested by persons interested in this measure, and to some extent its originators, in view of the lateness of the session and the uncertainty of reaching any result—in fact the certainty that no result will be reached—not to proceed with the measure. I do not desire to make any remarks which would open up a discussion, but simply ask the permission of the House to withdraw the Bill.

The Bill was withdrawn.

SECOND READINGS.

Bill (101) An Act to incorporate the Nipegon Railway Company.—(Hon. Mr. Gibson.)

Bill (123) An Act to incorporate the Canada Eastern Railway Company.—Hon. Mr. Thompson.)

BISHOP OF MOOSONEE INCORPORATION BILL.

ORDER POSTPONED.

The Order of the Day being called:

Consideration of amendments made by the House of Commons to Bill (F) 'An Act to incorporate the Bishop of Moosonee.'

Hon. Mr. LOUGHEED said: I desire to make one or two observations with reference to this Bill. I find it has been placed in my name, and yet I was unaware of its contents. I desire not to assume any responsibility for the title, which I think the parliament of Canada should not use in its legislation. I notice that the title, 'The Right Reverend,' is accorded to the promoter of the Bill. I know nothing under our constitution by which the title 'Right Reverend' may be granted to any clergyman, or should be recognized by the parliament of Canada. This is the title which is recognized under the state church of Great Britain, but so far as its extension to the colonies is concerned, it cannot for a moment be contended that there should be a recognition by that title of any class of clergymen. Had I been present before the Private Bills Committee when this measure came up, I certainly should have opposed the recognition of that title. I notice also that when it went to the House of Commons it was further amended, and a repetition made in the Commons of the title of distinction to which I alluded. The term 'Bishop of Moosonee' could be used without any objection. That denotes an office, but the other is a title, a distinction which is claimed by one particular denomination, I might say almost to the exclusion of others. It would be probably thought a presumptuous act on the part of any other denomination to claim the use of this title. Under these circumstances, I

desire to disclaim any responsibility for the Bill, although it stands in my name. My own view is that this Bill should stand untill to-morrow, until I can interview those who placed it in my name, and point out to them my objection. My idea is that this Bill should be sent back to the Private Bills Committee, and that the office occupied by the promoters of the Bill should be designated, by the name of Bishop, and not by that of Reverend. I should have pointed out that inadvertently this particular Bill was omitted from the Orders of the Day, but the orders in my hand, and also the Order paper before the clerk, have been amended by putting this Bill on as order No. 4, instead of the order which appears on the regular Orders of the Day.

The Order of the Day was discharged, and placed on the Orders for to-morrow.

POST OFFICE ACT AMENDMENT BILL.

ORDER POSTPONED.

The order of the day being called :

Second reading Bill (106) 'An Act to incorporate the Post Office Act.'

Hon. Mr. SCOTT—This Bill is not printed.

Hon. Mr. LANDRY—This Bill was printed yesterday, but nevertheless the Orders of the Day have it marked as not printed at all. I think some one is paid to do things wrong. This order and the next one are printed. The next order, Bill (112), is marked printed both in English and French, as also No. 7, but none of these orders are printed in English and French.

Hon. Mr. SCOTT—Then we might advance it a stage, and discuss the Bill to-morrow.

Hon. Mr. LANDRY—I do not object, but I wish to call attention to the irregularity of our Order paper.

Hon. Mr. SCOTT—Then I will move that the Order of the Day be discharged and placed on the Orders for to-morrow. It is a matter of detail. The object of the Bill is to increase the status of the letter carriers.

Hon. Mr. FERGUSON—I have no objection to the Bill being proceeded with if it is explained. In fact I should prefer that it be proceeded with.

Hon. Mr. LOUGHEED.

The Order of the Day was discharged and placed on the Orders for to-morrow.

IMMIGRATION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (112) An Act to amend the Immigration Act.' He said : The object of this Bill is to take power to prevent the landing of persons affected with any disease. Recently immigrants have been landed at Halifax and St. John en route to the United States. They have got into Canada on the assumption that they were proceeding immediately to the United States. They have been refused admission there, and thrown back on Canada, and we have been put to the trouble and expense of shipping them from Halifax or St. John to the port from which they came.

Hon. Mr. MACDONALD (B.C.)—Are they being shipped back to Europe ?

Hon. Mr. SCOTT—We take authority to do that.

Hon. Mr. LOUGHEED—I think the government might have taken greater authority than sought for in this Bill. I see no reason why the government of Canada should not exercise as close a supervision over the immigration as the United States does with reference to immigrants going into that country. It is a well-known fact that there is not only an educational qualification, but other qualifications are applied before the immigrant can land upon the shores of the United States. The liberality which is practised by our government on this particular subject leads to Canada receiving the refuse of European immigration. There is no reason why there should not come upon our shores in Canada quite as intelligent and quite as good a class of immigrants as those who go into the United States. It seems to me this is a step in the right direction, and I only regret that the government has not taken a wider authority than given in this Bill.

Hon. Mr. ELLIS—I quite agree with the hon. gentleman from Calgary. It is a very great grievance and ought to be remedied if possible. I was in Montreal the other day and went through the immigration

agency of the United States. There would be sixty persons rejected during the month of April. The month was not quite completed when I was there, but the medical officer, who is a Canadian, Dr. Barclay, of Montreal, acted for the United States authorities and examined all these persons. I saw some who were rejected for a disease of the skin, and others who had a disease of the eye, and pulmonary and other diseases. In my opinion people who bring those immigrants into Canada should be compelled to take them back. They have the diseases which are common to the poorer classes in southern Europe, and it is not desirable, if the United States rejects these people on Canadian soil by permission of our government, that they should be accepted in Canada. These people take passage by Canadian steamers and land at St. John, Halifax, or Montreal, but they are really en route for the United States. They intend to go there, but when they are rejected by the United States officer, they remain in Canada. They become charges more or less upon charity, or upon the public purse, or the local authorities, and they introduce disease, which of itself is not desirable. I saw the whole system and I knew something of it on the border at Vanceboro and Macadam, and I think the department which has the matter in hand ought to take hold of it, and insist that the steamers bringing these people in should take them back again.

Hon. Sir MACKENZIE BOWELL—That is what the Act provides.

Hon. Mr. SCOTT—That is the intention, of course.

Hon. Mr. ELLIS—Does the hon. Secretary of State think that clause in the Bill compels the steamers to take them back ?

Hon. Sir MACKENZIE BOWELL—It is very doubtful.

Hon. Mr. LOUGHEED—They must take them on board, but I suppose they could then dump them in the water.

Hon. Mr. CHURCH—My experience is even worse than the experience of the hon. gentleman from St. John in this matter. The vessels call at Halifax on their way to the United States with these people, and touch at Halifax on their return. The United States authorities send them back to Canada, and they become a charge on the city of Halifax, and eventually as transient paupers on the province of Nova Scotia, and we have had to exchange a lot of correspondence to find out where these people lived in the old country, and then send them back as best we could, and pay their expenses. I think steamers that bring such people should be compelled to take them back. I agree with the hon. gentleman who has spoken, that the government should take more power in the matter. They have had the same trouble in St. John. It is becoming a nuisance and the public authorities do not know what to do. We do not want to see the people cast out of the country in a cold season of the year, and for months and months many have become chargeable, first of all, as I have said, to the city of Halifax, and after to the province, till we have been able to return them to their native homes at our own expense.

The motion was agreed to, and the Bill was read the second time.

EXCHEQUER COURT ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (114) An Act to amend the Exchequer Court Act. He said : This Bill authorizes the Governor in Council to appoint by an instrument, an officer of five years standing as registrar of the Exchequer Court, whose salary should be $2,400; and it further authorizes the court, when the defendant lives outside the jurisdiction, to have the writ served outside, in the United States or any other country where he happens to be.

Hon. Mr. LOUGHEED—What is the present qualification ?

Hon. Mr. SCOTT—I have sent for the statute and they cannot find it.

Hon. Mr. MACDONALD (British Columbia)—Is it not possible in any Act of this kind to limit the time within which governments shall pay the amount of judgments rendered against them in expropriation cases ? Cases have been pending for years and poor fellows have lost their pro-

perty and their trade, and the government keep them dangling along and put them to great expense. This is the case not only with the Exchequer Court, but other courts. The government appeal the cases from court to court, and do not pay the claims. as adjudged. Mr. Archie Stewart has been kept out of his money for years. He has won his case in all the courts, but cannot get his money from the government. I mention this matter as this is the court in which such cases are heard.

Hon. Mr. SCOTT—No, it has not.

Hon. Mr. FERGUSON—The principal amendment, in the first section of this Bill, raises the salary from $2,000 to $2,400. That is the only alteration in the first section.

The motion was agreed to, and the Bill was read the second time.

CANADIAN PACIFIC RAILWAY TOLL'S ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (116) An Act to amend the provision with regard to Tolls, of chapter 1 of the statutes of 1881, respecting the Canadian Pacific Railway. He said: The title of this Bill is misleading. The real object of the Bill was to enable the company to increase its capital stock from $65,000,000 to $85,000,000. The increase of capital involved an application to the Governor in Council for approval, and the opportunity was taken to place in the statutes the purposes for which the proposed loan was required. A provision was made that the stock should not be issued below par. Another provision was that the sum spent should be laid out definitely as stated in the Bill: that is, for rolling stock $9,070,000, and for the enlargement of shop facilities at Montreal and elsewhere, reduction of grades and improvement of alignment and double tracking $8,400,000: for elevators, terminals and other facilities $3,000,000—in all $20,470,000. Another question had to be discussed and disposed of, and it was this: Under the statute at the time the Canadian Pacific Railway got its charter in 1881, the general law authorized all railway companies to receive a dividend of 15 per cent before they came under the jurisdiction or control of the Governor in Council in reference to those tolls. At the time the Canadian Pacific Railway charter was granted, that 15 per cent was reduced to 10 per cent: in lieu of 15 per cent provided in the General Railway Act, only 10 per cent should be allowed before the jurisdiction and control over tolls was established. The Act provides that the $20,000,000 shall not be considered as part of the capital of the company on which the jurisdiction of the Governor in Council would arise. The capital of the company has, up to the present time, never been defined—that is, the cost of the railway, but so far as this $20,000,000 is concerned, it was not to be counted as part of the capital on which the question of tolls should arise.

Hon. Mr. McCALLUM—A question of percentage.

The motion was agreed to, and the Bill was read the second time.

Hon. Mr. SCOTT moved that the House resolve itself into Committee of the Whole on the Bill.

Hon. Mr. CLEMOW—This is a very important measure. It brings up the great advantages accruing to the country by the construction of the Canadian Pacific Railway. It is established by the fact that they now require additional capital to prosecute their great works. It is a great advantage to New Ontario, and the people in that section of the country at the present time must appreciate the patriotic efforts which resulted in the construction of the Canadian Pacific Railway. I know it is not in order to refer to or discuss matters not before the House, but as was mentioned by the hon. gentleman near me (Mr. Young) in dealing with the Trans-Canada Railway Bill the other day, half the time was spent in discussing a matter which was clearly out of order. I do not want to be considered as acting in that way at the present time. I simply want to bring before the House forcibly the great advantage which the construction of the Canadian Pacific Railway has been to the country, and its enterprise at the present time. I do not wish to oppose the Bill in any way, quite the reverse. I think it is a proper Bill, and the company deserve credit for

demanding this additional money for the purpose of increasing the facilities they furnish to the public. Those gentlemen who so ferociously opposed the building of the road in the past must now recognize that they were then wrong. I should not wonder if at a time not far distant they would take upon themselves all the credit for the construction of the road, and all that was done by the previous administration. I do not wish to deprive them of any credit that might accrue to them for doing all they can now to support a measure of such importance to the country generally. I merely wish to bring the matter up so that they may appreciate the efforts of the Conservative party in the early days of the construction of the Canadian Pacific Railway. The company has done so well that it can forego the advantage it possesses, diminishing freight rates, and giving an improved service to the country generally. The general impression is that the company will do all they can for the purpose of facilitating their operations everywhere. Last year, as we all know, the harvest of the North-west was very great, and the company was able to carry it to the seaboard in a manner that deserves credit from every citizen of the country. They performed the duty satisfactorily to the settlers and to the business men.

Hon. Mr. WATSON—The hon. gentleman who has just taken his seat——

The SPEAKER—The motion is out of order if there is any opposition.

Hon. Mr. SCOTT—I will let it stand untill to-morrow.

DOMINION LANDS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (120) 'An Act to amend the Dominion Lands Act.' He said: The object of this Bill is to authorize the Minister of the Interior, when issuing grants of lands, to make a reservation of five per cent for highways and roads.

Hon. Sir MACKENZIE BOWELL—Five per cent of the land?

Hon. Mr. SCOTT—Five per cent of the land can be taken. There is also authority given to the Lieut. Governor of the North-west Territories and the Lieut. Governor of Manitoba, if they see fit to make a survey, to take away five per cent, provided the road is not more than 66 feet wide, and if they interfere with improvements they must pay for them.

Hon. Sir MACKENZIE BOWELL—How does that work if you sell a section? You allow five per cent for roadways.

Hon. Mr. SCOTT—All grants which emanate from the government.

Hon. Sir MACKENZIE BOWELL—They pay for the full 640 acres, and then there is five per cent reserved out of that for which they get no refund.

Hon. Mr. SCOTT—That is an extreme limit. It may not be more than three per cent.

Hon. Sir MACKENZIE BOWELL—That is not the point I wish to urge. You sell a section of land, 640 acres.

Hon. Mr. SCOTT—Many of them are homesteads.

Hon. Sir MACKENZIE BOWELL—I am not speaking of homesteads. You sell 640 acres and get paid so much per acre for it. Then you reserve the right to the government to take five per cent of the whole of that land from the purchaser, is that what you mean?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—I observe in section 4 the provision is entirely limited to the improvements on the land. That is to say, the province may expropriate five per cent of the lands in question, notwithstanding the fact they have been sold under contract and possibly a large sum paid to the government, and yet indemnity is to be only paid on account of improvements. I might allude to the fact that in the North-west Territories the Commissioner of Public Works has absolutely arrogated to himself without appeal, the right to value land expropriated for any such purpose as mentioned in this Bill. Even a reference to arbitration is not permitted, and appeal to the court is not permitted. It seems to me there should not be such a narrow limitation as mentioned in clause 4. In

committee it can be discussed further, and a more equitable provision embodied.

The motion was agreed to, and the Bill was read the second time.

ADMINISTRATION OF JUSTICE IN THE YUKON TERRITORY BILL.

SECOND READING.

Hon. Mr. SCOTT moved second reading of Bill (137) 'An Act to amend chapter 41 of the statutes of 1901, respecting the administration of Justice in the Yukon Territory.' He said: It may be in the recollection of many hon. gentlemen that when chapter 41 last year was going through this House, a very wide discussion arose as to the wisdom of a clause in that Bill. As the measure came up to this House, the police magistrates were permitted to practice in certain courts. They were, of course, not permitted to practice anywhere within their own jurisdiction, but in the courts outside of their own jurisdiction they were permitted to practice. In that Bill, the salary was fixed at $2,400. The opinion seemed to be pretty general here that it would be far better to make them absolutely independent, and to deprive them of the right to practice, so the clause was amended, the Bill went back to the other Chamber, and the amendment was adopted, but no change was made in the salary. We took away from them the right to practice, but did not increase the salary, so the only way to meet the case at all was to increase their living allowance, giving them an inordinate living allowance because $2,400 was not considered a proper salary where the expenses of living are so great. It is to reduce the living allowance and give them a salary of $4,000, which is assumed to be what would have been equivalent to what they would have earned had they been permitted to practice when the House of Commons fixed the salary.

Hon. Mr. LOUGHEED—I observe that the police magistrate of the Yukon Territory has civil as well as criminal jurisdiction. The only thing I fail to understand about this Bill arises from what the hon. Secretary of State mentioned the other day, that it was intended to make the police magistrate a judge in the Yukon Territory, practically wiping out the office of police magistrate at Dawson, and giving jurisdiction to the judges to act as police magistrates, and allotting to them that duty from time to time. I also find there is a Bill before parliament increasing the salaries of those judges to $5,000 a year.

Hon. Mr. SCOTT—I think I explained, when the Bill to which the hon. gentleman refers was before the House, that one of the police magistrates was to be elevated to the bench.

Hon. Mr. LOUGHEED—How many police magistrates are there?

Hon. Mr. SCOTT—There are three, I believe—one at White Horse, and two at Dawson. It is intended to elevate one of them, and the $5,000 was to apply to that case. The salary of the two judges was fixed at $5,000, and it was to bring him up to that level.

Hon. Mr. LOUGHEED—My remarks were based on an error; I had formed the impression that there was only one police magistrate.

Hon. Sir MACKENZIE BOWELL—Did I understand the Secretary of State to say that when increasing this salary by $1,600 a year to the police magistrates, they were going to withdraw the living allowance altogether?

Hon. Mr. SCOTT—I do not know what the living allowance will be; it will be on a smaller scale at all events.

Hon. Sir MACKENZIE BOWELL—This matter was brought particularly to my notice when I was in the territory last year. When the Bill passed appointing the police magistrate, and fixing the salary, I thought the living allowance of $3,000 per annum was very large. But when I found that the salary of a cook out there was a hundred dollars a month, and rent $150 a month, the $3,000 was gone at once, so that it would be decreasing their income to give them $1,600 of an increase in salary and deprive them of their living allowance.

Hon. Mr. LOUGHEED—The Governor in Council regulates that.

Hon. Mr. SCOTT—That is fixed on the recommendation of the Minister of the Interior.

Hon. Mr. LOUGHEED—In the Act of 1901, it is provided that the living allowance may

be fixed by the Governor in Council. That power is not disturbed by this Bill ?

Hon. Mr. SCOTT—Oh, no. They will get a living allowance, only on a reasonable scale. As I mentioned before, the living allowance was fixed on an inordinate scale, because there was no other way to give adequate compensation.

The motion was agreed to, and the Bill was read the second time.

JUDGES OF PROVINCIAL COURTS BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (138) 'An Act to amend the Act respecting the judges of provincial courts.' He said : The object of this Bill is two-fold : It first provides for the salaries of three judges of courts in the Yukon Territory, $5,000 per annum. The other clause, 15, is in reference to the superannuation allowance to the county court judges. As the law stands now, before a judge could retire, and receive a superannuation, even though he were afflicted with some infirmity, he has to serve ten years. Under the present proposition now before the House, if any judge of a county court, becomes afflicted with some permanent infirmity, disabling him from discharging his duties, and he resigns his office, he is entitled to superannuation, two-thirds. If he has served less than five years, he only gets one-third as a retiring allowance, and then only in case of permanent disability.

Hon. Sir MACKENZIE BOWELL—What is the law now ?

Hon. Mr. SCOTT—The time fixed is ten years. Therefore, if he had served nine years, and became incapacitated to perform his duties, he would not be entitled to it.

Hon. Sir MACKENZIE BOWELL—Does not the Act introduced by the late Sir John Thompson cover the case ?

Hon. Mr. SCOTT—I think not.

Hon. Sir MACKENZIE BOWELL—I remember a case in Ontario where a judge became incapacitated by softening of the brain, and there was no provision to meet the case. The minister introduced a Bill to deal with the case, but unfortunately for the poor man, he died before the Act was passed. I might mention that the law provided for the appointment of a commissioner, who must be a Superior Court judge, to hold an investigation as to his capacity for continuing the duties of his office, and, if the commissioner reports against him, then he can be superannuated.

Hon. Mr. SCOTT—That refers to a different class of cases. This is general.

Hon. Mr. MACDONALD (Victoria)—I wish to call attention to the manner in which the British Columbia judges have been passed over from time to time. We find our junior judges in a young country placed in a higher rank as to salaries than the British Columbia judges are. It is unfair that they should be passed over in that way. On two or three occasions they have been on the verge of having their salaries increased to $5,000. Now we find those young judges in the Yukon Territory are placed, in the matter of salary, over the heads of judges who have worked faithfully for a number of years. I have called the attention of the government to the matter, and I hope they will soon bring in a measure to deal justly with those judges. Do the judges in the Yukon Territory get a maintenance allowance in addition to salaries ?

Hon. Mr. SCOTT—Yes. I appreciate the point that the hon. gentleman has mentioned. This government, and preceding governments, have endeavoured to wrestle with this question, but there seems to be always a difficulty in the way. However, the conditions in British Columbia and in the Yukon are not at all the same.

Hon. Mr. MACDONALD (British Columbia)—I do not grudge the judges in the Yukon this increase, but the others ought to get the same.

Hon. Mr. SCOTT—The hon. gentleman is comparing the judges of British Columbia with those of the Yukon Territory, where the conditions are altogether different.

The motion was agreed to, and the Bill was read the second time.

BILL INTRODUCED.

Bill (51) An Act to incorporate the Dyment Banking Loan and Savings Company.—(Hon. Mr. Ellis.)

INSPECTION ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (142) An Act to amend the general Inspection Act.

The Bill was read the first time.

Hon. Mr. SCOTT moved the second reading of the Bill. He said: This is a very small Bill. Two words comprise it. It is placing among the articles in the Inspection Act, binder twine. I do not know whether hon. gentlemen are aware that since the United States have acquired the sovereignty of the Philippine Islands, they have placed an export duty on sisal.

Hon. Sir MACKENZIE BOWELL—The United States government?

Hon. Mr. SCOTT—Yes, with the provision if it goes to the United States and is manufactured there, the export duty is omitted. The consequence is, if a Canadian buys the sisal, the export duty has to be paid, no matter where he buys it. I do not know whether we can exercise any control of it coming from the United States or not. This Bill adds sisal to the articles which may be inspected in Canada.

Hon. Sir MACKENZIE BOWELL—The inspection of it would have no effect on the importation except to determine what its character was.

The motion was agreed to, and the Bill was read the second time.

MOUNTED POLICE ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (147) 'An Act to amend the Mounted Police Act, 1894.'

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow.

Hon. Mr. SCOTT—No.

Hon. Mr. MACDONALD (P.E.I.)—Does this Bill make any provision for increasing the pay of the Mounted Police?

Hon. Mr. MACDONALD—I understand many of them are living in the far north, and that they find their living to be just as expensive there as it is in the Yukon. We are raising the salaries of judges and other officials that are in high positions, but the men who are working and receiving just their day's pay, do not seem to be having their position improved.

The motion was agreed to.

THE OPENING AND PROROGATION OF PARLIAMENT.

Hon. Sir MACKENZIE BOWELL—It will be remembered that the attention of the Senate was called to the difficulties presenting themselves at the opening of parliament this year, and it was suggested at that time that a small committee should be appointed for the purpose of giving some instructions to Black Rod in order to remove those difficulties. It is unnecessary for me to enter into the question now. I will give notice to-morrow to appoint a small committee to make such a report as may be deemed necessary to provide that in the future, gentlemen who are entitled to some consideration in the invitations which are sent shall not be overlooked, and to prevent in the future the filling of this Chamber by a lot of people who certainly should not have precedence over the wives and daughters of members of parliament. I understand that already applications have been made to the Usher of the Black Rod for seats at the next opening of parliament. In order to relieve him of the responsibility, should not the Senate take the responsibility upon itself and give him proper instructions? I will give the notice to-morrow.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, May 7, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

FIRST READING.

Bill (CC) An Act respecting the Royal Marine Insurance Company.—(Hon. Mr. Beique.)

SECOND READINGS.

Bill (51) An Act to incorporate the Dyment Securities, Loan and Savings Company.—(Hon. Mr. Ellis.)

Bill (142) An Act further to amend the General Inspection Act.—(Hon. Mr. Scott.)

Bill (147) An Act to amend the Mounted Police Act, 1894.—(Hon. Mr. Scott.)

THIRD READINGS.

The following Bills were reported from committee, and read a third time and passed under a suspension of the rules :

Bill (V) An Act to incorporate the Securities Bank of Canada.—(Hon. Mr. Landerkin.)

Bill (96) An Act to incorporate the Manitoba and Keewatin Railway Company.—(Hon. Mr. Watson.)

Bill (99) An Act respecting the Montreal and Southern Counties Railway Company.—(Hon. Mr. McMullen.)

TORONTO AND NIAGARA POWER COMPANY'S BILL.

THIRD READING.

Hon. Sir ALPHONSE PELLETIER, from the Committee on Railways, Telegraphs and Harbours, reported Bill (100) 'An Act to incorporate the Toronto and Niagara Power Company.'

Hon. Mr. KIRCHHOFFER moved the suspension of rule 70 in so far as the same relates to this Bill.

Hon. Mr. BEIQUE—I desire to call attention to the fact that in this Bill reference is made to clause 90 of the Railway Act as being incorporated in the Bill, and clause 90 states a great number of things which may be done by the company. But section 91 and the following section state how these things shall be done and how the compensation should be paid, and these clauses have been left out. I would suggest that they be added to the Bill. Section 90 says the company shall restore the river, stream, &c., to its former state, and section 91 says that the company in doing its work shall do as little damage as possible, and section 92 that they shall pay any damage done. These two sections should form part of the Bill and should be mentioned in the Act as being incorporated under clause 90; otherwise the company would take power to do these several things, and be relieved from paying damages.

Hon. Mr. KIRCHHOFFER—This Bill passed to-day without amendment. I am perfectly aware that any hon. gentleman who chooses to object to the rule being suspended has power to do so. I was going to leave for home, and I wished to have the Bill read the third time before leaving, but if the hon. gentleman insists on the objection, I shall have to drop it.

Hon. Mr. YOUNG—There seems to be a misunderstanding. I think my hon. friend has no wish to kill the Bill. Instead of rising to speak to the motion to suspend the rule, it would have been better if he had allowed that motion to pass and brought the matter up on the third reading.

Hon. Mr. BEIQUE—That is really my object. I want to draw the attention of the House to the necessity of introducing sections 90 and 91.

Hon. Mr. YOUNG—The motion to suspend the rules might be passed, and this matter discussed on the third reading.

The motion was agreed to.

Hon. Mr. KIRCHHOFFER moved the third reading of the Bill.

Hon. Mr. BEIQUE—I move that clause 90 of the Bill be amended by adding after the words 'section 91,' the following two sections, namely 91 and 92.

The SPEAKER—The end would be reached by saying that sections 90 to 98 shall all apply. Perhaps the hon. gentleman from Brandon has no objection to that amendment.

Hon. Mr. KIRCHHOFFER—I am not prepared to say what effect it would have. I certainly would not consent to any amendment being made to it now. It may not be the intention of the hon. gentleman, but I think it certainly would have the result of killing the Bill, and I think it is not fair that it should be brought up now.

Hon. Mr. BEIQUE—I have no desire to kill the Bill.

Hon. Sir MACKENZIE BOWELL—This question was fully discussed in the House of Commons, and if this amendment is made

the Bill will have to go back to the Commons, and it may have the effect of killing the Bill. I do not think that is the intention of the hon. gentleman, but it would probably be the result of an amendment at this stage of the session. I do not know that there was any Bill before the House of Commons discussed more critically than this, because there was a great deal of objection to it by certain municipalities and by others.

Hon. Mr. BEIQUE—I thought it was my duty to call the attention of hon. members to the matter. It is not at all a company which will affect the province from which I come, and I do not desire to insist. I thought it was our duty to see that private interests were protected.

The motion was agreed to, and the Bill was read the third time, and passed.

NORTH SHORE POWER, RAILWAY AND NAVIGATION COMPANY'S BILL.

AMENDMENTS CONCURRED IN.

Hon. Sir ALPHONSE PELLETIER, from the Committee on Railways, Telegraphs and Harbours, reported Bill (73) 'An Act to incorporate the North Shore Power, Railway and Navigation Company,' with amendments.

The amendments were concurred in.

Hon. Mr. WATSON moved the suspension of rule 70 in so far as it relates to this Bill.

The motion was agreed to.

Hon. Mr. WATSON moved the third reading of the Bill.

Hon. Mr. MACDONALD (British Columbia)—In the Committee on Railways there was a long discussion on this Bill with reference to giving important powers beyond those asked for by the company in their advertisements. They advertised only in the province of Quebec, and in the Bill took power to operate over the whole Dominion. The House should not stultify itself by ignoring the report adopted the other day. The report of the Committee on Standing Orders adopted by this House on the 29th of April says, reporting on the petition of the North Shore Power, Railway and Navigation Company, that they find that rule 49 has not been fully complied with, inasmuch as the petitioners have only advertised in the province of Quebec, and therefore recommend that the committee to whom the Bill should be referred should insert a clause confining their manufacturing operations to the province of Quebec. As the Bill stands to-day, it gives the company power to operate over the whole Dominion, and the House will stultify itself by ignoring a report that was adopted by the House. At all events, the Bill should not be read the third time to-day. I object to the third reading to-day.

Hon. Mr. WATSON—This matter received some consideration at the hands of the Standing Orders Committee by members of this House, and also was discussed fully in the Railway Committee to-day. I think the powers are carefully safeguarded in the Bill. It provides that the manufacturing operations shall be confined not merely to the province of Quebec, but to a certain district in the province of Quebec. So far as the company are empowered to do business outside, it is simply the selling of the manufactured products outside. Of course, if any one objects to the third reading it cannot take place to-day, but at this stage of the session, I think it would be well to clear off our Order paper, and if the hon. gentleman is not particular to have the Bill left over, I would request him to withdraw his objection.

Hon. Sir MACKENZIE BOWELL—The objection raised by the hon. gentleman from Victoria is not so much to the amendment as to the fact that the Standing Orders Committee made a certain report which was adopted by the House, recommending the suspension of the rules with reference to advertising, conditional on the powers being confined to the province of Quebec.

Hon. Mr. WATSON—The manufacturing operations.

Hon. Mr. MACDONALD (B.C.)—They are not separated.

Hon. Sir MACKENZIE BOWELL—The Railway Committee, to which this Bill was referred, set aside the deliberate decision of the Senate itself, by giving the company power to operate in the whole Dominion. That is the point my hon. friend takes. Hon. gentlemen will remember that attention was

called to that fact in the committee, and it is an irregularity which ought not to be allowed to stand as a precedent. Otherwise any Standing Committee or Select Committee could set at defiance and overrule a deliberate opinion expressed by this House. That is the only objection I have to the whole proceeding. I do not object to the principle of the Bill. The more we can assist in establishing, by foreign or other capital, industries in this country, the better, but we ought to be very jealous of the rights of the Senate, and deny the right of any committee to overrule its decision.

The SPEAKER—The position is this : the motion to suspend the rule was carried, and the question is now on the third reading.

Hon. Sir MACKENZIE BOWELL—The hon. member from Victoria was standing for some time.

The SPEAKER—I did not notice him, but as the objection has been taken, the third reading cannot take place to-day.

The Order was postponed until Friday.

THIRD READINGS.

The following Bills, reported from the Committee on Railways, Telegraphs and Harbours, were read the third time and passed under a suspension of the rules :

Bill (65) An Act to incorporate the Yukon Pacific Railway Company.—(Hon. Mr. Watson.)

Bill (101) An Act to incorporate the Nepigon Railway Company.—(Hon. Mr. McMullen.)

Bill (123) An Act to incorporate the Eastern Railway Company.—(Hon. Mr. Thompson.)

NOTICES OF MOTION.

Hon. Mr. MACDONALD (B.C.)—I desire to claim the attention of the House for a few minutes. A notice has just now been given by the hon. gentleman from Stadacona, and I wish to ask whether the House is prepared to discuss it. Is it before the House or is it not ? I am sorry my hon. friend from Marshfield has left the Chamber, because he is one of the strong affirmers that notices of motion can be discussed at the time they are given and declared to be proper or improper. Before I proceed to discuss the propriety or impropriety of the motion which has just been read in French, I ask a ruling from the Speaker as to whether the notice of motion is before the House and can be discussed by any member of the House, or by all the members of the House.

Hon. Mr. LANDRY—I do not know that the hon. gentleman can ask the Speaker to rule on a point that is not against any order of the House.

The SPEAKER—What is the exact point of the hon. gentleman's question ?

Hon. Mr. MACDONALD (B.C.)—Whether a notice of motion given by an hon. gentleman can be discussed by the House before it is moved as a motion.

The SPEAKER—In one sense it can, and in another it cannot. As a question of order, it can. If it strikes any hon. gentleman that the notice of motion is such a one as should not be given, the hon. member has a right to call the attention of the House to it, and the House will pronounce as to whether it is such a notice of motion as should be given. But it would be irregular to enter into a general discussion of the notice.

Hon. Mr. CHURCH—In this case the notice is read in French, and the English members of the Chamber cannot discuss it till they know what it is in English. The more I hear about the rules of order—without wishing to be out of order myself—the more I am inclined to agree with the view of the ex-Speaker from British Columbia that he outlined yesterday. I believe the only way is to have some rules that may be recommended by a good committee, selected by the Chamber, which we can approve and be prepared to follow.

AN ADJOURNMENT.

Hon. Mr. SCOTT—I move that when the House adjourn to-day it do stand adjourned till Friday next at three o'clock in the afternoon, to-morrow being a statutory holiday.

Hon. Mr. LANDRY—If I understood aright, the hon. Secretary of State has given notice of motion for two sittings on Saturday ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—At what hour ?

Hon. Mr. SCOTT—At eleven in the morning and three in the afternoon.

The motion was agreed to.

BILLS INTRODUCED.

Bill (141) An Act to amend the Act respecting the Packing and Sale of certain Staple Commodities.—(Hon. Mr. Scott.)

Bill (149) An Act to amend the Land Titles Act, 1894.—(Hon. Mr. Scott.)

CHINESE IMMIGRATION ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (156) 'An Act to amend the Chinese Immigration Act, 1900.'

The Bill was read the first time.

Hon. Mr. TEMPLEMAN moved that the Bill be read the second time on Friday next.

Hon. Sir MACKENZIE BOWELL—What is the character of the Bill ?

Hon. Mr. TEMPLEMAN—It provides for paying to the provinces fifty per cent instead of twenty-five per cent of the amount of the capitation tax on the Chinese.

Hon. Sir MACKENZIE BOWELL—I think the whole principle is wrong, although it was adopted by the government of which I was a member. If the capitation tax is to be paid to British Columbia I see no reason why it should not be extended to the other provinces. There are numbers of Chinese in Ontario and the North-west, and I cannot understand why a capitation tax should be divided between one province and the Dominion, and not between all the provinces and the Dominion.

Hon. Mr. TEMPLEMAN—The proposed amendment applies to all the provinces. It is a very insignificant amount which would be paid to the other provinces.

Hon. Sir MACKENZIE BOWELL—But the principle is just at great.

Hon. Mr. TEMPLEMAN—The principle is just as the hon. leader of the opposition wishes it.

The motion was agreed to.

A SUPPLY BILL.

FIRST READING.

A message was received from the House of Commons with Bill (157) 'An Act to authorize by way of loan certain sums of money for the public service.'

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time on Friday next. He said: This Bill authorizes the raising of $15,000,000.

Hon. Sir MACKENZIE BOWELL—Is that all ?

Hon. Mr. SCOTT—Yes, a trifle—to pay any outstanding liabilities there may be.

Hon. Mr. MACDONALD (B.C.)—We will have lots of steel rails now.

The motion was agreed to.

THE HOUR OF OPENING.

Hon. Sir MACKENZIE BOWELL—I desire to call attention to the fact that we are constantly violating one of the rules of the Senate. I am not finding fault with the Speaker or any one else, because for years we have met at fifteen minutes past three instead of three o'clock. The rule is distinct about meeting at three o'clock, why should we lose that fifteen minutes ? I call the attention of the Senate to it, and I hope the Speaker will adopt the practice of taking the Chair at three.

Hon. Mr. SCOTT—We had better let that rule prevail for the rest of the session. Council sits at three o'clock and it is rather inconvenient to rush over from Council meeting.

Hon. Sir MACKENZIE BOWELL—Then better change the rules.

Hon. Mr. SCOTT—Then for the rest of the session it will be three o'clock sharp.

FAST LINE OF TRANSATLANTIC VESSELS.

INQUIRY.

Hon. Mr. LANDRY inquired of the government—

Are there actually negotiations in progress on the subject of the establishment of a fast line of transatlantic vessels ?

With whom have these negotiations taken place ?

Upon what basis ?

What is the Canadian port designed as a terminus for the ocean and river navigation in summer, in connection with the establishment of the fast line ?

What is the winter port ?

What speed must the ships of the fast line have ? What draught of water ?

At what approximate date, or at least in what year will the first ship of this fast line make its first voyage ?

Hon. Mr. SCOTT—There are no actual negotiations in progress on the subject of a fact transatlantic line.

Hon. Sir MACKENZIE BOWELL—Have there been any negotiations ?

Hon. Mr. SCOTT—Nothing in any definite shape—nothing except in an informal way.

VALLEYFIELD STRIKE.

INQUIRY.

Hon. Mr. LANDRY inquired of the government—

Has the town of Valleyfield reimbursed the Militia Department the sums paid for the employment of the volunteer forces called out in aid of the civil authorities at the time of the last strike in the locality above mentioned ?

Is it the intention of the government to demand such reimbursement ?

Has it fixed a date for such reimbursement ? If not, does it intend to fix one, and to take judicial proceedings if, at the date fixed, the reimbursement in question has not taken place?

Hon. Mr. SCOTT—In answer to the first question, not yet. In answer to the second, yes. In answer to the third, judicial proceedings have been taken to collect the amount.

A QUESTION OF PRIVILEGE.

Hon. Mr. CASGRAIN (Windsor)—Before the Orders of the Day are called, I desire to call attention to a despatch in the Toronto 'World' which reads as follows :

Sir Wilfrid will Resign if Premier is Defeated.

J. L. Gauthier, Liberal Organizer from Montreal, makes a sensational speech at Tecumseh in order to impress the French Canadians electors.

Windsor, May 5.—J. L. Gauthier, Liberal organizer, from Montreal, is in Essex county for the purpose of aiding in the election campaign. There are many French Canadians here, and his presence is considered helpful by the local organization. At a meeting at Tecumseh this afternoon, he made a sensational statement, that apparently was uttered in order to swing lukewarm French Canadians to the aid of Premier Ross.

Mr. Gauthier declared that, if the Ross government was defeated at the coming elections, he was authorized to state that Sir Wilfrid Laurier would take it so much to heart that he would resign in thirty days, and let the Liberal party go to the everlasting bow-wows.

Mr. Gauthier is billed to speak at St. Joachim, May 6; McGregor, May 7 ; River Canard, May 8 ; Sandwich, May 9 ; and Chappels, May 10.

I should like to know if Mr. Gauthier is really authorized to bulldoze the French Canadians in this way.

Hon. Mr. SCOTT—I know nothing about the article in the paper, but whoever made such a statement was in error in making it.

Hon. Mr. WOOD (Hamilton)—That is only from the Toronto 'World.'

Hon. Mr. CASGRAIN—Just as good authority as the Toronto 'Globe.'

FRUIT MARKS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (136) 'An Act to amend the Fruit Marks Act, 1901.' He said : This Bill proposes to make some slight changes in the Act which was passed by parliament last year. The first material change is in the fourth section, in this particular, that in designating the grade of the fruit, the following marks shall be made : For fruit of the first quality, No. 1 or 'X X X.' For fruit of the second quality, No. 2 or 'X X,' and for fruit of the third quality, No. 3 or 'X.' I understand that the reason for there being two classifications is this, that in the province of Ontario and the west, the first quality of fruit is marked No. 1, the second quality No. 2, and the third quality No. 3. In the maritime provinces, it is graded by X's, rather than by numerals. The best quality is marked 'X X X;' second quality, 'X X,' and the third quality, 'X.' The other changes are verbal, and will be better understood in committee.

Hon. Sir MACKENZIE BOWELL—There is an important change in the first paragraph of the fourth clause. I know difficulties have arisen in the province of Ontario, by getting bogus people to mark the packages—people who have no responsibility. Fruit inspectors in Ontario inform me that in certain portions of the west, instead of the grower or owner of the package putting his name on it, in some cases the names of irresponsible men who

hang around the taverns, and in others, of people who are actually dead, are used; and in that way, the party who should be responsible under the law escape responsibility Is not this clause intended to cover that defect in the law? Does it not mean that the packer or grower shall be responsible ?

Hon. Mr. SCOTT—I think that is what is intended by the clause.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Marshfield, who had to leave, desired me to call the attention of the Secretary of State to an amendment which he intended to propose. The object of it is to make a provision in reference to No. 1 and No. 2, apply to 'XX' and 'X X X,' which are the marks in the maritime provinces, so that the amended law will apply to the marking of fruits which are thus marked in the maritime provinces as applying to Nos. 1, 2 and 3 in Ontario. I confess I am not sufficiently acquainted with this subject to discuss it intelligently, and if the Secretary of State will permit me, I will hand him the amendment, and before the third reading, he might consult the department as to the propriety of accepting it. There can be no object in having different marks or grades for the different provinces.

Hon. Mr. SCOTT—The object was to have the classifications which I have described agree.

Hon. Sir MACKENZIE BOWELL—The object of the hon. senator from Marshfield is this: That numbers 1, 2 and 3, as applied to the packing of fruit in Ontario, shall have the same effect in the maritime provinces as X, XX, and XXX.

Hon. Mr. SCOTT—I think there is no difference between us at all.

The motion was agreed to, and the Bill was read the second time.

BISHOP OF MOOSONEE INCORPORATION BILL.

AMENDMENTS CONCURRED IN.

The Order of the Day being called:

Consideration of the amendments made by the House of Commons to Bill (F) 'An Act to incorporate the Bishop of Moosonee.'

Hon. Mr. LOUGHEED said: I directed the attention of the House yesterday to some amendments which I desired to make in this Bill, if possible, before it passed its final stages; but on inquiry, I find that the Bill as amended in the House of Commons would not permit of the Senate amending their own Bill unless I brought down a supplemental Bill to make the desired changes. The matter is not sufficiently important to complicate it in that way, and I therefore move that the House concur in the amendment made by the House of Commons.

The motion was agreed to.

POST OFFICE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (106) 'An Act to amend the Post Office Act.' He said: The object of this Bill is to form new grades for the messengers, porters, packers, letter carriers, mail transfer agents, and box collectors attached to the Post Office Department. They are to be recognized as grades A, B, C, D and E. The object, I believe, is to place them on a better basis than they have been before, and after a period of six months, to give them a higher compensation than they are now receiving.

Hon. Sir MACKENZIE BOWELL—And less qualification.

Hon. Mr. SCOTT—No, they have to pass an examination.

Hon. Sir MACKENZIE BOWELL—Not the civil service examination, as they have to now.

Hon. Mr. SCOTT—They are on probation, when first appointed, for six months, and if they prove to be satisfactory during that period then they go into the lowest grade. The details of the Bill will be better understood in committee.

Hon. Sir MACKENZIE BOWELL—The difficulty is when we go into committee, if the rules are invoked we are prevented from discussing the principle of the Bill.

Hon. Mr. SCOTT—When we go into committee, we will be quite free to discuss the principle.

Hon. Sir MACKENZIE BOWELL—The Bill goes further than indicated by the hon. gentleman. It removes all this class of

officers from the Civil Service Act, which provides for a certain educational qualification, but the fifth clause subjects them to an examination which is prescribed by the Governor in Council. Whatever that examination may be, no one can tell until the order has been passed. It also extends the principle of permanent officers. It is quite a grave question how far that is advisable, in the interest of the service itself or in the interest of the country. I know the last Civil Service Act introduced by the government was to remove a large number of officials of the lower grades from the operation of the Superannuation Act. The moment you put one of these officials—even if he is only a letter carrier or a packer, or belongs to any other of the lower grades of employees of the service, under the Civil Service Act, you place him in a position to take advantage of the Superannuation Act. The object of the late government was to remove, as far as was considered practicable, that class of officers from a position of permanency, so that if a man was employed, for instance, as a janitor, to remove him from the operation of the Civil Service Act, and if he does not behave himself, the government can dismiss him just as an ordinary employer of labour can do. I fear that this Bill is extending the principles of the Civil Service Act and Superannuation Act, by placing such employees on a permanent basis. I have no doubt it will meet the approbation of those who are employed, because it puts them in a position of permanency to a very great extent, rather than being temporary clerks—to be employed and dismissed at will. It is too much the habit of people who once get into the employment of the government, no matter what their qualifications or adaptability for the work may be, to regard it as a permanency, and afterwards claim to be retired. I am a little radical in that respect, and in 1869, when the Superannuation Act was introduced, I remember very well raising my voice against the general principle, on the ground that it would favour a class. However, the principle has been adopted, and I am opposed to the extension of that principle as far as I think this Bill goes. It creates another office for some person connected with the department—creates another inspector at $3,000 per annum. I should like to know why this officer is required, when we have so many post office inspectors at present. This is to be a new official, with new duties, that have been performed in the past by the inspectors. If it be necessary in the future to have another inspector, the hon. gentleman can inform the House; if not, I should like to know why this additional officer has been provided for in the Bill at a salary of $3,000 per annum.

Hon. Mr. SCOTT—In reference to the first point, the persons affected by this Bill are of a considerably higher grade than a janitor or caretaker. They are all persons who are in a position, by attention to their duties in the service, to attain higher positions. Their salaries rise year by year, according to merit.

Hon. Sir MACKENZIE BOWELL—Not under the present law.

Hon. Mr. SCOTT—Then, in reference to the appointment of a superintendent, his special duty will be to look after the city post offices. I have no doubt the necessity for such an officer has arisen. The Postmaster General is known to be economy personified, and would not create an office of that kind unless there was a necessity for it.

Hon. Sir MACKENZIE BOWELL—I hope the hon. gentleman will not object if I dissent from the economical character he gives the Postmaster General.

Hon. Mr. SCOTT—The officer must have had ten years' service in city post offices.

Hon. Mr. WOOD (Hamilton)—The gentleman has had twenty-five years' service.

Hon. Mr. SCOTT—This applies to a prospective officer, I suppose.

Hon. Mr. WOOD (Hamilton)—I think any change in the examination of officers more in the line they have to work in, will be a great improvement on the old system. The old system of examining letter carriers, for instance, on theology——

Hon. Sir MACKENZIE BOWELL—Oh, no.

Hon. Mr. WOOD (Hamilton)—Altogether apart from the work they have to do, was objectionable. This new examination is in reference to work they are required to per-

form. To know that they are able to do that work intelligently, I think is better than examining them on things they do not have to practice. With reference to the gentleman who is to be appointed, or has been appointed city inspector, he is a man who was appointed some 25 years ago to the office in Hamilton. He is thoroughly competent—there is no more competent man in the service to-day than the gentleman who is occupying that position.

Hon. Sir MACKENZIE BOWELL—What position ?

Hon. Mr. WOOD (Hamilton)—The position of inspector of city offices.

Hon. Sir MACKENZIE BOWELL—No one doubts that.

Hon. Mr. WOOD (Hamilton)—I thought I heard the hon. gentleman questioning the organization of that office, and the person who was being appointed to it. I say the person who is appointed to that office has had large experience, is thoroughly competent, and knows about post office work all over the country. He is deputy postmaster of Toronto to-day, a thoroughly competent man.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is altogether in error. What I was asking an explanation of, is, why this new office was created ? I did not say anything about the gentleman's qualifications. The Bill says, he must have had ten years' experience, not twenty-five.

Hon. Mr. WOOD (Hamilton)—He has been there 25 years.

Hon. Sir MACKENZIE BOWELL—I am speaking of the clause in the Bill. In the province of Ontario all sorts of officers have been appointed, and for no other reason than to find place for pets. There are a number of post office inspectors now. Are they competent to do what this new appointee is to do ? If they are incompetent, and it is necessary to have a new officer, let us know the fact. That is the ground I am taking. I am not objecting to any individual.

Hon. Mr. CLEMOW—Will it necessitate the organization of a new board for the purpose of examining these different officers ?

Hon. Mr. WOOD (Hamilton).

Hon. Mr. WOOD (Hamilton)—No.

Hon. Mr. CLEMOW—What system is to be adopted with reference to testing the qualifications of these employees ? The hon. gentleman from Hamilton says the present system is a bad one. I want to know if the government are going to have a separate board for the purpose of putting these people through an examination to see if they are competent to discharge their duties ? There is an inspector at each important point now—Ottawa, Toronto, Hamilton, and other large centres. Have these men been performing their duties in the past in a satisfactory manner, or is it necessary to appoint others with different qualifications ? If so, it will be necessary to have a board sufficiently acquainted with the working of the Post Office Department, before they can arrive at a proper standard of the services to be rendered by these new people who are to be appointed under these different grades. They certainly cannot pass through the same examination as is now required through the provinces generally. These men are not qualified specially for post office work, but are qualified to know whether a man can read or write. I suppose the intention is to get better information that will guide the government in forming estimates of the people who are to be appointed, and the only way to do that is to have a body of men specially appointed for that purpose, because it requires experienced men to ascertain whether the applicants would be suitable for the service or not.

Hon. Mr. MACDONALD (Prince Edward Island)—From the remarks made by the hon. gentleman from Hamilton, one would think an appointment had been made before the passage of the Bill. I do not see any necessity for another inspector in this Dominion. Not long ago there were only two inspectors. There was one in the province of Quebec and another in the provinc of Ontario.

Hon. Mr. LANDERKIN—How many offices were there then ?

Hon. Mr. MACDONALD (Prince Edward Island)—I am not prepared to tell the hon. gentleman how many offices there were then, but an inspector then inspected a greater

number of offices than the inspectors now appointed are required to do. I know that a gentleman was taken from the province of Prince Edward Island when I filled the position of postmaster there myself—taken from my office. He had some few years' experience in the post office, and he was sent out to Manitoba and the North-west and organized the post office service of the whole of that country, not so very many years ago. He is still in the position of post office inspector there, and does more work over the district which he has to supervise there than any inspector in this part of the Dominion. This additional office which is being created under this Bill, is going to be an additional tax on the people for the purpose of providing an office which, in my opinion, cannot be very much required at the present time, considering the great number of post office inspectors in the Dominion.

Hon. Mr. LANDERKIN—In reference to the number of inspectors we have now, I may tell the House that the Postmaster General abolished two districts and the inspectors therein, one in Stratford, the other in Barrie, lessened the number of inspectors, and consequently it becomes necessary now that he should appoint one inspector merely for the cities. He is not adding to the number, because the number was reduced in the province of Ontario. I do not know how it has been elsewhere, but it is owing to this fact that the duties became so much greater that it was necessary to have another inspector, with the growing requirements of the postal business in the various districts that were left. The consolidation of the two districts into one gave additional work to the inspectors, and the consequence was that the Postmaster General, after giving the matter mature consideration, found it necessary that he should appoint an inspector to look after the city post offices. One who has been in a city post office has been named, I understand—it is rumoured so—I have no official notice of it, one well qualified, as the hon. gentleman from Hamilton says, to discharge this important office. Then I think this House will agree with me that the Postmaster General has been doing a great work for the postal service in Canada, increasing the number of offices, increasing the mileage, and at the same time reducing the rate of postage, and I think when he asked for this new official this House and the country will know that there is a good reason why he makes the request and why the House should give it to him.

Hon. Mr. SULLIVAN—I do not think any one is opposing the Bill particularly. We are only looking for information. There is no information as to the kind of examination called for in this measure. Probably the Postmaster General does not wish to make it known. The examination cannot be very high, from the nature of the office. Then there are several grades, A, B, C, D, E—that is five. I suppose he has a reason for that. I presume if information were given the Bill would be all right. It does not say whether the superintendent is to be appointed in addition to the inspectors, or for special duty.

Hon. Mr. SCOTT—It is the special duty.

Hon. Mr. LANDERKIN—And he holds the position in Toronto as well.

Hon. Mr. SCOTT—Some hon. gentlemen know more than I do about this matter apparently, I was rather startled by the statement made by the hon. senators, that the Postmaster General had been adding largely to the number of inspectors, and I happened to have in my hand the civil service list for 1901. I find, commencing with Kingston, that the inspector is Henry Merrick, appointed in January, 1895; in the London division, Henry D. Hopkirk, appointed in 1887, and two assistants, one appointed in 1881, and the other in 1888. No new appointments in either of these cases. In the Manitoba division, Mr. McLeod was appointed in 1882, and two assistants, Kearns and Pinhey, the former appointed in 1885, the latter in 1891. Then we come to the Montreal division. The inspector there was James Wm. Bain, who appears to have been appointed on the 7th January, 1896. David Nelligan was appointed first assistant inspector on the 7th December, 1877, and the other assistant on the 25th June, 1881. Joseph Adolph Medard was appointed in 1898. That is the first appointment since this government came in power. Then in New Brunswick division, Newton Coulter was appointed the 1st July, 1897, as assistant inspector. Wm. Walker, the 1st July, 1890. In the Nova Scotia

division, Chas. Macdonald, inspector, was appointed 10th May, 1879; Douglas Stewart was appointed 1st January, 1890; Alfred Cawthra was appointed in 1891. Then in the Ottawa district, Frank Hawken was appointed in November, 1890. He was formerly assistant postmaster here. Mr. Chas. Lesueur was appointed 1st February, 1888, and the assistant inspector, 21st July, 1891. In the Quebec division the inspector is A. Bolduc, appointed 1st July, 1887; assistant inspector, Samuel Tanner Green, appointed 7th February, 1890. In the Toronto division the inspector, James Henderson, was appointed 17th August, 1897.

Hon. Sir MACKENZIE BOWELL—Either I did not make myself sufficiently plain or the hon. leader of the House misunderstood me.

Hon. Mr. SCOTT—It was another hon. gentleman who stated that Mr. Mulock had been appointing a number of extra inspectors.

Hon. Sir MACKENZIE BOWELL—I thought probably the hon. gentleman understood me to say that. What I referred to was the Ontario government inspectors.

Hon. Mr. MACDONALD (P.E.I.)—I did not say that Mr. Mulock had appointed a number of inspectors. I said there were a number of inspectors, quite sufficient to perform the duties all over the Dominion.

The motion was agreed to, and the Bill was read the second time.

IMMIGRATION ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (112) 'An Act to amend the Immigration Act.'

(In the Committee.)

On the 1st clause.

Hon. Mr. SCOTT—The object of the Bill, as I explained on the second reading, is to enable the Governor in Council by proclamation to prohibit the landing in Canada of any immigrant who is suffering from a dangerous disease or malady, whether he intends to stay in Canada or pass through it.

Hon. Mr. SCOTT.

Hon. Mr. SULLIVAN—That is rather wide. It might take in diseases such as consumption and tuberculosis. Some may consider them dangerous and some may not. I think there should be some means of determining whether they are infectious or contagious. If there was a list of the diseases we could tell more about it, or if there was a proper person appointed to inspect.

Hon. Mr. SCOTT—I fancy Dr. Montizambert would be the person.

Hon. Mr. SULLIVAN—He cannot be everywhere.

Hon. Mr. DEVER—The hon. gentleman from St. John drew attention to a vital point in this matter yesterday, and that is the difficulty of disposing of those people when they come to our shores. We may stop them from landing, but what is going to become of them? The government agent can send them back in the ship that brought them, but would it not be better to see that they did not get on board the ship in the first instance?

Hon. Mr. SCOTT—We cannot have agents at Hamburg, Liverpool and the other ports.

Hon. Sir MACKENZIE BOWELL—Would it be at all practicable to prevent them from landing? If you permit them to land that class of people, then we meet the difficulty that has been presented in getting rid of them again. The next clause provides that if, after they have landed, they are found to be infected with diseases contemplated in this Act, you can put them back on the vessel. Suppose the vessel refuses to take them?

Hon. Mr. SCOTT—Practically the same plan is adopted as in New York. They are landed at the immigrant shed or put into quarantine.

Hon. Mr. LOUGHEED—What are the regulations between the United States government and our government with reference to the immigration inspectors of the United States government examining immigrants upon our shores with a view to passing them into the United States? Is there any similar regulation by which representatives of the Canadian government are at New York and other United States ports for the purpose of examining immigrants destined for Canada?

Hon. Mr. SCOTT—No. In ninety-nine cases out of a hundred they come through Canadian ports. A large number of emigrants for the United States also come through Canadian ports, and the United States government have agents at Montreal, Quebec, St. John and Halifax, to examine emigrants who are booked for the United States.

Hon. Mr. LOUGHEED—It seems to be equivalent to saying that the United States agents can come in and select the better class of immigrants and leave the culls for Canada.

Hon. Mr. SCOTT—No, their destination is known before they come here.

Hon. Mr. LOUGHEED—I doubt that very much. But assume that a large percentage of immigrants destined for the United States are found not to answer the qualifications for United States immigrants, they are left on the Canadian side.

Hon. Mr. SCOTT—No, not with this Act.

Hon. Mr. LOUGHEED—But the responsibility is thrown upon the Canadian government to get rid of emigrants destined for the United States, the result being that very heavy expense is thrown upon the Canadian government, with the further result of evasion being resorted to which will succeed, and we will have the very excrescence of European emigration placed upon our shores. It seems to me the Bill is not sufficient to cover the difficulty. There should be some way of holding the transportation companies responsible.

Hon. Mr. SCOTT—We could compel them to take the diseased emigrants back.

Hon. Mr. LOUGHEED—We do not provide for it here. We say the emigrant shall be compelled to return to the country from which he comes.

Hon. Mr. SCOTT—He can be taken on board the vessel. If a vessel commits a breach of our laws you can prohibit them coming here at all.

Hon. Mr. LOUGHEED—But you do not reach the transportation companies. This Bill is only intended to operate against the immigrant and not against the transportation company.

Hon. Mr. SCOTT—They are included.

Hon. Mr. LOUGHEED—And all the agent can do is to say to the rejected immigrant 'we compel you to return to the country from which you have come.' How can they enforce it?

Hon. Mr. SCOTT—We do enforce it.

Hon. Sir MACKENZIE BOWELL—Does the government pay the expense?

Hon. Mr. SCOTT—The steamship companies are bound to take them back.

Hon. Mr. CHURCH—The difficulty which the hon. gentleman from Calgary speaks of arises from our geographical position. As the hon. Secretary of State says, certain emigrants are shipped from Europe for the United States, but they come via Halifax, St. John or some Canadian port, and as the ship is not going to the port of their destination they are sent by rail very often. The difficulty could only be cured, in my judgment, if we had immigration agents at the ports from which they are shipped, but I do not know that we have any power to arrange that. The immigrants come to Halifax en route for the western states. They are landed at Halifax, and supposing the ship goes away, what are we going to do about it? This Bill says that they shall be returned. By whom?

Hon. Mr. SCOTT—The steamship company that brought them over.

Hon. Mr. CHURCH—Then the inspector will have to go on board the vessel or be down at the wharf.

Hon. Mr. SULLIVAN—Certainly. Do the same as in quarantine. They are sent down to quarantine of course.

Hon. Mr. CHURCH—But thousands of these immigrants arrive at Halifax and the ship has a clean bill of health. They land and some of them do not go to the United States. They remain drifting about Halifax. The matter was brought up in the discussion yesterday. We have had people in Halifax for one year and then sent them back to France at our own expense. If we could meet the difficulty by legislation here it would be very satisfactory, but I do not know whether we have any power.

Hon. Mr. CASGRAIN (Windsor)—Could they be prevented from landing?

Hon. Mr. SULLIVAN—Does the word immigrant apply to others—say tourists ?

Hon. Mr. LOUGHEED—Oh, no.

Hon. Mr. SULLIVAN—The United States were very severe with regard to this landing of immigrants—so much so that the Medical Society protested strongly against what appeared to be almost an inhuman edict, and it was all due to the terms 'contagious' and 'infectious.' Syphilis is as contagious as any other disease, and you could not take a man who had secondary syphilis and stop him simply because he had the disease, so that if the diseases were defined, it would be much better. As to the inspection, I do not see any difficulty about that. It would be done the same as at Quebec. The medical officer boards the steamer and goes through and inspects the passengers, and I suppose that could be done at the seaports. The difficulty is about these infectious diseases. It may work gently or be terribly severe, just according to the way the minister chooses to put it in force.

Hon. Mr. ELLIS—It does not appear to me, from the knowledge I have of the matter—I have a little knowledge—that this is effective enough, but I do not know how it could be made more effective. The government should take much greater power. Every immigrant who is likely to be a charge upon the country should be examined. The United States system is that every man who lands at an immigration station in the United States is subject to an examination. He is examined as to his ability to live in the country, that is to say, that he will not be immediately a pauper, and as to his physical ability. The examination is very perfect. There is a disease of the eye—I forget the name of it. The doctor told me about it, and the doctor turned up the eye and said 'look at that.' Apparently there was nothing the matter with it, but he inserted a little instrument and a great mass of matter displayed itself.

Hon. Mr. SULLIVAN—That is only a tale—a story.

Hon. Mr. ELLIS—The examination has been strict with a number of persons from Europe, Greece, people from Mediterranean countries, who are in the habit of landing at Canadian ports and not professing to go to United States ports but remaining in Canada. After they are here a little while they take passage to the United States, and they are subject then, when so discovered, to an examination, and if they are not able to pass it they are returned to this country. My idea is that a system of reciprocity with the United States should be adopted. Any man who is rejected by the United States authorities as unfit to enter the United States is unfit, medically, to live in Canada.

Hon. Mr. SULLIVAN—I understand the United States was willing to do that.

Hon. Mr. ELLIS—We allow the United States officer to examine an immigrant. He says : 'You are unfit to go to the United States.' They stop him at Vanceboro or Macadam and he is turned back on St. John. It is the same in Montreal. I told the House the other day that there were, I think, fifty-five such persons in Montreal when I was there in April, and they were likely to number sixty before the end of the month. It does not seem a great many, but if there are sixty every month at one port, they will amount to a large number in a season. These persons are turned loose filled with diseases, such as favus and other maladies. Whether the law is strict enough under the circumstances, is a question. I am afraid it is not. The people who are coming now are not like immigrants from northern Europe. They come from the south of Europe, where there are peculiar diseases prevalent, which we do not want to have in this country.

Hon. Mr. CHURCH—I have listened to the remarks of the hon. gentleman from St. John with great interest, but there is one thing that this House has not been made aware of. I can understand how such immigrants, when they go to Vanceboro and Macadam, are met by the United States authorities and prevented going further, but in the case of steamers going to Boston and New York with such emigrants, they are turned back; what power have the United States authorities to make the steamers take them to Canada? The United States authorities certainly do that, sending them to Halifax. Unless the government has some power to send them back to Europe, when on examination they are found unfit for any reason to remain here,

the government certainly shauld have the power to send them back, or the local authorities of St. John and Halifax and other points will have to look after them in the future as in the past. The intention of the Bill is good, but it does not go far enough. I do not know how it should be remedied to meet the evil.

Hon. Sir MACKENZIE BOWELL—There is one way to meet it: none of these immigrants should be permitted to land from the vessels in which they come to this country, until they are examined. From the statement made by the hon. gentleman from St. John, it would seem that these people land with the intention of going to the United States, and are stopped on the way there at Vanceboro, Macadam, or some other place before they reach the United States. Every immigrant arriving at a Canadian port should be examined before leaving the ship, and should not be allowed to land without permission. There is no such power in this Bill.

Hon. Mr. SCOTT—Oh, yes.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman read it? It says that certain things may be done; the immigrant may be compelled to return to the country whence he came. How are you going to get him there? He may be a pauper, and you cannot compel him to return unless you put him on board a vessel and pay his passage. The man may be compelled to go on board the vessel, but you do not, in this Bill, compel the vessel owners to take him back. It says further, you can, if he objects, force him to go on the vessel. Then the vessel may slip him off again, or may refuse to carry him back unless the government pay the passage. Unless there is a penalty for bringing such diseased people to this country, I do not see how it can be prevented. No one objects to the principle of the Bill. We all desire to make it as effective as possible, and to give the government such power as will enable them to prevent an undesirable class of people from landing. It can only be done by stopping them the moment the vessel comes in. Have your medical officer there to make an examination, and prevent any one who has not passed the examination from landing, and make the captain responsible if such persons leave the vessel. Then a penalty ought to be imposed on any captain who brings such diseased persons to our shores, provided he knows it. Of course, disease might break out on board a ship. It is a difficult matter to deal with, and while there is no desire to prevent the Bill from passing, the government should take the power to prevent immigrants from landing until an examination shows that they are not diseased.

Hon. Mr. SULLIVAN—We ought to provide for an examination on the vessel first. Failing that causes the whole mischief. The government should have at each seaport medical officers who would go on board every vessel and inspect the passengers as they do in the United States ports. Then if any one escaped, the law could be put in force against him. One cannot know that a disease exists without an examination by a person competent to discover infectious or contagious diseases.

Hon. Mr. POWER—It is the duty of the health officer at every port to see if any diseases exist on board a ship.

Hon. Mr. SULLIVAN—Who appoints the health officer?

Hon. Mr. POWER—The government. It is the duty of the health officer to ascertain if there is any infectious or contagious disease on board ship. I should like to know where the examination by the agent of the United States takes place. Is it on board ship, or after the immigrants land?

Hon. Mr. SCOTT—I suppose sometimes in one place, and sometimes another.

Hon. Mr. POWER—The difficulty is, there does not seem to be any sufficiently clear provision for enforcing the prohibition. It provision for enforcing the prohibition. If to be amended by this Bill, you will find that the Governor General may, by proclamation, prohibit the landing in Canada of any criminal or other vicious class of immigrants. By this Bill we add diseased immigrants to criminal immigrants, a very proper addition, but section 24 goes on to say: 'Except on such conditions, for insuring their re-transportation to whence they came.' Now if there was some language of that kind, and a penalty provided in the present Bill, it would really meet the case. The first clause of the Bill pro-

vides for the prohibition, and now we are dealing with the second clause. It seems to me we need something more in this clause. I do not profess at the moment to draft an amendment which would cover the ground altogether, but I think something of this kind ought to be added: 'and it shall be the duty of the master or owner of such vessel to receive such person on board and convey him to the port whence he sailed, under a penalty of one hundred dollars for each person not so conveyed.'

Hon. Mr. LOUGHEED—It seems to me this Bill should receive closer attention if it is going to give effect to the intention of the government. It further seems to me the government should acquaint itself with all the regulations which obtain on the part of the Immigration Bureau of the United States, and practically duplicate those restrictions, and they should be mutually and reciprocally enforced between the two countries. There is no reason whatever that the United States should enjoy the advantages mentioned by the Secretary of State of examining immigrants on our shores, and discarding those they think unfit for settlement in their own country, to the detriment of Canadian conditions and institutions. This is a matter which has received a great deal of attention in the United States. It has received very little attention at the hands of the Canadian government. In fact, I think no attention has been given to this subject since 1886, when the statutes were revised. This seems to be about the first amendment to that Act. While the prohibition in clause 2 may be effective, so far as language can express it, the machinery for the enforcement of the Act is entirely inadequate. This is an important matter, as Canada is becoming probably the most attractive country on the face of the earth for immigrants at the present moment; and as we can easily secure the very cream of immigrants from all parts of Europe and America, there is no reason why the government of Canada should not now take the best steps to secure the most desirable class of immigrants and enforce regulations quite as effective as those which obtain in the United States.

Hon. Sir MACKENZIE BOWELL—The Act applies to two classes of people only, that is, criminals or other vicious classes that may be designated by the Governor in Council. After stating what the Governor in Council may do, the Act provides that if the Governor in Council deem it necessary to enforce the return with the least possible delay of the vessel, and such immigrants to the said port (that is the port whence they came), such prohibited immigrants remaining on board until such return of the vessel; that is the point I endeavoured to direct the attention of the minister to a few minutes ago. That applies distinctly to two classes. The amending Bill now before us applies to diseased persons, while the section of the Act to which I have just alluded, applies to the other classes therein mentioned. What I would suggest to the Secretary of State before the third reading, is, to add the power to compel the diseased immigrants to remain on board the vessel until it leaves the port.

Hon. Mr. LANDERKIN—When this question was before the House some years ago, the hon. gentleman from London (Sir John Carling) was Minister of Agriculture and had charge of this department, I remember having frequent discussions with him in the House, and also private conversations. We discovered that the system in the United States was to confine itself to those classes. We wanted to extend it beyond, but the difficulty was very great. If we enforced the Health Act, and carried it out in a broader sense, we were likely to divert emigration to the United States. The idea was this: The examination was made only of immigrants and criminal classes. As I said to the minister, infectious diseases can be spread, and other diseased persons can be just as dangerous as the criminal classes. At that time the law could not be changed; but at present you can handle a ship with infectious diseases. No board of health at any port will allow passengers to land from a vessel that has on board infectious diseases. It is against the law. They are kept there in quarantine; everybody knows that. That is the law as I understand it.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—How did these people whom the hon. gentleman from St. John referred to get in?

Hon. Mr. LANDERKIN—They did not have infectious diseases.

Hon Sir MACKENZIE BOWELL—Then why were they stopped at Vanceboro' ?

Hon. Mr. SULLIVAN—Why were they allowed to get ashore ?

Hon. Mr. LANDERKIN—They had no infectious diseases.

Hon. Mr. LOUGHEED—This is intended to refer to dangerous maladies.

Hon. Mr. ELLIS—When a ship arrives, for instance, at the port of Halifax, or of St. John, the government health officers, usually excellent officers, board the ship, and the captain makes a report. He reports if he has infectious diseases, but that means diseases like small-pox and diseases of a general character commonly known as infectious diseases. It does not so much apply to the particular diseases which are now being known really for the first time in this part of the world.

Hon. Mr. SCOTT—' Malady ' would cover it.

Hon. Mr. ELLIS—It might.

Hon. Mr. SCOTT—It is in the Bill.

Hon. Mr. ELLIS—The United States authorities turn back every immigrant, no matter whether he is an able-bodied man or not, if he has not some visible means of livelihood—that is, if he has no money in his pocket, or some friend who will be responsible for him in the country to which he is going. A large number are turned back on our border in that way, and they are thrown back on the city. The agent at St. John of the immigration department is often at his wits' end to know what to do with persons who are refused admission to the United States, who are in this category, so far as means of support are concerned. They are turned back at the border. The immigration agent, if has any money in his pocket of his own, or anybody's, will help these people. A great many of them are Russian Jews. We have one or two Hebrew organizations of a benevolent character, which care for these people and help them. Then, there are other benevolent societies which look after them. Nevertheless, these people are a great nuisance; we do not know what to do with them, and it requires attention on the part of the government. Therefore, I respectfully urge on the Secretary of State that he will impress in the strongest manner possible on the immigration department of the government that this whole matter should be looked into. What was suitable in 1886 or 1890 is not applicable now, as the cost of passage by steamer is so reduced that those who could not come before come now, and there is a class of people coming from the southern countries of Europe which did not come to this country to any extent ten years ago.

Hon. Mr. CHURCH—Would it not be well to pass all the clauses of this Bill to-day which are unobjectionable, and allow this particular clause to lie over until Friday, and in the meantime the clause might be amended to meet the difficulty.

Hon. Mr. POWER—I was going to suggest to the hon. gentleman in charge of the Bill to let the committee rise and report progress, and let all the remarks which have been made by hon. members be brought to the notice of the Minister of the Interior. There should be some penalty imposed, and the means of carrying out the measure should be made more effective.

Hon. Mr. DEVER—I wish to say, on behalf of the city of St. John, that we have no cause of complaint about permitting diseased persons to land in the city. We have a well organized system. We have an island in the mouth of our harbour, and when a ship arrives with immigrants, the presiding doctor goes on board and examines them. If there are any diseased passengers, they are prevented from landing. Therefore, we have no cause of complaint on that score. The only thing we have to complain of is the pauper immigration. Such people come out, and their ostensible destination is the United States. Of course, we cannot prevent them from landing. They are not diseased. They land, professing to be going on to the United States. When they get to the border, they are told they cannot enter the United States unless they have a certain amount of money or provision is made to support them for a certain period of time. The consequence is, they return to the port of St. John, a community of

about 25,000 people, and we cannot constantly see after the wants of all those people, who are penniless. I submit, under this Bill, we would not have any authority to put such people as I have described on board the ship. The only way, I suppose, would be to bring an action against the owners of the ship, but under this Bill we would have no such power. Consequently, I appeal to the Secretary of State to look into this matter. I am not disposed to oppose any Bill he may bring in, but it is well, before this measure passes, to reconsider it, so that friends of the government will not be compelled to say this is a slipshod measure.

Hon. Mr. SCOTT—There is a good deal of misconception about this whole subject. In the first place, referring to my hon. friend's observations with reference to pauper immigration, we have ample power to stop paupers, and send them back again.

Hon. Mr. SULLIVAN—Want of money is a bad disease, but it is not contagious.

Hon. Mr. SCOTT—So far as our control over vessels is concerned, it is not kind. We are constantly holding up vessels with immigrants afflicted with infectious diseases. There are instances of first-class vessels being held at Grosse Isle for a fortnight or three weeks at a time, at very serious loss to the owners. The same powers exist at all the ports. This Bill has been drawn by people who know exactly what they want to accomplish by it. I shall be very glad, after the expression of opinion here, to see the particular department—I suppose it is the department of quarantine has charge of it—and ascertain whether it fully carries out our intention, that is of preventing the admission of persons who may be regarded as objectionable, and whether there is power to compel the vessels which brought such persons to the port, to take them away again. I think, myself, there is ample power. However, I shall bring the matter before the minister who has charge of the department.

Hon. Mr. DEVER—Properly, the examination should take place on board the ship, before the immigrants get ashore.

Hon. Mr. SCOTT—So it does.

Hon. Mr. DEVER—How is it such immigrants get ashore, proceed to Vanceboro, some sixty miles from St. John, and are there found to be paupers? We have no provision made to compel the ship to take them back, because some three or four days have elapsed and the consequence is, they are on our hands. The officers should be directed to see that pauper immigrants were not allowed to land, not merely diseased persons, but poverty-stricken people. If they would not be allowed to land on our shores unless they had a certain amount of money, it would not be so hard for us to provide for those turned back by the United States officers.

Hon. Mr. POWER—The Secretary of State will save time by moving that the committee rise and report progress. The House can go into committee on Friday and settle everything.

Hon. Mr. MACDONALD (P.E.I.)—Under the first clause of this Bill, if the Governor General issues the proclamation or order which is referred to there, any medical officer examining immigrants at any port in Canada where they might be landed, can prevent their landing if they have any of the diseases referred to. In that case, the ship in which they arrived is bound to take them back, because it is contrary to the law to land them here. They cannot be any charge on the government in that case.

Hon. Mr. CHURCH—But that only meets half the difficulty. As my hon. friend from St. John has said, it does not meet the case of the destitute. If the government has power, under proclamation, to prevent the landing of destitute people, well and good, but let the proclamation be issued at once, before the immigrants come out this year. If the boards of health authorities appointed by this government have that power given to them, all the government have to do, is to issue the proclamation and see that it is enforced. It is not enough to prevent those who have diseases from landing; we want to do what the United States authorities do, prevent the landing of paupers. If that can be done under the Act, by proclamation of the Governor in Council, I hold it is the duty of the government to do it, and do it promptly.

The clause was adopted.

On clause 2,

Hon. Mr. POWER—As I have pointed out already, this clause is incomplete. It should

compel the master or owner of the vessel to take the parties, and impose a penalty for not taking them. I feel disposed myself to move that the committee rise and report progress, and ask leave to sit again, so that the Minister of Agriculture can look into the question.

Hon. Sir MACKENZIE BOWELL—If they would adopt the wording, to a certain extent, of the clause and sections 23 and 24 of the Act, which give power to prevent the landing of any of these classes of people, it might meet the case. That is not in this clause. If the hon. gentleman's suggestion is accepted, there will be no difficulty in adding those words, and passing the Bill in a few minutes.

Hon. Mr. SCOTT—I move that the committee rise and report progress. I do not think any words—any language could be stronger than the language at the end of clause 2:

> May be apprehended, without a warrant, by any immigration agent, or other government officer and may be compelled to return or be taken on board the vessel, and by force, if necessary.

Hon. Mr. LOUGHEED—Suppose they will not take them on board the vessel?

Hon. Mr. SCOTT—They are bound to do it, otherwise they could never get a clearance again.

Hon. Mr. YOUNG, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

THIRD READINGS.

Bill (114) An Act to amend the Exchequer Court Act.—(Hon. Mr. Scott.)

Bill (137) An Act to amend Chapter 41 of the Statutes of 1901, respecting the Administration of Justice in the Yukon Territory.—(Hon. Mr. Scott.)

CANADIAN PACIFIC RAILWAY TOLLS BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (116) 'An Act to amend the provision with regard to Tolls, of Chapter 1 of the Statutes of 1881, respecting the Canadian Pacific Railway.'

(In the Committee.)

On clause 3,

Hon. Sir MACKENZIE BOWELL—I suppose the only application of clause 3 is to enable the Governor General to take action as to the rate—in other words, this twenty million is not to be added to capital. If the government would only apply that principle to the Intercolonial Railway I think it would be much better. The government adopt different principles on different occasions. I will not say that this is a piece of claptrap, because that would be unparliamentary, but it will do no harm and give the government an opportunity of saying: 'We have got tremendous concessions from the Canadian Pacific Railway in connection with this.'

Hon. Mr. YOUNG—Do I understand that the $9,000,000 is the minimum amount?

Hon. Mr. SCOTT—Yes.

Hon. Mr. YOUNG—They may spend more?

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. YOUNG—I am very glad to see that there is such a large proportion of this additional capital guarantee to the patrons of the road, in the direction of increased rolling stock, for in the west, particularly during the last year, we have felt the want of it. While I am satisfied the western officials of the road did all that it was possible for them to do to make the rolling stock as useful and serviceable as possible for the purpose of carrying the grain of the North-west last year; at the same time, there is no disguising the fact that there was not sufficient rolling stock at their disposal, and as a western representative, I am pleased to see such a large percentage of this capital guaranteed to provide rolling stock for the settlers of the west, because I take it that this rolling stock will find its way into the west where it is so badly needed.

The clause was adopted.

Hon. Mr. YOUNG, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

DOMINION LANDS ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (120) 'An Act to amend the Dominion Lands Act.'

(In the Committee.)

On the first clause,

Hon. Mr. SCOTT—The first clause authorizes the Minister of the Interior in issuing any grant of Dominion lands, to have a reserve not exceeding 5 per cent for the purposes of a highway. The highway is to be no greater than 66 feet.

Hon. Sir MACKENZIE BOWELL—I understand this clause makes the provision that in disposing of any government lands 5 per cent is to be reserved ?

Hon. Mr. LOUGHEED—Subject to that.

Hon. Sir MACKENZIE BOWELL—If a person buys a section of land, 640 acres, 5 per cent would be 32 acres. Do I understand that he would have to pay for 640 acres, or for 32 acres less than that ?

Hon. Mr. SCOTT—He pays for the whole.

Hon. Sir MACKENZIE BOWELL—And yet you reserve the right to take the man's property after he has paid for it ?

Hon. Mr. SCOTT—Oh, yes. He gets the benefit of the road.

Hon. Sir MACKENZIE BOWELL—You sell a man a property out of which you reserve 32 acres out of every section so purchased for public purposes, and make him pay for that reserved land. That may be absolutely necessary to secure property for public purposes, but if you own a piece of land anywhere and it is required for public purposes, it is expropriated and the value is paid for it. If 5 per cent is to be reserved and the purchaser is not to pay for it, then I can understand it, but the idea of reserving land for which a man has paid, taking it from him—well, I suppose the answer is he knows what he is buying.

Hon. Mr. POWER—He is liable for taxes.

Hon. Sir MACKENZIE BOWELL—He may be paying taxes on it for twenty years, and then, when it is becoming valuable, they take it from him without compensation.

Hon. Mr. YOUNG—I suppose hon. gentlemen understand our system of survey. It is something like a checkerboard. This provision is to avoid making expensive roads and for getting around bad places by going through private property, subject to payment for the improvements that may be put on the land. It would not be availed of, excepting to avoid extremely bad places by making a cheaper road through a man's property.

Hon. Mr. LOUGHEED—Some school lands are being sold as high as fifteen or twenty dollars an acre, and possibly higher in my hon. friend's district. Assuming a man pays twenty-five dollars, is it equitable that the provincial government should be permitted to enter on that land and expropriate eight acres out of 160 acres, and not compensate him ? It seems to me a most extraordinary power.

Hon. Mr. YOUNG—We are not sure what acres will be taken; in some places it may be just a corner.

Hon. Mr. LOUGHEED—But we have to assume that the man becomes subject to the expropriation of the maximum quantity, 5 per cent. Say that A purchases from the government and B from the Canadian Pacific Railway Company, then the government has to pay B the value of the land that may be taken, whereas A may have to pay the Dominion government quite as much as B did to the Canadian Pacific Railway, and yet he cannot recover anything. I think it only requires to be mentioned to show how inequitable it is.

Hon. Mr. POWER—This applies only to grants which are to be made hereafter. If a man buys land from the government he buys it with his eyes open. He knows it is subject to this deduction ; and it has been suggested by the hon. gentleman from St. John that he probably gives a little less for it ; and at any rate the public interest requires the road.

Hon. Sir MACKENZIE BOWELL—Then let the public pay for it.

Hon. Mr. POWER—Why should we adopt that roundabout method of doing it ? It is more convenient to reserve the right to

build the roads before the land is granted, than to come in afterwards and expropriate and compensate. The man is compensated if his improvements are interfered with. Why should not the government make a reservation of that kind ?

Hon. Mr. YOUNG—I am not quite clear on it, for this reason : Take in the province of Manitoba, we have local laws governing just such cases. The municipal councils can expropriate a piece of a man's farm, and our law is that if the council and the man cannot agree, they submit the case to arbitration, and it is paid for. Am I to understand that this Act will step in and provide that this part of our provincial laws is not to be carried out ?

Hon. Mr. LOUGHEED—Certainly. They can take the land without paying for it. The principle is well recognized in the province of Manitoba and in the North-west Territories, that when lands are expropriated for public purposes, either for roads or any other purposes the government shall pay the value of the land. But this permits the territorial government to evade the responsibility which is now upon them, of compensating for those lands. Notwithstanding the fact that a man may have improved his lands, they can expropriate and pay nothing. A railway cannot enter upon and expropriate a man's lands without paying for it, nor can a municipality or a provincial government at present. The Crown cannot do so. Then why should we do violence to a well recognized principle, based upon equity and right, and admit of the Crown practically confiscating 5 per cent of a man's land? That is what it amounts to.

Hon. Mr. SCOTT—If the patent has been issued the clause would not prevail. It would be subject to the provincial law if the patent had not issued.

Hon. Mr. LOUGHEED—There is another point. It permits capricious persons, who might want to injure their neighbour's property, to do so. They might influence the provincial government and say to them : 'We want you to open up a road through A's place or B's place. It will not cost the government anything. We want you to expropriate the 5 per cent mentioned in the Act,' and the man is deprived of 5 per cent of his land, notwithstanding the fact that he has improved it, and it may damage the land to a large extent.

Hon. Mr. YOUNG—In answer to the statement that a man is buying with his eyes open, I may say that he is not. He looks at a piece of land, and sees no reason why a road should be run through it. Yet a municipal council may decide to run a road through the property. The municipal council might say : 'We will get this free and will step in and take it,' and therefore my friend who has been buying land in the past would find himself in a different position in the future.

Hon. Mr. DEVER—It would be very fair if the roads were indicated before he bought the land.

Hon. Sir MACKENZIE BOWELL—The government set a price upon the land and you go and buy it. After you have purchased it, and paid for it, three or five dollars an acre, one-fifth of it can be taken possession of by any cranky municipality council, and thus your property may be destroyed.

Hon. Mr. YOUNG—I believe if the government want a piece of a man's property they should pay for it.

Hon. Mr. POWER—This measure has gone through the House of Commons where the members who are supposed to represent the sentiments of the people more directly than we do, had a chance to be heard. I feel that there is nothing of greater consequence to a new country than to have good roads. Take a country like Manitoba or the North-west, I think to compel them, in order to make roads, to pay land damages is a very unwise thing. It would result in delaying the opening up of the country. The roads are most essential, and as the Bill has gone through the other Chamber, where the people's representatives are, I think we are safe in saying we can let it pass here.

Hon. Mr. DEVER—I approve of good roads, but honesty is better.

Hon. Mr. LOUGHEED—Then why not pass all legislation that comes from the House of Commons ? I say, from twenty years experience of that country, that no more pernicious legislation could be forced upon the country, than to allow a provincial government to confiscate part of a man's land for a road.

Hon. Sir MACKENZIE BOWELL—His Honour the Speaker has given us a strong expression of opinion that legislation which has passed the Commons should not be interfered with here. The hon. gentleman sitting beside him (Hon. Mr. Young) lives in that country, and he has a strong opinion on the matter. He has just as good a right to express his opinion as if he were in the Commons, and the suggestion that we should allow the Bill to go because it has passed the other Chamber, is one which I think should not come from an hon. gentleman who is suggesting amendments to every Bill that comes before us. I used to think the hon. gentleman was somewhat pernickety, but lately I have admired the pertinacity with which he insists on changes in the grammatical and legal construction of these measures. He deserves credit for that, and I have changed my opinion as to his ability on that score, but I am surprised that he should lay down the principle that because the representatives of the people of Manitoba in the Commons have passed a measure, that it must override any opinion that hon. gentlemen from that section of the country in this House, entertain. He forgot himself for the moment.

Hon. Mr. POWER—I should be sorry to lay down any such principle as that.

Hon. Sir MACKENZIE BOWELL—That is just what the hon. gentleman did say.

Hon. Mr. POWER—I thought that was an argument which had some weight in a case like this ; because there is a question as to how this measure is going to affect the voters out in that region.

Hon. Sir MACKENZIE BOWELL—The voters ?

Hon. Mr. POWER—Yes, the voters. And it is one of those questions which appeal to the public feeling, and I say,—and I think it is a fair argument—that if the gentlemen who depend upon the voters, decide that this is not an objectionable measure and is not likely to be unpopular, that is prima facie evidence that it cannot be a very objectionable measure in the public estimation. But I should be very sorry to say that we should not change it if we thought it should be amended.

Hon. Mr. LOUGHEED.

Hon. Mr. SCOTT—We will let that provision stand for the present.

Hon. Mr. LOVITT, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again.

JUDGES OF PROVINCIAL COURTS ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (138) 'An Act to amend the Act respecting the judges of provincial courts.'

(In the Committee.)

Hon. Mr. SCOTT—The object of this measure is to give one of the magistrates, who may be appointed a judge, a salary equal to the salary of the other judges. It is proposed that the third judge shall have the same salary. We propose to promote the police magistrate and to give the two judges who are there undoubted jurisdiction.

Hon. Sir MACKENZIE BOWELL—The intention is to appoint one of the magistrates. My hon. friend could not tell which one.

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—Better take the one from Belleville.

On clause 2,

Hon. Mr. LOUGHEED—It is entirely discretionary with the government whether they allow the judge one-third or less.

Hon. Mr. SCOTT—The invariable practice is to give them the full amount when it is worded in that way.

Hon. Mr. LOUGHEED—The measure deals with judges who have become afflicted, and judges who have served twenty-five years. To which class does this provision refer ?

Hon. Mr. POWER—It cannot be those who have served for twenty-five years. I think the Bill is all right ; but I may observe that I have not been able to understand why judges have been treated differently from other public servants. I think they should be placed in the same position as the civil servants under the Superannuation Act, and the retiring allowance should depend on the length of service.

Hon. Mr. SCOTT—Previously, in order to receive any allowance, he had to serve ten years, and this removes that difficulty.

Hon. Sir MACKENZIE BOWELL—A Superior Court judge can be retired, after fifteen years, upon a two-thirds superannuation.

Hon. Mr. SCOTT—I am not positive.

Hon. Mr. LOUGHEED—There is no doubt about that.

Hon. Sir MACKENZIE BOWELL—But a county court judge cannot retire until after twenty-five years. Why the distinction ?

Hon. Mr. SCOTT—That has been the law all along.

Hon. Mr. LOUGHEED—What constitutes the salary ?

Hon. Mr. SCOTT—A junior judge is appointed at $2,000.

Hon. Mr. LOUGHEED—They receive fees in addition to the salary.

Hon. Mr. SCOTT—In Ontario the fees have been commuted. The Ontario government allow so much in lieu of the fees.

Hon. Sir MACKENZIE BOWELL—They receive $2,400 in Ontario.

Hon. Mr. SCOTT—The junior judge receives $2,000 at first, and the senior judge gets $2,400.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has not answered the question I asked a minute ago.

Hon. Mr. SCOTT—I could not answer it just now.

Hon. Mr. WATSON, from the committee, reported the Bill without amendment.

The Bill was then read the third time, and passed.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, May 9, 1902.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

SUSPENSION OF THE RULES OF THE SENATE.

MOTION.

The SPEAKER—Before the business of the day is proceeded with, I think it proper to call attention to the fact that the time for receiving reports of committees on private Bills expired yesterday, and if there are such reports the only way to secure their consideration is by moving that the 52nd rule of the House be suspended.

Hon. Mr. MACDONALD (B.C.)—I move that rule 52 be suspended for the remainder of the session.

The motion was agreed to.

THIRD READINGS.

Bill (51) An Act to incorporate the Dyment Securities, Loan and Savings Company.—(Hon. Mr. Ellis.)

Bill (CC) An Act respecting the Royal Marine Insurance Company.—(Mr. Beique.)

THE RADFORD DIVORCE BILL.

BILL WITHDRAWN.

Hon. Mr. GOWAN, from the Committee on Divorce, presented their 12th report, on Bill (E) 'An Act for the relief of Thomas Henry Radford,' recommending that leave be given to the petitioner to withdraw the Bill and that the fee of $200 paid thereon be refunded to him, less the amount incurred for the expense of taking the evidence in shorthand. He said: This is a mere matter of course. The committee was unanimous, and I beg to move concurrence in the report.

The motion was agreed to.

GEMMILL ON DIVORCE.

MOTION.

Hon. Mr. GOWAN, from the Standing Committee on Divorce, presented their 13th report, recommending that twelve copies of 'Gemmill on Divorce' be purchased for the use of members of the committee. He said: Several new members have been added to the committee, and we think it is desirable that they should each be supplied with a copy of the work by Mr. Gemmill. I move concurrence in the report.

The motion was agreed to.

MONTREAL, OTTAWA AND GEORGIAN BAY CANAL COMPANY'S BILL.

COMMONS AMENDMENT CONSIDERED.

A message was received from the House of Commons to return Bill (I) 'An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company,' with an amendment.

Hon. Mr. CLEMOW—This amendment to some extent provides for the difficulty which was mentioned the other day by the hon. gentleman from Westmoreland, although in my opinion it was not necessary. However, the Minister of Public Works considered that it was a judicious step to take, and he has moved this amendment, which meets with the concurrence of the promoters of this Bill. I might say that the original Act contains a condition that the government could take this work in hand at any time by giving a few days' notice, and by paying what had been actually expended by the constructors of the canal up to that time. However, that is all past and done, and we have simply to deal with this amendment proposed by the Minister of Public Works. The other day, when introducing this amendment, he was pleased to say:

> Before I take my seat, let me thank those who have done the very useful work of calling public attention to that magnificent waterway. I confess that I did not know anything about it before I read all the prospectuses, all the articles and pamphlets published by the Georgian Bay Canal Company. They deserve consideration at our hands, great consideration at our hands, and that is the main reason why I made up my mind—speaking for myself— to consent to the renewal of their charter.

It is quite apparent that this company has rendered great service in showing that the Ottawa valley possesses the best route for the transportation of the great products of the North-west to the ocean. They have also shown that this country possesses immense water power and great forests of timber, that it is rich in mines of iron and other minerals which were almost unknown to the world up to the present time. Unfortunately, we do not ourselves fully appreciate the resources of this country. We had really information of a very meagre character of the resources we possess until very recently. Therefore it was a great advantage to this country that this canal company took the matter in hand. Had this course been adopted some fifty or sixty years ago, it would have saved the Dominion an immense amount of money by preventing the destruction of our vast forests. At that time, we possessed areas of timber which have since been destroyed by fire, and reckless management. We did not know then what we were doing. Had we taken this precaution years ago, I am bound to say we would have preserved forests of the greatest value. Timber was cut down, and the best of it removed to Quebec, where, in many instances, it did not realize the amount of money expended upon it. I have myself known of timber of seventy to eighty feet average, being sold at Quebec for twopence per foot. If we had that timber to-day it would command very high prices, and be of immense value to the country. Had we our timber areas to-day as they would be had they been properly preserved, they would be sufficient to pay our entire public debt. We have to thank this company for gaining for us the information that leads us to realize the advantage we possess in this part of Canada. They have examined the whole country from Montreal to Georgian Bay, and have given the Dominion the advantage of their exploration. I am told that the company are prepared to prosecute the work on this canal at once. They do not want delay. I question if they need any assistance from the government. I am told, on reliable authority, that when this Bill passes, with this modification, they will commence the work and we may expect in the near future to see the canal in operation. Though I am a pretty old man, I hope to see this canal in operation, and I feel that the country will derive vast advantages from its construction. There is no other canal system which will meet the wants of the west so completely as a means of affording an outlet for the products of the prairie country. Without this canal, we cannot hope to accommodate the rapid expansion in traffic. There will be business for the railways already built, and for those that are being built, because this country is merely in its infancy. Before many years we will require all the routes that we can develop to transport the products of the west to our ocean ports. This canal will be of inestimable value, not merely to Ontario and Quebes, but to the whole Dominion. I hope this great undertaking will be prosecuted with

vigour, and that we shall have the advantage of utilizing it at the earliest date possible. The company have already spent a large amount of money in preliminary work, and have shown great earnestness in the matter, and are now prepared to commence construction without further delay. I therefore beg to move that the rules of the House be suspended, and the amendment made by the House of Commons be concurred in.

Hon. Mr. CASGRAIN (de Lanaudière)—I fully concur with the amendment which has just been adopted by the promoters of this project. I may also add that I had the advantage, in the speech I made on the Address, to indicate that I thought the government of this country should keep possession of the French river, and also of that vast sheet of water called Lake Nipissing, for a national way from the shores of Georgian Bay to North Bay, on the north shore of Lake Nipissing. If private enterprise can furnish us with a canal with a draught of 20 feet, there is no doubt it would be a great advantage to this country. I sincerely wish every success to the gentlemen who have the pluck and enterprise to undertake that vast project. If it can be achieved it will be a grand thing for Canada. In the meantime, I must say I fully concur in the amendment made to this Bill in the House of Commons by the Minister of Public Works in making two distinct sections of this waterway. It will take many years to make the Ottawa river route navigable for large draft vessels. I, for one, think that the railways will eventually supersede canals, and in the meanwhile the railways, both the Canadian Pacific Railway and the Grand Trunk Railway, will take charge of the immense amount of freight which will be distributed at North Bay, and for many years to come, before the canal enterprise is carried through, the railways will be able to handle the wheat that will be brought to Nipissing. I therefore concur with the greatest pleasure in the project, and I may say if it had not been adopted, I would myself, in my own humble way, have objected to leave Lake Nipissing and the French river in the hands of private enterprise.

Hon. Mr. CLEMOW—The original charter gave the government power to assume any part of the work by giving a short notice, and paying the contractor and men engaged the amount expended. It shows the importance of giving this information to the public as soon as possible. It has become known that there is a river 300 miles long which was unknown until a very short time ago. It shows the necessity of letting the public know the extent of the country. This large river, 300 miles in extent, was unknown except to a few men who undertook to explore the country for private purposes. We possess immense wealth and minerals of all kinds, of which we are perfectly ignorant. This country has done a good deal in this quarter, and I have no doubt the people will reap the advantages of their enterprise before very long.

The SPEAKER—I wish to direct the attention of the hon. gentleman in charge of the Bill to the fact that, as far as my judgment goes, the amendment is not just now in the shape in which it should be. The amendment is to add at the end of the Bill clause A, 'The company shall not exercise its powers under this Act.' This Act does not give the company any powers at all. This Act simply provides that the time for the beginning of the work shall terminate at a certain day, and my humble opinion is that instead of being under this Act it should be under the Act hereby amended, and for that reason I was going to suggest —I may be wrong—that the hon. gentleman should move that the amendment be taken into consideration at the first sitting of the House to-morrow, in order that the law clerk may have an opportunity to look over the amendment and see that it is made right.

Hon. Mr. CLEMOW—I have no objection. I move that this amendment be taken into consideration at the first sitting of the House to-morrow.

The motion was agreed to.

VISIT OF THEIR ROYAL HIGHNESSES TO CANADA.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

At the time and on the occasion of the visit to Canada, in September last, of their Royal Highnesses the Duke and Duchess of Cornwall and York, did His Majesty's government offer Canadians marks of the Royal favour which it had pleased His Majesty to confer on them?

What are these honourable distinctions ?
To whom were they offered ?
Who are the persons who refused them, and what reasons were the motive of their refusals?

Hon. Mr. SCOTT—At the time of the visit to Canada of Their Royal Highnesses the Duke and Duchess of Cornwall and York, His Majesty the King was pleased to confer certain honours on the following gentlemen, that is to say :—

To be Knights Commanders of the Most Distinguished Order of Saint Michael and Saint George :—

Sir John Alexander Boyd, Chancellor of the High Court of Justice of the province of Ontario.

Louis Amable Jetté, Esquire, Lieutenant Governor of the province of Quebec.

To be Companions of the said Most Distinguished Order :—

Joseph Pope, Esquire, Under-Secretary of State of Canada.

The Very Reverend George Munro Grant, D.D., LL.D., M.A., Principal and Vice-Chancellor of Queen's College and University, Kingston, Ontario.

William Peterson, Esquire, LL.D., M.A., Principal and Vice-Chancellor of McGill College and University, Montreal.

The Reverend Olivier Elzear Mathieu, Principal of Laval University, Quebec.

Oliver Aiken Howland, Esquire, Mayor of Toronto.

Major Frederick Stanley Maude, Coldstream Guards, Military Secretary to His Excellency the Governor General.

To be Knight Bachelor :—

Thomas Shaughnessy, Esquire, President of the Canadian Pacific Railway Company.

In answer to the last question, I have no information on the subject beyond the vague reports in the public press.

Hon. Mr. LANDRY—Does the hon. Secretary of State know if there was any refusal at all ?

Hon. Mr. SCOTT—No, I know nothing about it other than what I see in the papers.

Hon. Sir MACKENZIE BOWELL—Does the government know anything about it ?

Hon. Mr. SCOTT—I do not know.

Hon. Sir MACKENZIE BOWELL—The question is as to the knowledge of the government and not my hon friend's knowledge. The hon. gentleman should draw a distinction between his personal knowledge and the knowledge of the government.

Hon. Mr. SCOTT—It is not a question that I am bound to answer. I was answering truthfully in the other instance. Those matters do not come up before the Council. They are matters that will take place between the Governor General and the Prince of Wales. Possibly the Premier will know something about it.

Hon. Sir MACKENZIE BOWELL—I quite understand the position taken by the hon. gentleman. The explanation is quite unnecessary. To my personal knowledge I know that what he states is correct as to the latter part. But the point I raised was this : The hon. gentleman asked the question, and the hon. Secretary of State says, 'I know nothing about it.' He might not know, but his duty was to inquire of the government if they had an answer to it.

Hon. Mr. SCOTT—I am a member of the government.

Hon. Sir MACKENZIE BOWELL—I quite agree that he was not obliged to answer that, because they might not know anything of the refusal. It is only the mode of answering of which I complain.

ARTILLERY SERVICE EQUIPMENT.

INQUIRY.

Hon. Mr. LANDRY inquired of the government :

Are the field batteries in the artillery service equipped in such a way as to be of any use in winter ? Have they sleds for the transport of their cannons, and baggage carts ?
Is it the intention of the government to make the service of these batteries as effective in winter as in summer ?

Hon. Mr. SCOTT—The field batteries are not equipped with sleds for the transport of their guns and wagons, but they could be transported on ordinary country sleds, if occasion should arise, by dismantling the guns, as was done when the troops went through the gaps north of Lake Superior to the North-west Rebellion in 1885.

With regard to sleds from which guns could be fired, there are two types in use in the permanent force, one invented by Colonel Drury, which is an adoption of the old Woolwich pattern sleigh, and an other by

Colonel Rutherford, which is of the bobsleigh type, and has been copied by the War Office authorities.

The question of the most suitable type of sleigh for service in Canada is under consideration, with a view to having one approved pattern for future manufacture.

TRAINING OF VOLUNTEER FORCES IN CAMP.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

At what decision has the government arrived on the subject of the training of the volunteer forces in camps this year? Will it be as in former years, or if there is a change, in what will this consist?

Hon. Mr. SCOTT—The subject is under consideration by the department.

Hon. Mr. LANDRY—I think the newspapers gave it all out.

MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Mr. LANDRY rose to

Draw the attention of the Senate to the following declaration, made December 15, 1896, at Toronto, by the Honourable Mr. Fitzpatrick (then Solicitor General, to-day Minister of Justice), and reported by the newspapers of that time:—

'The programme of the Liberal party upon the Manitoba schools question) has this advantage, that if the first attempt at a modus vivendi (that is to say the Laurier-Greenway compromise) does not give satisfaction, it may be corrected and bettered by new amicable arrangements between the two governments. At the same time, the way of federal legislation remains always open to the Manitoba minority in case conciliation should not succeed in creating an acceptable situation. . . . Finally, if all that fails, there will still and always be time to have recourse to a federal law appropriate to the circumstances. If that does not give satisfaction we will do more.'

And that he will inquire:—

1. Has the government taken communication or had it knowledge of a pastoral letter, dated March 9, 1902, written by His Grace Monseigneur the Archbishop of St. Boniface, in which, after having cited the words of the Sovereign Pontiff condemning the Laurier-Greenway arrangement, or at least the law which was the consequence of it, as defective, imperfect, insufficient, His Grace adds:—

'In reading over this page, my dear brethren, and in considering the actual state of things, and then that none of our school rights have been rendered to us by law, as well that our situation should be ameliorated, we ask ourselves how it can be, that Catholics, fathers of families, or statesmen, journalists and others, dare to say that the school question is finally regulated to the satisfaction of the Catholic minority. Nothing can be more contrary to the truth. No, our school question is not settled.

2. In face of the positive affirmation made by the representative of the Catholic minority of Manitoba that none of the school rights have been rendered to the latter by the law which came out of the Laurier-Greenway compromise; in face of this other equally positive affirmation, that nothing is more contrary to the truth than to pretend that the school question has been settled to the satisfaction of the Catholic minority, is it the intention of the government to have recourse to the expedient suggested and promised by one of the members of the present administration and 'to create and ameliorate by new amicable arrangements between the two governments a modus vivendi which, evidently, gives no satisfaction?

3. Does the way of federal legislation remain always open to the Catholic minority in case conciliation should not succeed in creating an acceptable situation?

4. Is it the intention of the government, if the actuel situation is not accepted by the Catholic minority of Manitoba, and if the legislature of that province refuses or neglects to remedy it, to take in hand itself the cause of the oppressed, and to grant, by way of federal legislation, the remedy which the constitution itself has created, which a judgment without appeal of the Judicial Committee of the Privy Council of His Majesty indicates, and which was promised moreover by one of the members of the present administration?

Hon. Mr. SCOTT—I must decline to answer questions based on newspaper reports published in 1896 as to the correctness of which I have no knowledge. Moreover it is a well settled rule that if a question is hypothetical it is objectionable and should not be answered. This is all hypothesis, that is if certain things are so, certain other things follow.

Hon. Mr. LANDRY—They are so.

Hon. Mr. SCOTT—That is a matter of dispute and doubt—very much doubt.

Hon. Mr. LANDRY—I suppose if the government do not want to give an answer they won't give it.

SEATING OF GUESTS AT OPENING AND CLOSING OF PARLIAMENT.

Hon. Sir MACKENZIE BOWELL moved:

That a Select Committee be appointed, to consist of His Honour the Speaker, Honourable Mr. Scott, the Honourable Sir Alphonse Pelletier, K.C.M.G., the Honorable Messieurs Macdonald (Victoria), Ellis, Lougheed and the mover, to consider and regulate the invitations and seating of guests in the Senate Chamber at the opening and closing of parliament.

The motion was agreed to.

THE CORONATION OATH.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

In going to England to be present at the ceremonies at the Coronation of the King, does the Prime Minister of Canada intend to profit by this solemn occasion to protest, in his turn, in the name of the whole country, and particularly in the name of all those who have signed the numerous petitions sent to that effect, against the affront already offered to the Catholics of the Dominion by the statutory declaration imposed on the monarch tending to denounce their rites and their religion as a superstition and an idolatry?

Hon. Mr. SCOTT—I am unable to inform the hon. gentleman what the premier may say or do when he goes to England.

Hon. Mr. LANDRY—There are no instructions?

Hon. Mr. SCOTT—No instructions.

A QUESTION OF PRIVILEGE.

The notice of inquiry by the Hon. Mr. Landry being called,

That he will draw the attention of the Senate to the following facts:—

1. On May 1 of the present year the Senate adopted, unanimously, a motion which constitutes an order of this House, and which reads as follows:—

'That a Senator on giving notice either of a motion or of an inquiry which he intends to make, shall first read said notice from his seat in the Senate, to the House, before handing it to the clerk for insertion in the Minutes and Proceedings.'

2. Before that date of May 1, to wit, on April 16 of the present year, when the aforesaid motion had not yet become an order of the Senate, one of the members of this House handed to the clerk thereof a notice of motion for the production of the correspondence exchanged between the Departments of Militia and the commanding officers of certain regiments of the volunteer force on the subject of the nomination of certains honorary lieutenants-colonels.

3. The clerk of the Senate refused, upon the order of the Speaker of the Senate, to give that notice of motion in order that it might be regularly printed in the Orders of the Day.

4. That notice of motion did not contain any allegation or any expression whatsoever which could have been derogatory to the honour of the Senate.

5. The Speaker of the Senate has never, from April 16 to this day, acquainted this House with the act of authority which he believed he ought to take upon himself to exercise.

And that he will inquire:—

Why did the Speaker of the Senate take upon himself to prevent the regular publication in the Orders of the Day of a notice of motion given by a senator?

If it is because that notice had not been read, why did the Speaker, by anticipation, give effect then to an order which only became obligatory fourteen days later?

If it is because the motion itself was against the rules of this House, why has not the Speaker, after a delay of twenty days, made his report to the Senate and pointed out the article in the rules of this House which the publication of that motion would have violated?

In any case, does the Speaker of the Senate intend at least to account to the Senate for the acts which he takes upon himself to execute without, but in the name of, the authority of this House?

Hon. Mr. LANDRY said: Since giving notice of this inquiry, I have had some explanation showing that the motion I offered at the time has been lost, and if the House will permit that motion being brought forward to-morrow without being read, as the practice was, before the adoption of the order made by this House and referred to in my question, I will drop this question, with the consent of the House.

The SPEAKER—I may say I concur in the suggestion made by the hon. gentleman.

The motion of inquiry was thereupon withdrawn.

BILL INTRODUCED.

Bill (11) An Act to provide for the establishment of the Medical Council in Canada.—(Hon. Mr. Sullivan.)

NORTH SHORE POWER, RAILWAY AND NAVIGATION COMPANY'S BILL.

THIRD READING.

Hon. Mr. WATSON moved the third reading of Bill (73) 'An Act to incorporate the North Shore Power, Railway and Navigation Company,' as amended.

Hon. Mr. MACDONALD (B. C.)—When I objected to the third reading of this Bill the other day, it was not because I was opposed to the Bill itself, but because I wanted to keep the House within its own orders. Hon. gentlemen know that the report of the Standing Committee on Standing Orders recommended that the operations of the company should be confined to the province of Quebec. This Bill is divided into two portions, and clause 6 of the Bill gives certain powers over the whole Dominion of Canada. Another part of the Bill, subsection 2, confines the operations of the company to the province of Quebec, for flour mills, cotton mills, paper-

mills, elevators, and things like that. I merely call attention to the fact that one portion of the Bill gives powers over the whole Dominion, contrary to the recommendation of the Committee on Standing Orders.

Hon. Mr. WATSON—The report of the Standing Orders Committee will be found on page 219 of the minutes and proceedings, referring to this Bill. It recommends that the manufacturing operations be confined to the province of Quebec. The committee to which the Bill was afterwards referred carried out that suggestion, and confined the manufacturing operations to the province of Quebec. However, they take power to do business throughout the Dominion.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman will take the trouble to read clause 6 of the Bill, he will find that the company have the power also to manufacture in any part of Canada. Subsection *b* gives them power to carry on the business, in all its branches, or manufacturing pulp wood, paper, and all other businesses incident thereto. So that, really, while it confines the erection of certain buildings to the province of Quebec, the company is able to carry on almost every kind of business mentioned in this clause throughout Canada. The powers given here are, as indicated by the hon. gentleman from Victoria, in direct contravention of the recommendation of the Standing Orders Committee, which this House adopted.

The motion was agreed to, and the Bill was read the third time and passed.

MORNING SITTINGS.

MOTION.

Hon. Mr. SCOTT moved :

That the Senate do meet on Saturday next, and that there be two distinct sittings on that day, and on each succeeding day during the remainder of the Session, the first sitting at 11 a.m., and the second sitting at 3 p.m., each such sitting to constitute a distinct day.

The motion was agreed to.

PACKING AND SALE OF STAPLE COMMODITIES ACT AMENDMENT BILL.

SECOND AND THIRD READING.

Hon. Mr. SCOTT moved the second reading of Bill (141) 'An Act to amend the Act respecting the Packing and Sale of certain Staple Commodities.' He said : The object of this Bill is to include the dealer with the manufacturer and the importer in the obligation to attach a stamp to binder twine, it being provided, however, that the dealer is a person who has bought direct from the manufacturer. That is the only change in the law. Otherwise the dealer would be really exempt while the manufacturer and importer would be obliged to attach the stamp.

The motion was agreed to, and the Bill was read the second time.

The Bill was then read the third time, and passed, under a suspension of the rules.

LAND TITLES ACT AMENDMENT BILL.

SECOND AND THIRD READING.

Hon. Mr. SCOTT moved the second reading of Bill (149) 'An Act to amend the Land Titles Act, 1894.' He said : This amendment is for the purpose of removing a technical difficulty that prevailed in the Northwest in regard to powers of attorney to enable railway companies, loan companies, and other corporations to facilitate their proceedings to have a general power of attorney filed.

Hon. Sir MACKENZIE BOWELL—Does it apply to private individuals as well ?

Hon. Mr. SCOTT—Yes. But it is really for those corporations who have large areas of land. Then there is another provision that when the registrar is satisfied that if a man has lost his certificate, he is authorized to issue another.

Hon. Mr. LOUGHEED—Both amendments are very much needed in the Land Titles Act.

The motion was agreed to, and the Bill was read the second time.

The Bill was then read the third time, and passed, under a suspension of the rules.

CHINESE IMMIGRATION ACT AMENDMENT BILL.

SECOND AND THIRD READING.

Hon. Mr. TEMPLEMAN moved the second reading of Bill (156) 'An Act to amend the Chinese Immigration Act, 1900.' He said : This Bill simply amends the Chin-

ese Immigration Act of 1900, clause 24, substituting 50 per cent for 25 per cent of the amount of the head tax, collected by the Dominion, as the amount payable to the provinces. It will be paid to all the provinces alike, according to the amounts collected.

Hon. Mr. SULLIVAN—What is the amount of the head tax ?

Hon. Mr. TEMPLEMAN—One hundred dollars.

Hon. Sir MACKENZIE BOWELL—One-half of the net proceeds ?

Hon. Mr. TEMPLEMAN—Yes, after the expenses of managing is deducted.

Hon. Sir MACKENZIE BOWELL—It is all wrong, but we will let it go.

Hon. Mr. DeBOUCHERVILLE—There is another feature of it. Half of the money collected will go to the province into which the Chinese come, and as there is only one province, it will go to that province.

Hon. Sir MACKENZIE BOWELL—Yes, I pointed that out the other day, and the hon. gentleman said that each province would get its share. The immigration from China is altogether to British Columbia, and consequently British Columbia gets all the proceeds, notwithstanding the fact that a very large number of the Chinese come past and settle in our different provinces. Some may come to the maritime provinces, but I fancy it would be very few.

Hon. Mr. TEMPLEMAN—According to the Auditor General's report of the last fiscal year, the following sums were paid to the provinces:

British Columbia	$40,512 00
Ontario	1,550 00
Quebec	1,300 00
Nova Scotia	100 00
North-west Territories ..	37 50

Under the law as it at present stands, the money is paid to the provinces according to the amounts received in the different provinces, according to the customs entries where the Chinamen enter, or where the head tax is collected, so that four times these amounts must have been collected in the provinces named. There will be no alteration in the law in that regard, so that while it is a fact that very nearly all the Chinamen coming into the country enter at ports in British Columbia, still, it is quite apparent that a large number do not do so, and some of the head tax is collected in the east. Those figures bear a relative proportion to the population of Chinamen in the provinces.

Hon. Sir MACKENZIE BOWELL—Oh, no.

Hon. Mr. LOUGHEED—The territories only received $37.50, and there must be five hundred Chinamen in the territories.

Hon Sir MACKENZIE BOWELL—Yes, and more than 40 in Ontario.

Hon. Mr. TEMPLEMAN—I have the figures given under bulletin No. 7 as issued by the Census Department. The Chinese in British Columbia number 14,869 out of a total population in all Canada of 17,296.

Hon. Mr. LOUGHEED—How many are accredited to the territories ?

Hon. Mr. TEMPLEMAN—In Nova Scotia, 106 ; New Bruinswick, 59 ; Ontario, 732 ; Prince Edward Island, 4 ; Quebec, 1,037 ; Alberta, 223 ; Assiniboia, 52 ; Saskatchewan, 4 ; Yukon Territory, 7. In all the three territories, a total of 280. That is the population as it at present exists.

Hon. Mr. LOUGHEED—We must have half that number in Calgary.

Hon. Sir MACKENZIE BOWELL—That census was for 1891, because there are more than that now.

Hon. Mr. TEMPLEMAN—I am reading from the census bulletin of March 12, 1892.

Hon. Sir MACKENZIE BOWELL—The only census that has been taken, as I understand, was in 1901.

Hon. Mr. TEMPLEMAN—I think 1901 was the census, and consequently it is as accurate as we can have it. I want to quote the figures to make the point, that while the money is paid according to the entry at the customs-house, still it bears a relative proportion to the number of the population as they are in the country.

Hon. Mr. DeBOUCHERVILLE—If they were to keep those Chinese in British Columbia, it would be all right, but they do not keep them there.

Hon. Mr. MACDONALD (B.C.)—I wish to say a few words before the motion passes. The hon. gentleman said the other provinces

should receive a portion of the Chinese tax. I think British Columbia would willingly say: 'Take the Chinamen and take the tax as well. They are not wanted here.' So that, if you can, by any means, arrange to have the Chinamen land at any other place, you can keep your tax and keep the Chinamen as well. I suppose it would be late now to say anything about the iniquity of the Chinese tax, but I think it is most un-British and iniquitous. I oppose it and always will, but it is not before us, and I will say nothing more. This Bill makes a very small offering to British Columbia, which contributes so much to the revenue. I may say, that I hope hereafter, when we come to the government for aid—because there will be large railway works in British Columbia next year—that the government will assist us handsomely in opening up and developing that country.

The motion was agreed to, and the Bill was read the second time.

The Bill was then read the third time, and passed, under a suspension of the rules.

SUPPLY BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (157) 'An Act to authorize the raising by way of loan certain sums of money for the public service.'

Hon. Sir MACKENZIE BOWELL—Might I ask what sum the government are now empowered to borrow? The first clause says this fifteen million is to be in addition to the unborrowed and negotiable loans.

Hon. Mr. SCOTT—I could not tell. It is a pretty large amount. This fifteen millions was to pay balances to the banks that have been accumulating for a number of years. I have not the amount.

Hon. Sir MACKENZIE BOWELL—We will let the Bill go through, but I should like the information. It is giving power to raise the fifteen million over and above the sums unborrowed under the powers that now exist under the law.

The SPEAKER—It is about two and a half millions.

Hon. Sir MACKENZIE BOWELL—With that power why have they not borrowed money to pay off a portion of this floating debt? Because we all know that temporary loans of the character to which the hon. gentleman refers, and which this Bill is intended to cover, always carry a much higher rate of interest than a permanent loan, so that if they have the power to borrow three or four millions, or whatever it may be, why has it not been done? The hon. gentleman says, it is to cover the floating indebtedness of Canada, which has been accumulating for a number of years. With the power to borrow, and that too at a much lower rate, the hon. gentleman should be able to tell the House why they have not exercised that power, and paid off that floating debt to the extent of their powers and authority to borrow. May I also ask what interest has been paid on this floating debt?

Hon. Mr. SCOTT—The explanation I think is, that a good deal of money is falling due in the next two, or three, or four years, and the Finance Minister did not consider last year or this year a desirable time to go into the British market.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman get us that information for to-morrow or Monday?

Hon. Mr. SCOTT—I will.

The motion was agreed to, and the Bill was read the second time.

Hon. Mr. SCOTT moved the Bill be read the third time to-morrow.

Hon. Sir MACKENZIE BOWELL—Should not the Bill be referred to a Committee of the Whole House?

Hon. Mr. SCOTT—No, we never refer these money Bills to committee. There is no object in doing so; we have no power to amend them.

Mr. SPEAKER—I think any government measure, under our rule, should be referred to a Committee of the Whole House.

Hon. Sir MACKENZIE BOWELL—It is true we have no power to amend a money Bill, but we have a right to discuss its details. A Bill of this character might create a good deal of discussion, and I would suggest that the hon. gentleman refer it to a Committee of the Whole House.

Hon. Mr. SCOTT—I have been in the Senate since 1874, and I have never known this House to go into Committee of the Whole on a Supply Bill.

Hon. Sir MACKENZIE BOWELL—Is there any rule laid down governing the proceedings of the Senate, that dispenses with our going into Committee of the Whole on a public Bill? It may be that we have fallen into that practice. I do not dispute that, but I am not aware of any rule which warrants it.

Hon. Mr. SCOTT—The object of going into committee is to give freedom of discussion with a view to making changes in a Bill. In dealing with Bills which we could not change, there is no advantage in discussing them in Committee of the Whole.

Hon. Mr. LANDRY—We sometimes go into committee on a Bill and make no changes.

Hon. Mr. SCOTT—But we could do so if we thought proper.

Hon. Sir MACKENZIE BOWELL—Or we may want to get information for the public.

Hon. Mr. DeBOUCHERVILLE—In committee we might discuss the different clauses of a Bill without being able to amend them, but certainly we have the right to discuss them.

Hon. Sir MACKENZIE BOWELL—I think we had better insist on going into Committee on this Bill to-morrow. It will not delay the third reading.

The SPEAKER—Will the hon. Secretary of State accept the suggestion?

Hon. Mr. SCOTT—Oh, yes.

The committee stage was fixed for the second sitting of the House to-morrow.

FRUIT MARKS ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (136) 'An Act to amend the Fruit Marks Act, 1901.'

(In the Committee.)

On the 1st clause,

Hon. Mr. SCOTT—The new part of this clause is that which provides for the designation of the grade of the fruit.

Hon. Mr. SULLIVAN—Who has the option of putting on the extra mark?

Hon. Mr. SCOTT—The packer.

The clause was adopted.

On clause 2,

Hon. Mr. SCOTT—In this clause we have to add after the expression 'No. 1,' X X X.

The clause was amended and adopted.

On clause 4,

Hon. Mr. SCOTT—In the correspondence I have received from the Fruit Growers' Association of Nova Scotia, it is suggested that there should be a penalty for removing any mark that is put on a fruit package, whether made by the inspector or any one else. I propose to amend section 10 by striking out the word 'inspector.' That will meet the principal objection urged. The object is to prevent anybody removing a private mark made by the packer or owner.

Hon. Mr. POWER—My recollection is, that the Act of last year provided that the inspector should remove marks made by packers under certain circumstances. Will not this render the inspector liable?

Hon. Mr. LANDRY—It might be amended by adding the words 'who unlawfully.'

The clause was amended and adopted.

Hon. Mr. PERLEY, from the committee, reported the Bill with amendments, which were concurred in.

The Bill was read the third time and passed.

POST OFFICE ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (106) 'An Act to amend the Post Office Act.'

(In the Committee.)

Hon. Mr. SCOTT—I might say I noticed that at a meeting of the parties interested, particularly the letter carriers, in Toronto, a few days ago they approved of the Bill.

On clause 15,

Hon. Mr. MACDONALD (P.E.I.)—I should like to have some information from the government as to the amount the passage of this Bill is going to add to the expenditure of the country, more than was expended under the Post Office Act which has governed that service up to the present time. There is no doubt a large increase in the expenditure will be incurred under this Bill. The

clerks coming in at lower salaries will get an increase, and the increase goes on much more rapidly than under the former Act. Altogether, it must add very materially to the cost of the service, and I should like to know what the amount is.

Hon. Mr. SCOTT—I am unable to give my hon. friend the figure. I hope it is considerable, because there is no branch of the public service where men have been so unfairly paid as the Post Omce Department, and I think the Postmaster General has heard a good deal about it during the last three or four years. Public opinion has forced this Bill upon him. Mr. Mulock hesitated about it until he gave it a good deal of thought. He contemplated it last year, but took another year to think it over. Hon. gentlemen will recollect that Mr. Mulock has managed to reduce the annual deficit from about $700,000 to about $300,000, so I think the question of economy and good management cannot be criticised. Looking over the salaries, none of them appear to be unduly high, considering the nature and character of the service.

Hon. Mr. CLEMOW—Is there not a chief inspector employed now ? There was, some years ago, a Mr. Sweetnam, a capable man. I see the government want to appoint another.

Hon. Mr. SCOTT—Mr. Sweetnam has been dead for some time. This is an appointment for city post offices exclusively.

Hon. Sir MACKENZIE BOWELL—A new inspector.

Hon. Mr. CLEMOW—That will be an extra one ?

Hon. Mr. SCOTT—Yes, I suppose so.

Hon. Mr. CLEMOW—Why is that necessary ?

Hon. Mr. SCOTT—It has been found necessary.

Hon. Mr. CLEMOW—Is it necessary ? They have inspectors everywhere for the different towns. Now they want a chief inspector to inspect the inspectors.

Hon. Mr. SCOTT—No, the city post offices. The ordinary inspector takes a large district, perhaps having from 50 to 100 or 150 post offices. His time is pretty well occupied going over the whole country. The city business has largely increased, and it has been found necessary to have an inspector whose exclusive duty it will be to look after the city post offices.

Hon. Mr. POWER—I think I can give another reason why this officer is being appointed. As a general rule, the inspector has his office in the same building with the city postmaster ; that is the case in Halifax and St. John, and I fancy most cities where the inspectors reside.

Hon. Mr. CLEMOW—It is.

Hon. Mr. POWER—Either one of two conditions is likely to arise : Either the city postmaster and inspector are on very good terms, or they are on very bad terms, and in either case, it is not altogether wise or suitable that the inspector should deal with the postmaster. I quite understand why it is desirable that some disinterested outside person should go in and inspect the city post offices.

Hon. Mr. CLEMOW—We had a chief inspector some years ago. Is that office dispensed with ?

Hon. Mr. SCOTT—They were inspectors of districts.

Hon. Mr. CLEMOW—But there was a chief inspector. Mr. Sweetnam was the chief inspector.

Hon. Mr. WOOD (Hamilton)—He went all over the country.

Hon. Mr. CLEMOW—Have they filled his place ? Are they going to appoint another one now ?

Hon. Mr. SCOTT—This is not that office at all.

Hon. Mr. CLEMOW—Of course, the prepayment of letters and the carrying of mails by railways decrease the work very much. The work is very much diminished, to my own certain knowledge. I understand what the post office work is. Very few mails are carried by vessels. They are carried by railway, and these inspectors used to have supervision over the clerks on the trains. Now you want to appoint men to do the work done years ago by a lesser number of men.

Hon. Mr. WOOD (Hamilton)—You cannot compare them in that way. The business

has increased tenfold in the large cities, such as Montreal, Toronto, and so on, and you could not expect the same staff to do the business.

Hon. Sir MACKENZIE BOWELL—I want to take exception to the reason given by the Speaker.

Hon. Mr. POWER—These are not official reasons.

Hon. Sir MACKENZIE BOWELL—I thought the hon. Speaker was acting as an outside member of the cabinet, and giving us reasons which the Secretary of State could not give us, and I took it to be semi-official.

Hon. Mr. POWER—Not at all.

Hon. Sir MACKENZIE BOWELL—It seems to me the reasons given are a reflection on the postmasters and inspectors in the large cities, because the only inference to be drawn from his statement is this : that the inspector, who has an office in the same building with the postmaster, may be on good or bad terms with the postmaster, or the postmaster may not like the inspector, and the fact of his being on very friendly terms with him, would induce him not to look into a dereliction of duty that might occur on the part of the postmaster; or if the inspector did not like the postmaster, he might give him a great deal of trouble and annoyance which he should not give him, which would not be the case if he had his office outside the building. It seems to me to be a most extraordinary reason for creating a new official at the rate of three thousand dollars a year. There are gentlemen belonging to both parties who are inspectors, and I have a much better opinion of them than to think that they allow their likes or dislikes to interfere with the carrying out of their duty in that respect. I agree with the hon. Secretary of State in the remarks he made with reference to many of this class of officials being underpaid in the post offices. I do not think there is a class of officials who work longer hours and more assiduously attend to their duties from compulsion than the post office clerks all over the country, and the amounts paid heretofore to the letter carriers and those who perform that duty has scarcely been the amount that we pay to the ordinary labourer around our barns or in our yards. In that respect I quite agree with the hon. gentleman, but when he repeats that old story, that we have heard so often, about the economical tendencies and the administrative ability of the Postmaster General, I think it is just as well that we should know the whole facts. It is very easy for the Postmaster General to report to parliament a reduction in the annual deficit if he charges largely the expenses of carrying on the business to other departments. Take the first boast that we had of a reduction in the deficit when the large expenditure of money was made in the carrying of the mails into the western section of the country—that is the Yukon country—that was ingeniously charged to the police department. It was only the other day in the House of Commons that the Minister of Public Works, who is generally pretty outspoken in any matters affecting his own department or any others, informed the House that the ten automobiles purchased in the city of Toronto for the use of the post office, were charged to the Public Works Department. He could go on and reduce the deficit to any amount, and would have a surplus, if he would only continue that system of carrying on the business. Why does he not charge the amount paid to the messengers, or those who collect the letters round the cities, to some other department ? You can go on with that system of book-keeping and you need not have a deficit. I think I could manage it. If Mr. Blair would only adopt the same system by doubling up, or quadrupling the amounts charged for carrying the mails for the Post Office Department, and charge the Post Office instead of his own department, and then double it up. he could soon have a surplus instead of a deficit. And so on, you might go through all the departments. I admit that Mr. Mulock has been somewhat ingenious in the manner of keeping these accounts. Look at the accounts now before us and you will find that certain charges are made against other departments that should have been charged against his own. That is not the manner and mode of book-keeping that has prevailed in the past, and when you talk of the expenses incurred resulting in half a million or over a million deficit, remember that that occurred under Sir Adolph Caron and the late administration, when we were opening up the vast territories of Manitoba

and the North-west. Tens of thousands, I was going to say hundreds of thousands, of miles of mail routes had to be opened up for the benefit of settlers, but the Postmaster General never thought of charging the extra expense necessarily entailed in giving the postal accommodation to those outlying portions of the Dominion, to the Department of the Interior. He might just as well have done as his successors are doing, and then he would not have presented to the country a deficit of five or six hundred thousand dollars. It is a false mode, if I can use that expression, of keeping the books or presenting the information to the country. Let every department stand upon its own bottom, and be responsible for every expenditure that may be necessary. I admit, in order to carry on that department in the public interest, it must of necessity, and particularly in new countries, be an expense to the whole country rather than a source of revenue, but let it be charged fairly and squarely in the public accounts, in order that the people may know exactly what the service costs, and not by manipulation of the accounts make a favourable showing not warranted by the circumstances, as has been done not only in that department but in others. Take the Auditor General's Report ant look at the expense on the Intercolonial Railway which has been charged to capital that under every other administration since its construction was charged to current account. If the amounts which have been expended were charged to their proper account—that is the annual account instead of to capital—the deficit on that road, instead of being four or five hundred thousand dollars, would have been this year six hundred thousand dollars. It is an easy thing to boast of one's economical method, but there is an honest way of doing it, and that is presenting the whole facts to the people, in order that they may know the truth.

Hon. Mr. CLEMOW—That would not do.

Hon. Sir MACKENZIE BOWELL—It might not do for some people, but it would be the honest mode of doing it. I do not believe there is any person in this country who would find fault with the extra expenditure that is necessary to make the Post Office Department effective. People going into new countries are out of the world, comparatively speaking, if they have no postal accommodation, and you must give them postal accommodation in order to keep them there. Nobody objects to that, but there is no reason why you should charge it to another department, and then come down and boast of your economical habits, and what a fine administrator you are. That is what I complain of. The less we hear of those things the better, unless the hon. gentleman is prepared to defend that mode of carrying on the large departments, improperly charging the expenses which are, I admit, necessary in order to further the development of the country. and give the accommodation that is necessary to make other departments effective in their working. We are a growing country. We must expect to have larger pay for the different services. What I object to—and I object to it strongly—is that the people should be misled ; I was going to say humbugged. Those who do not study this subject only know what is stated to them, in that off-hand way, that the expenditure shows so much less than under the other administration, without giving the slightest explanation as to the cause of it. I have heard these utterances so often that one gets tired of them, more particularly when one is in the position of being responsible for the past ; and, while speaking of economy, I must congratulate the Secretary of State on the economical report we have had to-day upon another subject, in which he took charge of a committee for the purpose of remedying a wrong that he supposed existed in the past, by the raising of salaries and the expenditure of money.

Hon. Mr. SCOTT—I do not at all defend the propriety of charging against another department expenses that should be charged against the proper department. But when you come to consider what a very small proportion of the saving Mr. Mulock has effected arises in this way, it is scarcely worth noting. It is only for a limited time. Everybody can see that Mr. Mulock has been a successful administrator, that he has brought down the expenditure by three or four hundred thousand dollars.

Hon. Sir MACKENZIE BOWELL—No. This blue-book shows the contrary.

Hon. Mr. SCOTT—And at the same time he has reduced the postage, and everybody

gets the benefit of it all over the country—the two things together—so that my hon. friend must concede that he has been a most successful administrator. He might have charged those automobiles to the wrong department, but what do they amount to ? They do not amount to $20,000.

Hon. Sir MACKENZIE BOWELL—That is only one item.

Hon. Mr. SCOTT—And the expenditure in the Yukon is charged up in a special vote to the mounted police because it was an unusual service. He had no means of taking charge of it, and they took charge of it, but it was a small item compared with the enormous saving Mr. Mulock has been able to effect.

Hon. Mr. MACDONALD (P. E. I.)—I must say I cannot give my assent to the reasons that were put forth by His Honour the Speaker respecting the necessity for an additional post office inspector, because the post office inspector in certain provinces lives in the same building that the postmaster occupies. That cannot be a sufficient reason for any change of this kind. because we know very well that where there have been irregularities in a city post office, where the post office inspector was, perhaps, in the same office with the postmaster, that the inspector from the adjoining province, or another city office, is brought in for the purpose of investigating the charges that may have been made against the office, within which the post office inspector resides. That has been done, to my knowledge, in several provinces, and therefore there can be no weight in a reason of that kind for the appointment of an additional inspector. It is true that clerks in certain post offices may be underpaid, but after they have been in there a certain time they get up to a very good salary indeed. They are entitled to about as much pay in a city post office as the clerks in any other department are after they served a certain time. There is another class that I think deserves to be remembered when the post office department is in such a flourishing position as we are told it is by the hon. Secretary of State. That is, the country postmasters. There is no class of officials within the whole provinces so poorly paid as the country postmasters. They have to furnish an office at their own expense for the accommodation of the public, and it certainly is a tax on them in place of being any benefit, to have to keep a country post office in localities where the settlements are sparse, and where there is not a great deal of business being done. For the matter of five or ten dollars they are required to keep an office open at all hours for the accommodation of the people about them, and they are really contributing in that way to the revenue of the country, instead of receiving any pay from the government commensurate with the work they have to do. We have heard something about the reduction of the postal rates, as if nothing of the kind had ever taken place under other administrations before now. We know that under a former administration the weight of letters which could be forwarded at the rate for half an ounce, was increased to one ounce. That made a very material difference in the revenue of the Post Office department. The postage of the newspapers was also reduced.

Hon. Sir MACKENZIE BOWELL—It was abolished.

Hon. Mr. MACDONALD (P.E.I.)—It was reduced and then abolished entirely. When hon. gentlemen are boasting about the reduction that has been made in postage recently, we ought to remember that reductions have occurred previous to that time, and that it has always been the policy of the government to afford people as much accommodation in that way as the revenue of the country would permit, and it may be, if we live a few years longer and the revenues of the Post Office increase, as we are told they have done and the expenditure reduced, we may also expect to see the postal rates still further reduced.

Hon. Mr. CHURCH—I do not wish to enter into a discussion of any controversial matter, but the hon. gentleman who has just spoken has made statements which might give rise to a debate like the one we had a few days ago about railways. I agree with one part of his remarks entirely—that is, in regard to the country postmasters throughout the province from which I come. Many of them keep important offices in a sense—that is the offices are at a place in the country where three or four cross roads

meet and the whole countryside come there for their letters, night and day. It is quite a practice for the postmaster to receive and deliver letters late at night or early in the morning, because people come miles to the nearest market town and want their letters, and they come at all hours and if the postmaster does not respond to the call you will hear about it all over the country. Some of them receive only eight or ten dollars a year. I think the Post Office Department ought to equalize matters better. To my knowledge some of them do not get nearly enough compensation for their services. In some villages the postmasters are paid a certain sum and a certain commission afterwards. Many of these offices are distributing offices where the mails go five or six different places within one week and are then distributed, and some mails are not delivered till late at night and they have to be distributed at night so that they can be forwarded to the places to which they should go next morning. This is a matter well worthy of consideration, and I am quite sure that if there were a few thousand dollars, or even thirty or forty or fifty thousand dollars paid throughout the whole Dominion for matters like that, that no person would grudge it, because it would be money well spent in the public interest, and the government would receive great credit for such an expenditure.

Hon. Mr. ELLIS, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

IMMIGRATION ACT AMENDMENT BILL.

COMMITTEE STAGE POSTPONED.

The Order of the Day being called:

House again in Committee of the Whole on Bill (112)) 'An Act to amend the Immigration Act.'

Hon. Mr. SCOTT said: When this Bill was before the committee, there were several gentlemen who thought the clauses were not stringent enough, that they did not give the officer of the government sufficient power to force the immigrants back on board the ship, and compel the master of the ship to receive them. I submitted the proposition to the minister under whose direction the Bill had been drawn, and he thought it was sufficient, and gave all the power they wanted; but if any hon. gentleman wishes to prepare an amendment, I will let it stand until to-morrow. I had not time myself to look at it.

Hon. Mr. LOUGHEED—I should like to accentuate the few observations I made the other day with reference to the government taking the widest possible power to enforce a proper inspection of immigrants coming into this country. I would just read an item of news in the Toronto 'Mail' of May 7th, in connection with the Department of Immigration in Canada. It is a despatch dated Montreal, May 6th, and reads as follows:

SIX HUNDRED IMMIGRANTS REJECTED.

Report of American Inspector in Canada—Conference in Montreal. Montreal, May 6th,—The Immigration Inspectors of the United States held a conference to-day under the presidency of Mr. Robt. Watchorn, Chief Inspector of the office. These inspectors patrol the frontier from Lake Superior to the Bay of Fundy, and are constantly on the outlook to prevent the entry into the United States of immigrants of an undesirable class, diseased paupers, demented, or any who may be under contract to perform work there. This board was the work of Mr. Watchorn, who, after repeated missions to Europe, and after a residence of several months in Canada, became convinced that hundreds of Europeans who had been rejected at the United States Atlantic ports, returned to Europe, shipped by Canada, and found an easy entrance along the frontier.

The report of the inspectors shows that from last September, when the Board was constituted, up to the end of May, between five hundred and six hundred immigrants have been rejected and left to foist themselves upon Canada. Mr. Frank Pedley, Dominion Superintendent of Immigration, and Mr. C. Rimmer, the legal adviser of the department, have been in the city for the last two days, looking into the question of undesirable immigrants, booked for the United States, and rejected by the American inspectors here.

It is seldom the government refuse to accept the widest possible powers offered them by parliament, for the purpose of enforcing the regulations of a department. Therefore, one must congratulate the Secretary of State on the modesty shown by the government in this particular connection. It seems to me it would be very much better if the Governor in Council would take power to pass the most stringent regulations, entirely irrespective of parliament, with reference to this subject. This is a matter which could be better and more effectively enforced by Order in Council

than by any statute which they could pass. It is humiliating to think that a propaganda by the United States officials is conducted on Canadian shores for the purpose of selecting the better class of immigrants from Europe, and unloading the halt, the blind, the maimed and ignorant, and all other objectionable classes, on the Dominion of Canada, and shouldering further, the responsibility upon this government, of sending those classes back again to Europe, no doubt at very considerable expense to Canada. This is a matter well worthy of consideration. I hope the government will not limit themselves in securing the necessary legislative power to enforce the greatest possible restrictions.

The Order of the Day was discharged and was made an order for the second siting of the House to-morrow.

GENERAL INSPECTION ACT AMENDMENT BILL.

COMMITTEE STAGE POSTPONED.

The House resolved itself into a Committee of the Whole on Bill (142) 'An Act further to amend the General Inspection Act.'

(In the Committee.)

Hon. Mr. TEMPLEMAN—There is an amendment proposed by a gentleman in the other House, which I now move be added to the Bill as section A :

Section A.

Section 44 of the General Inspection Act as amended by Chap. 25 of 62 and 63 Victoria, is hereby further amended by striking out the provisions of the said section regarding oats', and substituting the following :—

Extra No. 1 oats shall consist entirely of oats grown in Manitoba or the North-west Territories, shall be sound, well cleaned and free from other grain ; shall consist to the extent of 90 per cent of white oats, and shall weigh not less than 38 pounds to the bushel.

No. 1 oats shall be sound, well cleaned and free from other grain ; shall consist to the extent of 90 per cent of white oats, and shall weigh not less than 34 pounds to the bushel.

No. 2 oats shall be sound, reasonably clean, reasonably free from other grain, and shall weigh not less than 34 pounds to the bushel.

No. 3 oats shall be sound, but not clean enough or sufficiently free from other grain to be graded as No. 2, and shall weigh not less than 34 pounds to the bushel.

Rejected oats shall include such as are damp, unsound, dirty or from any other cause unfit to be graded as No. 3.

The word 'sound' herein used shall be taken to mean in fit condition for transportation and storage.

Subsection 4 of the schedule contained in the said section 44 is hereby amended by using the word 'wheat' instead of the word 'grain' wherever the latter word occurs in the said section.

I understand this amendment in reference to oats creates a new class, that is, extra number one. The other three grades are the same. This amendment was to have been proposed in the other House, and was on the Order paper to be moved at the proper time, but by an oversight it was overlooked.

The CHAIRMAN—I would suggest to the committee, as we have had no notice of this amendment, and it is dealing with a very important matter, that we report progress and take this into consideration at the second sitting of the House to-morrow, because it is evident no one seems to know what the effect of it is.

Hon. Mr. TEMPLEMAN—Is there any occasion for that ?

Hon. Mr. POWER—It is a very important matter and it is better to postpone the consideration of it.

Hon. Mr. YOUNG, from the committee, reported that they had made some progress with the Bill and asked leave to sit again to-morrow, at the second sitting of the House.

MOUNTED POLICE ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (147) 'An Act to amend the Mounted Police Act (1894).'

(In the Committee.)

Hon. Mr. SCOTT—The object of the first clause is to enable the Commissioner of Mounted Police in the Yukon to properly and legally administer the Police Act.

The clause was adopted.

Hon. Mr. MACDONALD (P.E.I.), from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

MONTREAL, OTTAWA AND GEORGIAN BAY CANAL COMPANY BILL.

COMMONS AMENDMENT AMENDED.

Hon. Mr. CLEMOW—I move, in compliance with the suggestion of His Honour the Speaker, that the words 'under this Act' be eliminated from the Bill. I desire to have the Bill go down to the Commons as soon as possible.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

SATURDAY, May 10, 1902.

MORNING SITTING.

The Speaker took the Chair at 11 o'clock a.m.

Prayers and routine proceedings.

VISIT OF THEIR ROYAL HIGHNESSES TO CANADA.

MOTION

Hon. Mr. LANDRY moved:

That an humble address be presented to His Excellency the Governor General praying him to be graciously pleased to cause to be laid before this House a copy of all the correspondence exchanged between the Right Honourable the Secretary of State for the Colonies or any other member of His Majesty's Government and His Excellency the Governor General, or any member of the Canadian Government, as well as a copy of every communication between the Federal Government, or any one of its members, and the Prime Minister or any other of the members of the governments of the provinces, on the subject of the marks of the royal favour which it has pleased His Majesty to confer on, or to offer to Canadians, on the occasion of the visit, made to Canada in September last, of Their Royal Highnesses the Duke and Duchess of York and Cornwall, to-day Prince and Princess of Wales, as well as a copy of all correspondence on the subject of the refusal to accept these marks of the royal favour, if such refusal exists.

The motion was agreed to.

TRANS-ATLANTIC FAST LINE.

INQUIRY.

Hon. Mr. LANDRY rose to inquire of the government:

Has the government, since the commencement of the present year, authorized any member of the administration or any employee under its control, to declare that the service of the trans-atlantic line, called the fast line, was a concluded matter, and does it endorse the promise solemnly given that the city of Quebec shall be the summer terminus of that line?

If it does not endorse that promise, can the government at least give the assurance that it is its intention to choose the city of Quebec as the summer terminus of the future fast line between Canada and Great Britain?

Hon. Mr. SCOTT—I have already answered this question. I have already stated that there has been no recent correspondence on the subject of the fast line and no negotiations.

Hon. Mr. LANDRY—But I have asked another question. If the hon. Minister will look at the first part of my question he will see that I am asking if the government has authorized anybody to make such a declaration as the one recited in my question?

Hon. Mr. SCOTT—The government have taken no action and therefore there is no authority at all. No decision has been reached. I mentioned that there has been no correspondence, and no conclusions have been reached.

Hon. Mr. LANDRY—I do not ask whether a conclusion has been reached. I am asking if the government has authorized any member of the administration, or any employee, to declare publicly what was the policy of the government on that question.

Hon. Mr. SCOTT—I cannot tell what members of the government may have said. I simply speak for the government.

Hon. Mr. LANDRY—I am not asking that: I am asking if the government has authorized any member of the administration to make the declaration which I have placed in my inquiry.

Hon. Mr. SCOTT—I have already answered the hon. gentleman's question and I do not proposed to be catechised constantly by irrelevant and improper questions.

Hon. Mr. LANDRY—I think the hon. member should keep cool.

Hon. Mr. SCOTT—I am perfectly cool.

Hon. Mr. LANDRY—The hon. gentleman will see that he has not answered my question.

Hon. Mr. SCOTT—I have already said that I have no knowledge whatever of any ac-

tion having been taken by the government, and I can go further than that. I say, as a member of the government, that no action has been taken in reference to the fast line.

Hon. Mr. LANDRY—That is not what I am asking.

Hon. Mr. SCOTT—I have answered the question.

Hon. Mr. LANDRY—I am asking if the government has authorized anybody to declare that the fast line service was a concluded matter.

Hon. Mr. SCOTT—I won't answer that question any further.

MEDICAL COUNCIL IN CANADA BILL.

SECOND READING POSTPONED.

Hon. Mr. SULLIVAN moved the second reading of Bill (11) 'An Act to provide for the establishment of a Medical Council in Canada.'

Hon. Mr. DeBOUCHERVILLE—I do not want to retard the passage of this Bill, but as it is very important, I object to the second reading now, because it has not been printed in French. I want to examine it very closely, believing it to be a most important bill, infringing on the rights of the local. I insist on the rules being observed, and that the Bill be translated and printed in French.

Hon. Mr. SCOTT—I fancy the Bill has already been translated in the form in which it appeared in the other House, because it has been before parliament for several years, and very much discussed. Speaking from memory, my recollection is, it can only go into operation at the instance of the provinces.

Hon. Mr. McMILLAN—That is correct.

Hon. Mr. SCOTT—So that there is no infringement whatever on the provincial prerogative.

Hon. Mr. DeBOUCHERVILLE—I have been reading the English edition of the Bill, and I find that the members of the Council can only be named by the local legislature, but the Council itself can be named by the Dominion authorities, which is an infringement on the rights of the local governments in the matter of education. At all events, as there is some doubt in the matter, I have the right to ask that I shall have all the means of examining the question as closely as possible.

Hon. Mr. SCOTT—I suppose the hon. gentleman has no objection to the Bill being read the second time now, and we can discuss it at a later stage. The hon. gentleman does not want to throw it over another year.

Hon. Mr. DeBOUCHERVILLE—I want to see the Bill in French before the second reading.

Hon. Mr. SULLIVAN—The Bill has been before the House of Commons from the commencement of the session. There is only one amendment to it, and it is too bad that the hon. gentleman should insist on this technicality, because what he demands is not necessary, either for his own information or for the information of the House. Honourable gentlemen are fully possessed of the Bill, its principles and its details, and therefore I appeal to the hon. gentleman's generosity not to prevent it from passing—or, at all events, from the opinion of the House being passed on it this session.

Hon. Mr. CHURCH—I think I have a special right to talk on this Bill.

The SPEAKER—There is only one question before the House, and that is the question of order. There can be no discussion on the merits of the Bill until that question is settled. If the hon. gentleman from Montarville does not withdraw his objection, then the Bill, as I understand, cannot be read the second time now, and that is the end of it.

The Order of the Day was discharged, and the second reading of the Bill was ordered for the next sitting of the House.

Hon. Mr. DeBOUCHERVILLE—I will not insist on my objection at the next sitting, if this amendment requiring the consent of the local legislatures to accept the Bill is translated in French. I do not want the translation of the whole Bill; I will accept the translation of the amendment. I want to have it so that I can understand it, and that will be sufficient.

Hon. Mr. FISET—(In French.)—In the beginning I was opposed to this Bill, because in my judgment it was an interference with the rights of the provinces ; but on further consideration, and particularly after the amendments passed by the House of Commons, I have no objection whatever. I saw the amendment myself, and carefully studied it, and have no objection to the Bill as passed in the House of Commons, preferring to leave to the legislature of the province the right to decide whether it shall come into operation or not.

The Senate adjourned.

Second Sitting.

The SPEAKER took the Chair at Three o'clock.

MEDICAL COUNCIL BILL.

Hon. Mr. SULLIVAN—I observe that this Bill has been put at the foot of the Order paper. I should prefer that it should be taken up in its proper order.

Hon. Mr. SCOTT—While the House was sitting this morning this Bill, printed in French, was lying in the post office. I had given positive orders to the printing department that when the blue print was sent to the Bureau they must print fifty copies for the Senate, so that in the case of any Bill coming to this Chamber there is no excuse for its not being printed in French. It may not be on the Order paper, but it is certain to be printed. Orders have been given that official copies must be sent direct to the Senate.

The SPEAKER. Under the practice, this Order of the Day, which was called at the first sitting of the House, goes to the foot of the Order paper, and inasmuch as it is a question as to whether there is likely to be some discussion, perhaps it would be more convenient to let it go to the foot of the Orders, and we can dispose now of some of the urgent matters that are on the Order paper.

THE PRINTING OF PARLIAMENT.

FOURTH REPORT OF JOINT COMMITTEE ADOPTED.

Hon. Mr. GIBSON moved the adoption of the fourth report of the Joint Committee of both Houses on the Printing of Parliament. He said: In consultation this morning with Dr. Dawson, he felt that the report of the Committee on Printing would be incomplete without provision being made to make it clear in the matter of the salaries to be paid to the officials in connection with the distribution office. I may say, in a word, that several gentlemen were paid sums varying from $200 to $300, in connection with the distribution office, and it was deemed advisable on the part of the government that they should be put under the direct control of the Economy Committee of the House of Commons, thus saving two cheques and two payments, and the committee came to this conclusion which is embodied in this report. Also Mr. Roger and Mr. Wiltshire and Mr. Gratton who are in the distribution office at the Printing Bureau, and it was considered advisable by the committee that these gentlemen should be put under the control of the Department of the Secretary of State. With the permission of hon. gentlemen present, I move concurrence in the amendment that the salaries of the said officials be continued as at present notwithstanding anything to the contrary in the aforesaid Act. Mr. Dawson feels that unless this is done the Auditor General might consider that these gentlemen were beginning their career as officials in the government service under the Civil Service Act, and he would naturally pay them at a rate beginning at $400 a year. That was not the intention of the committee, and it was not the intention of this House to reduce the salaries of those efficient servants of the several departments. In order that there may be no misunderstanding, with the concurrence of the House, I move that the following be added to the report :

That the salaries of the officials be continued as at present notwithstanding anything to the contrary in the aforesaid Act.

The motion was agreed to.

THE SENATE DEBATES.

SECOND REPORT OF COMMITTEE ADOPTED.

Hon. Mr. POIRIER moved the adoption of the second report of the Standing Committee on Debates and Reporting. He said : The report of this committee contains nothing new. It is simply the continuation

of our official press reporter, Mr. Holmden, in his functions under the same conditions and at the same salary as last year. We have reason to believe that unless we have a reporter in this Chamber to report our proceedings, the Senate would be almost, if not wholly, ignored by the press. The representatives of the press claim that all their time is given to the reporting of the other Chamber, and, moreover, that the accommodations for them here are not what they should be, and for that reason, if we desire to remain in touch with the public —and I believe it is desirable that we should —we should continue to have a special reporter of our own, as we have had for several years. I have heard remarks made that the reports were not sufficient in detail, and oftentimes were not exactly accurate. That is true, hon. gentlemen ; but in justice to our reporter, I must say that it is not his fault. I have compared the copy he has given to the press in many cases with the reports printed and have found that his report though brief, succinct and well condensed, was boiled down and altered making an inaccurate report of what has transpired in this House. I mention this so as to exonerate our reporter from any blame in matters over which he has no control. In many cases he proposes and the editor disposes.

The motion was agreed to.

A SUPPLY BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (157) 'An Act to authorize the raising by way of loan of certain sums of money for the public service.'

(In the Committee.)

Hon. Mr. SCOTT—Some hon. gentlemen were anxious to learn further particulars in regard to this loan. Periodically, probably every ten or fifteen years, parliament authorizes the Minister of Finance to raise money by way of loan. There is usually a very considerable margin. The amount is very large, but now it is down to between two and three million. It is only to cover the balance authorized by parliament, and this is simply to be prepared in case some emergency arises. There is no present intention of utilizing the power. No part of it may be issued this year. The hon. leader of the opposition was anxious to know what amount was still unexhausted, and I find on inquiry in the Finance Department, that it is between two and three million.

Hon. Sir MACKENZIE BOWELL—I find the information is fully given by the Finance Minister on page 4258 of the Commons 'Hansard.' I had not read it, and my attention was called to it by an hon. gentleman, and I found a full explanation given there. In order that we may know that there are precedents for the course taken in connection with this Bill, I call the attention of the Secretary of State to the practice which prevailed in the past in reference to money Bills. As I understood him, he said it was unprecedented to go into Committee of the Whole on a money Bill in this House. We have generally accepted a Supply Bill without going into committee, on the ground that we have no power or authority as a Senate to amend the Bill. That is very true, but while there is no power to amend such a Bill, we can reject it. I find one or two precedents for this course. I find that in the case of the Supply Bill, Mr. Campbell moved, seconded by Mr. D. Ferguson, that the 44th rule of the House should be dispensed with so far as the same related to that Bill, in order that they might read it the third time. This was the 20th December, 1867, and the same in May, 1868 :

A message was brought from the House of Commons by their Clerk with a Bill entitled 'An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service for the financial years ending respectively 30th June, 1868 and 30th June, 1869, and for other purposes relating to the public service' to which they desired the concurrence of this House. The said Bill was read the first time.

The Hon. Mr. Campbell, seconded by the Hon. Mr. Kenny, moved :

That the 42nd rule of the House be dispensed with so far as it affected this Bill.

And then the Bill was read the third time. I merely call attention to the fact that these precedents and many others of a later date will be found for carrying out the suggestion made by His Honour the Speaker—that is, of going into Committee on these Bills, or suspending the rules. I must admit, while saying this, that we have fallen

into the habit in the past of acting as was indicated by the hon. Secretary of State, of passing the whole Bill without paying the slightest attention to the suspension of the rules or anything else. I think it is well that the proceedings of the Senate should be conducted in accordance with the rules. There is not much time lost by going into committee, and I think we should pursue that course in the future, whether it be the Supply Bill or not. There may be occasions when it is necessary to discuss many items, not because we have the power to amend or because we intend to reject the Bill, but simply for the purpose of obtaining and giving information which we think the public should have, that they may not have received through the other House.

Hon. Mr. SCOTT—My contention was not in reference to the rules. That I quite recognize, but it was going into committee. That was the only point.

Hon. Sir MACKENZIE BOWELL—That is the same thing.

Hon. Mr. SULLIVAN, from the committee, reported the Bill without amendment.

The Bill was then read the third time, and passed.

IMMIGRATION ACT AMENDMENT BILL.

THIRD READING.

The House resumed in Committee of the Whole consideration of Bill (112) 'An Act to amend the Immigration Act.'

(In the Committee.)

Hon. Mr. SCOTT—We went through this Bill, but the opinion of the Senate was that there should be some more stringent clause added to the Bill. The Minister of the Interior was not of the opinion that it was necessary. However, I directed the law clerk of the Interior Department to prepare a penalty clause, and he has added this :

Second clause, page 1, line 24.—After 'necessary' insert 'and every owner or master of a vessel who violates the provisions of this Act ; or who aids or abets any immigrant or passenger in acting in contravention of such order or proclamation ; or who refuses or neglects to take back on board the vessel any such immigrant or passenger, shall incur a penalty not exceeding ten hundred dollars, and not less than one hundred dollars in the case of each and every of such immigrant or passengers.'

Hon. Mr. LOUGHEED—I was about to suggest that this Order in Council should not be limited to the language mentioned in lines ten and eleven—that the Governor in Council should have power to pass orders or proclamations for any cause whatsoever. It will be seen that the language here is entirely limited to physical defects or diseases in an immigrant. There are many other reasons. For instance, the United States demand an educational qualification. They demand physical fitness entirely apart from the question of dangerous or infectious diseases or maladies. They require that the immigrant shall be possessed of a certain amount of capital and certain moral qualifications—that is to say the criminal classes are prevented entering the country. I would suggest that the Secretary of State should consider the desirability of striking out the following words, 'who is suffering from any dangerous disease or malady,' and substitute for them the words 'for any cause whatsoever,' leaving it entirely to the discretion of the Governor in Council to use their judgment in any way that may be seen fit.

Hon. Mr. SCOTT—Would it not be as well to add 'for any other cause whatsoever.'

Hon. Mr. LOUGHEED—By using general language, after specific terms, you limit the terms to the language preceding it. If that particular phrase is used then the widest power is given to the Governor in Council.

Hon. Mr. SULLIVAN—Does the hon. gentleman mean as to diseased persons, or paupers and idiots ?

Hon. Mr. LOUGHEED—I would leave it entirely to the Governor in Council.

Hon. Mr. SCOTT—I should prefer to add 'and for any other cause.'

Hon. Mr. SULLIVAN—I suppose the department would send a schedule in such cases.

Hon. Mr. SCOTT—Yes, the department would have to define it.

Hon. Mr. SULLIVAN—I think the whole of this Immigration Act should be revised,

and particularly that part of it referring to diseases. We require better phraseology. The law should be in a clear and distinct language. For instance, a section in the Act provides that a collector of customs 'may dispense with such bounds,' &c.—that is the mode of giving security—which is very cumbersome. I refer to it in order that hon. gentlemen may look at it. Take the section in the Act referring to bonds, it is very cumbersome. Many terms used in the Act have become obsolete, as far as medical science is concerned. Scientific men, at all events, do not use the term 'lunatic'. Hon. gentlemen know the origin of the word and if you wish to refer to any of the conditions under which a lunatic would come you would use the word 'insane.' Then there is the term 'idiotic.' Idiocy cannot be contracted on board ship. It is born with the individual. Then the words 'deaf and dumb'. A man might be 'deaf' only and he would not be exempt, and 'dumb', and he would not be exempted.

Hon. Mr. POWER—I should like to ask what the hon. gentleman has been quoting from.

Hon. Mr. SULLIVAN—From the Act. I only want to show the reason that exists for revising the clauses relating to the admission or the refusal to admit immigrants. The whole law should be revised. I am reading section seventeen of the Act which we are amending. Then 'causes that are not discernible.' A man might contract small-pox in the country he left and it might be two weeks before it broke out. It might not develop on the ship. Then there is reference to the rise and spread of diseases. Disease does not rise, a gentleman does, or the sun does, but disease originates. To make this clause or any other of this nature effective you must have thorough inspection. The medical officer of the port or the collector should be enjoined in terms similar to those of the United States Act. I will read what I think ought to be appended to the amendment of the Secretary of State:

That upon the arrival by water at any place within the Dominion of Canada of any British or foreign immigrants it shall be the duty of the commander and the agents of the steam or sailing vessel by which they came to report the name, age, sex, nationality, last residence and destination of every such immigrant before any of them are landed to the inspection officer who shall go immediately or send a competent person on board such vessel and there inspect all immigrants according to the instructions of the Department, and the inspector may order a temporary removal of any immigrant for further examination at a designated time and place and detain them until a thorough inspection is made.

The inspectors must be duly qualified licensed and practising physicians of Canada or a Province of it and they shall have power to administer oaths and take evidence if necessary touching the right of any such immigrant to enter the Dominion of Canada, all of which shall be recorded.

I would add to that to carry out the instructions furnished to him by the department, and that would ensure an examination promptly. There is nothing in the Act, as far as I can see, to ensure a thorough early inspection. When the passenger gets away from the port where he has landed, there is no time for examination. A bond may have been given. If so, it is sent to the Receiver General. How is a municipality which is inconvenienced, and has to pay for the maintenance of that immigrant to get redress? They do not know anything about this bond, and consequently the law might as well not exist. Whether the Secretary of State accepts this suggestion or not, I trust it will have the effect of showing him the anomalous position in which the working of this Act is placed, and that he will consider my humble effort to make it workable, whether it be adopted or not.

Hon. Mr. POWER—I rise to a question of order. The question now before the committee is the amendment proposed by the Secretary of State to the second clause of the Bill, and the attention of the committee should be directed to that, and that alone. I am in favour of the amendment, but I think there should be one word added at the beginning. The amendment applies only to the master of the vessel. It should apply also to the owner.

Hon. Mr. SCOTT—I have that in my memorandum.

Hon. Mr. CHURCH—I think the amendments prepared by the Secretary of State, which have been added to by the suggestion of the hon. gentleman from Calgary, would suit very well, and remove very largely the objections which several hon. gentlemen took the other day to the Bill when it was up for discussion. It would work very well

at the port of Halifax. As regards the revision of the original Act, that is not before us now, as the Speaker has stated.

Hon. Mr. SCOTT—I have accepted the suggestion which has been offered and am prepared to amend the Bill, to meet the views of the House.

The clause was amended and adopted.

Hon. Mr. SCOTT—The suggestions of the hon. gentleman from Kingston are very good indeed, and I hope when the Act is revised, we shall make it more perfect than it is. Is he aware that in a previous section of the Act, the medical superintendent is empowered to exercise very considerable powers to examine the passengers arriving at any port, and prohibit the landing of objectionable persons ?

Hon. Mr. SULLIVAN—That only applies to the superintendent of quarantine.

Hon. Mr. SCOTT—The medical officers at the different ports are all quarantine officers.

Hon. Mr. SULLIVAN—The medical officer of the port is not the superintendent of quarantine. This man is given extensive powers, and he should have them. I refer to the medical examination at the point of landing. It would have nothing to do with the quarantine. I read that before to see if there was any provision made for a thorough inspection and could not find it.

Hon. Mr. SCOTT—We have two inspections. All vessels coming up the St. Lawrence have to be examined at Grosse Isle and Quebec, and so at Halifax and St. John. However, all the suggestions which have been offered are useful, and may aid in making the law more perfect.

Hon. Mr. YOUNG, from the committee, reported the Bill with amendments which were concurred in.

The Bill was then read the third time and passed.

DOMINION LANDS ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (120) 'An Act to amend the Dominion Lands Act.'

In the committee, on clause 4,

Hon. Mr. SCOTT—It was proposed to amend this clause. In reference to this question of compensation there seems to be a very strong opinion in the House, and I accept the suggestion offered and have prepared an amendment which I think will meet the case.

Hon. Mr. YOUNG moved to strike out of the second line from the top the words 'where there are improvements upon' and of the seventh line 'improvements or his interests therein,' and add the word 'lands.'

Hon. Mr. DeBOUCHERVILLE—I understand by that amendment there will be arbitration.

Hon. Mr. SCOTT—If they take a man's land they must pay for it.

Hon. Mr. DeBOUCHERVILLE—If they agree, why have an arbitration ?

Hon. Mr. SCOTT—If they agree it is all right ; no arbitration will be necessary.

Hon. Mr. CLEMOW—Does this apply to the land that is taken ? If so, it makes no allowance for damage that may be done to the land that is not taken.

Hon. Mr. SCOTT—This Bill, as amended, provides for the case where the Department of the Interior issues a patent in Manitoba or the North-west, reserving five per cent for roadways. As the Bill came up from the House of Commons, it provided that the five per cent may be taken, and only the improvements would be paid for. We now provide that the Crown shall pay for the land as well as the improvements.

The amendment was agreed to, and the clause as amended was adopted.

Hon. Mr. LOVITT, from the committee, reported the Bill with amendments, which were concurred in.

The Bill was then read the third time and passed.

GENERAL INSPECTION ACT AMENDMENT BILL.

THIRD READING—IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (142) 'An Act to amend the General Inspection Act.'

(In the Committee.)

On clause 2,

Hon. Mr. TEMPLEMAN—I think it is proposed to change the 90 per cent to 95 per cent.

Hon. Mr. YOUNG—It might facilitate matters if we go into the whole amendment now, and I will suggest some changes and we can consider the whole subject. This is a more important matter than appears on the surface. It was handed in yesterday to the committee, and we have had no notice of it whatever. The time was short to obtain information on so important a question as the grading of the oats of Canada, and our increasing production every year makes it more important. I should like to call attention to the fact that, in my opinion, apart from the first paragraph and the last paragraph, the amendment deals with the whole of Canada. Therefore, it is more important than would appear on the surface and it is worthy of the attention of every hon. gentleman of this committee. I have to make one or two explanations to make it clear with reference to our proceeding under our grading in the west.

Hon. Mr. LOUGHEED—My hon. friend is mistaken in saying it applies to the whole of Canada. If he will look at the Inspection Act he will find it only applies to the country west of Port Arthur.

Hon. Mr. YOUNG—If my hon. friend will read the clauses relating to grades, he will see that these clauses include both the inspection division of Manitoba and also the rest of Canada. These are the inspection clauses of the whole of Canada, including the western inspection as well, and therefore that portion of the amendment, apart from the first and last paragraphs, relates, I take it, to the whole of Canada.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman argue that these words do not restrict it to Manitoba and the North-west—No. 1 oats shall consist entirely of oats grown in Manitoba and the North-west Territories.

Hon. Mr. YOUNG—That is the first paragraph. Read the next one.

Hon. Sir MACKENZIE BOWELL—It says the oats shall be sound, but does not the whole amendment apply to the product of Manitoba and the North-west.

Hon. Mr. YOUNG—No.

Hon. Mr. TEMPLEMAN—The intention was to make it that way.

Hon. Mr. YOUNG—The trouble which has given cause to this amendment arose over the action of the Standard Board last year in endeavouring to help the crop movement by adding additional grades known as commercial grades to the standard grade. The Standard Board is composed of farmers and business men. All interests are represented and at their last meeting last year, they found that it was advisable to add two commercial grades to the grade of oats known as No. 1 white Alberta, and No. 2 white Alberta. They were rather unfortunate, I think, in the choice of the name, but the intention of the board was merely to make it possible for the inspectors to grade oats not fit for the three standard grades fixed by law. It made it possible for the inspector to make grade oats in these two additional grades having binned a large portion of the oats in the rejected bin, in the hope that by so doing the farmers of the west would get a better price for their product than they would if it had to be binned under the last clause of the Inspection Act. Of course, the circumstances last year made it very desirable, because hon. gentlemen are all aware that, owing to the shortness of corn and other reasons, feed grain of all kinds was very high. The result was not looked on favourably in some places, and the member for Edmonton, which is a large grain growing district, suggested these amendments for the purpose of getting the oats grown in his district properly classified when they came before the inspector. He has only that in view, to secure the best results for the district he represents, and to make it clear, I propose to strike out of the amendment all words after the word 'amended' in the second line and add a provision that it shall only apply to oats grown entirely in Manitoba, in the North-west Territories, or in Ontario west of Lake Superior. That is the wording which is used with reference to wheat. The inspection of wheat is divided by that inspection, and then, secondly, the second part of the amendment

refers to the schedule in the Act which gives power to the Western Standard Board to meet, if the chief inspector sees that it is necessary to meet, and establish a commercial grade for the better handling of the crop. By the amendment as it is worded, it is suggested that it will deprive the Standard Board of the power of dealing with any other grain except wheat when they meet. The object of my hon. friend who is moving this amendment is simply to deprive the Western Standard Board of the power to deal with oats. Therefore I am moving that subsection 4 in the schedule contained in the said section 44 is hereby amended by inserting the words, 'except oats' after the word 'grain' whenever it occurs in the said section. The effect of it will be to deprive the Western Standard Boards of the power of fixing commercial grades for oats. I also intend to move to strike out the word 'sound' because that is also one of the things we are agreed upon is unnecessary in the amendment. I have received a message from the secretary of the Corn Exchange, Montreal, which reads as follows :

Corn Exchange objects to Commons Bill 142 amending Inspection Act. Present Act satisfactory. Amendment would allow ten per cent of black in white oats and render same unsaleable for export as white definition 'sound' most strongly objected to as permitting frosty or musty oats as graded sound.

Hon. Mr. POWER—Better take one amendment at a time. I do not think my hon. friend's amendment is worded as it should be. It might be better to put it in this way : 'This section shall apply only to Manitoba and the North-west Territories, and to the country west of Lake Superior.'

Hon. Mr. SCOTT—This amendment applies only to Manitoba and the Territories.

Hon. Mr. LOUGHEED—It only extends to countries west of Port Arthur—Page 166 of the statutes of 1899.

Hon. Sir MACKENZIE BOWELL—What do you do with the grain grown south-west of Lake Superior ?

Hon. Mr. TEMPLEMAN—Different grades apply to that.

Hon. Mr. SCOTT—The law stands as it was before.

Hon. Sir MACKENZIE BOWELL—What is the difference in quality and character of the grain grown in Ontario, north-west, and south-west of Ontario ? Take the Rainy river district, which is a good agricultural portion of what we now term New Ontario ; would the oats grown in that locality be subject to the same inspection as those grown east of Lake Superior ?

Hon. Mr. YOUNG—No, our inspection is at Fort William at present.

Hon. Sir MACKENZIE BOWELL—But your Bill says this Act shall only apply to oats grown in Manitoba and the North-west Territories, and in Ontario north-west of Lake Superior.

Hon. Mr. YOUNG—The wording is exactly the same as the wording used in the case of wheat, which covers the whole of that country.

Hon. Sir MACKENZIE BOWELL—You do not cover it if you say north-west. You should add the words south-west as well.

Hon. Mr. POWER—I understood the hon. gentleman from Killarney (Hon. Mr. Young) to say that the existing law has given satisfaction. Why should we go on tinkering with the present law if it gives satisfaction ? As I understand, this particular amendment was introduced in the House of Commons. It was before the House of Commons and that House did not care to adopt it.

Hon. Mr. LOUGHEED—The hon. gentleman is entirely in error in saying that. I am informed by Mr. Oliver, the member for Alberta, that the Minister of Trade and Commerce consented to embody in this Bill—that is, in the amendment to the Inspection Act—the amendment brought down by the hon. gentleman yesterday, and to insure that being done, I understand it was initialled by the Minister of Trade and Commerce, or the Minister of the Interior, that it was the intention to embody it in the Inspection Act. The difficulty arose in this way : The Grain Standard Board at Winnipeg undertook to provide a new classification of oats which very seriously injured the reputation of the oat crop of Alberta. I might say Alberta is about the only oat exporting district in the west. They grow somewhere about five million bushels for export, and some few months

ago, when the Imperial War Office was purchasing oats in that particular district, the Grain Standard Board undertook to give a classification to all injured oats, not only grown in Manitoba and the eastern portion of the Territories, but in Alberta, and libelled the district of Alberta to the extent of designating all injured oats, calling them No. 1 Alberta, No. 2 Alberta and No. 3 Alberta, and the impression at all points where oats are exported was that all injured oats came from Alberta. It was not only a very highhanded proceeding on the part of the Standard Board, but a very injurious thing to the oat producers of Alberta.

Hon. Mr. WATSON—With reference to the Standard Board doing great injustice to Alberta, as a matter of fact, I think that the gentlemen in the Commons who are suggesting the amendments admit that the Grain Standard Board did not do them an injustice in the North-west, because last year there was quite a lot of oats that were frozen there. They were good in weight, and not bad feed, but the inspector could not grade them first quality oats, and if they had not made a grade they would have had to put them into the rejected bins. The oats were better than that, and the inspector went to the Grain Standard Board and said: 'You have power to help me out. They should not go into the rejected bin. I cannot pass them as first quality oats,' and they made this grade to help him out. They made this grade because they thought these men would be put in bad shape otherwise, but they lowered the price of the oats to 23 cents, and when the South African war broke out, the price was raised to 28 cents, and these oats were graded and sold at a good price.

Hon. Mr. LOUGHEED—I am informed by Mr. Oliver, member from Alberta, that the action of the Grain Standards Board reduced the rate by 3 cents a bushel, and prevented the farmers from getting fair prices. The miling men of Manitoba, who, I believe, exercise no little control over the Grain Standards Board, purchased milling oats at feed prices, whereas only about 5 per cent of the oat products enters into mill products, whereas the other 95 per cent are feed oats.

Hon. Mr. YOUNG—The standard grades fixed by law were still open for any grain qualified to be inspected into those grades; therefore, the commercial grades which were made by the Standards Board did not interfere with the grain being inspected, if it was fit to be inspected in the standard grades which had been in force since 1899. So that the fact of the Standards Board making two commercial grades did not lower the quality of the oats, nor did it interfere with the inspector's work except to endeavour to secure to the producers of the west a better price for grain which would not be good enough to go into the standard grades, and was too good to go into the rejected grade.

Hon. Mr. TEMPLEMAN—It seems to me it would be obviously an invidious thing to ascribe to a territory an inferior quality of oats. It surely was a libel on Alberta to make a class of frozen or rejected oats, or inferior quality of oats, and describe that as 'Alberta.' Surely that was an unfair thing to do. I think the complaint made is a reasonable one. I frankly confess I am not very proficient in grain grading, and I am dependent somewhat on my western friends to have these amendments made in conformity to what is just and right.

Hon. Mr. POWER—Although they are not growing oats in British Columbia, yet they may grow oats there in the future, and that grain, I understand, would not be graded as Alberta oats.

Hon. Mr. TEMPLEMAN—I beg to correct my hon. friend. We grow the best oats in Canada in British Columbia, although unfortunately we are not an exporting country.

Hon. Mr. WATSON—I would suggest that '95 per cent white oats' should be inserted in the first paragraph instead of 90 per cent. The object is to get as pure milling oats as possible. Mr. Oliver, who brought these matters up in the House, and who made such complaints about the inspection last year, spoke to me a moment ago, agreeing to that.

The clause was amended and adopted.

Hon. Mr. YOUNG—As has been pointed out, these amendments have been urged by the representative of the district which

raises the largest quantity of oats for export. He has only one desire, I am sure, and that is to see that the grain raised in his district is properly classified.

The amendment was agreed to.

Hon. Mr. BEIQUE, from the committee, reported the Bill, with amendments, which were concurred in.

FIRST AND SECOND READINGS.

Bill (85) An Act respecting the South Shore Railway Company.—(Hon. Mr. Beique.)

Bill (87) An Act respecting the Quebec Southern Railway Company.—(Hon. Mr. Beique.)

MONTREAL SUBWAY COMPANY'S BILL.

A message was received from the House of Commons with Bill (98) An Act to incorporate the Montreal Subway Company.

The Bill was read the first time.

Hon. Mr. WATSON moved that rule 41 be suspended so far as it relates to this Bill.

Hon. Mr. WOOD (Hamilton)—I object to the suspension of the rule.

Hon Mr. WATSON moved that the Bill be read the second time at the first sitting of the House on Monday.

The motion was agreed to.

YUKON TERRITORY ACT AMENDMENT BILL.

A message was read from the House of Commons with Bill (119) An Act further to amend the Yukon Territory Act.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time at the first sitting of the House on Monday.

Hon. Sir MACKENZIE BOWELL—Is this the Bill providing for representation to Yukon Territory ?

Hon. Mr. SCOTT—No, simply giving additional power to make ordinances.

The motion was agreed to.

MEDICAL COUNCIL IN CANADA BILL.

SECOND READING.

Hon. Mr. SULLIVAN moved the second reading of Bill (11) 'An Act to provide for the establishment of a Medical Council in Canada.'

Hon. Mr. DeBOUCHERVILLE—This Bill deals with education. There is no member of this House who disputes that fact. The promoter of the Bill in the House of Commons, in reply to a question put him as to whether it provided for provincial rights, said : 'It is provided for by the amendment which has just been adopted.' The amendment is in the 6th clause of the Bill, and the 3rd paragraph of clause 6 reads as follows :

> No province shall be represented upon the council either by appointed or elected members until the legislature of the province has enacted in effect that registration by the council shall be accepted as equivalent to registration for the like purpose under the laws of the province ; provided that when all the provinces of Canada have legislated in effect as aforesaid, it shall be lawful to appoint and elect in the manner aforesaid members of the council representing the provinces and the universities and incorporated schools aforesaid, and such members shall, subject to the provisions of this Act, constitute the council.

I have had occasion to consult different persons and there is certainly a doubt as to this clause. Some are of the opinion of the promoter, Dr. Roddick, that the Bill will come into operation only when all the local legislatures shall have approved of it. But others—and I am inclined to be of that opinion—believe that it does not protect local rights. It provides, in the first part, that when the legislatures have approved of the Bill it can come into operation. When all the provinces have legislated to give effect to it, then such members shall, subject to this Act, constitute the council. There is no necessity for the law. It does not provide that the law should not come into operation until all the legislatures have accepted it. I think everybody understands the importance of not allowing the federal government to interfere in those subjects which belong to the local government ; and education belongs to the local government. This is certainly a Bill concerning education. Being unanimous on that question, if we only differ on the interpretation of this part of the sixth clause why not make it clearer ? Why not say in lan-

guage that would be understood by everybody, that this law should only come into operation when it is approved by the legislature, and there would be no doubt about it at all. Thinking that it is very important that this matter should be settled before the second reading is carried—because by consenting to the second reading we affirm the principle of the Bill—the passing of this Bill is giving to the federal government the right to interfere in provincial matters, and I think that should be decided now. If an hon. member would move an amendment which would remove the doubt, then everybody would know that provincial rights were safeguarded. In other respects I think the Bill would be very advantageous to the province of Quebec.

Hon. Mr. LANDERKIN—The objection that has been taken by the hon. gentleman from Montarville is a very proper one, but at the same time this Bill does not interfere with education, which by the Act of Confederation was left to the different provinces. This is only regulating the registration in all the provinces so that a medical man who has passed the necessary examination in one of the universities of the Dominion, shall be allowed to practice in any province. The law at present is very unseemly, and a very great hardship. A medical man who has graduated at McGill university is not able to go and practice in any of the other provinces because he acquired his education in the province of Quebec. He is limited to the province of Quebec. Graduates of the universities in Toronto are qualified to practice anywhere in Canada, but cannot practice outside of Ontario. This Bill does not affect education, it only affects the registration of medical practitioners. It seems peculiar—and I think my hon. friend will agree with me—that when a gentleman is well qualified to practice in the province of Quebec he, a British subject, is prohibited from practising in Ontario, British Columbia, Manitoba, Nova Scotia, or any other province in the Dominion. This Bill aims at something which has been sought after for years. This Bill is beneficial from a national standpoint. It has a tendency to prevent medical men from going to the United States to practice. Many of our young men who are well equipped and well qualified to practice went to Manitoba in order to pursue their profession there but, by the laws of the province were prohibited. At that time the laws were not so strict in the western states of the Union, and the consequence was they went over there. I am informed by those who reside in Dakota, Washington and Oregon that many medical men engage in practice there by reason of more liberal laws than those existing in the provinces of our own Dominion, and this Bill is to remove this anomaly and make the medical man who is a British subject feel that he is a British subject no matter in what province he goes to practice when he possesses the qualification. It would be improper, it would be unwise, and I think it would not be in the interests of the country from a national standpoint, from a professional standpoint, or from any other standpoint, to deny this right to British subjects to practice their profession in any province where they may reside. It does not interfere with education. My hon. friend is no more anxious about that than I am. I would quite agree with him if it did. This only affects the registration, and this gives us a reciprocity of registration in every province of the Dominion. It is what is sought for and what this Bill proposes to attain. I have been pained and grieved when in the west to find that so many of our young men who had gone there to practice were driven, by the want of Dominion legislation, to practice in the United States, and I do hope, in the interests of this country and of the profession, that the Senate will not obstruct this measure, which has been so well considered, so well elaborated and so well laid before the House of Commons. I hope that our Senate will rise to the occasion and become a national Senate, and will grant to the profession of medicine the power to regulate the registration, so that they will be enabled to practice in every province of the Dominion. This is not asking too much. I do not question the wisdom of the fathers of confederation in not having this provision in the Confederation Act, but if we had the privilege to carry this measure which affects the registration of medical men, then I think there should be no objection raised in the Senate to granting this boon to the profession and to allow every medical man in Canada to feel that in every province of the Dominion he

enjoys the right to practice that which the law of his own province permits. I think we should have this, not only from a professional but, from a national standpoint, to allow reciprocity in registration to medical men who are well qualified in the universities which we have, universities where medical men are as well trained, as in any universities that exist, and if my hon. friend would think for a moment what a reflection it is upon the educational standing of the province of Quebec, to deny to the students who have graduated in that province, either at McGill or Laval, the right to practice in any other province of the Dominion where it might be their interest to practice, I think he would waive his objection and allow this Bill to pass.

Hon. Mr. BERNIER. The remarks of the hon. gentleman who has just spoken are entirely aside from the question. The medical men are no more deprived of their rights as British citizens than any other part of the community. This subject depends entirely upon the provinces. At one time there were only two provinces who had reciprocity of laws in medical education. Manitoba had for a long time, and if I am not mistaken, has still a clause in the medical law which provides for reciprocity. Why should not the other provinces do the same? This question would then be settled entirely to the satisfaction of the medical men and of the people of Canada. As to this being a Bill respecting education, it seems to me there can not be any doubt. It is only necessary to refer to the various clauses of this Bill to be convinced of that. See, for instance, subclause *a* of clause 4, which provides for the establishment of a qualification in medicine. There are many more clauses of the same character in the Bill. This Bill will very likely receive its third reading. The general sense of the House seems to go in that direction. I am sorry to be obliged to register myself as a dissentient. True, men having authority to speak on such matters have given their decided opinion that this Bill is within the jurisdiction of this parliament. But, if there is nothing to strictly prevent our passing this Bill, I respectfully submit that it is not within the spirit of the constitution inasmuch as it deals with a class of subjects reserved to provincial jurisdiction. It is only necesssary to look at certain requirements of the Bill to come to that conclusion:

(a.) the establishment of a qualification in medicine, such that the holders thereof shall be acceptable and empowered to practice in all the provinces of Canada;

(b.) the establishment of a register for Canada of medical practitioners and students, and the publication and revision from time to time of such register;

(d.) the establishment and maintenance of a board of examiners for the examination of such persons and for the granting of certificates of qualification.

These clauses refer to curriculums, examinations, students, and so on. Now, any law or regulations bearing upon examinations bear necessarily upon the studies at all their stages. Then, this Bill, if it becomes law, will create a machinery which will, in reality, make not only the medical studies, but all preliminary studies, whether classical or otherwise, turn around that privileged body. It will in fact, and out of its natural working, control to a certain extent, the scientific formation of the young generations. Having in view the principles underlying our constitution, I believe that a Bill which has the effect to which I have just referred is at least against the spirit of the constitution. Hon. gentlemen will not be surprised if I am a little sensitive on such a subject. Under the false pretense of raising the standard of education, the minority of Manitoba has been deprived of solid rights, crystallized in the constitution. And since I have touched on that subject, I take the present opportunity of protesting once more against that school legislation which is still a wound in the flesh of a loyal group of His Majesty's subjects. Notwithstanding what is too often said, that question has not been settled, the injustice still exists and we still claim that the decision of His Majesty's Privy Council should be made law, and we still contend that this parliament should redress our grievances by legislation.

But coming back to the Bill before us, it is proposed to overcome the constitutional difficulty by making the Bill subject to provincial approval. Surely that would be an improvement in the Bill. But, the very fact that it has been deemed necessary to introduce this amendment, is a recognition of the fact that the Bill was an attempt to legislate on matters pertaining to the pro-

vinces. But even with that amendment, the Bill seems to me objectionable. This amendment does not cure the tendency of the Bill, which is to supersede the local institution. According to my humble advice, we cannot be too watchful with regard to the full maintenance, not only of the letter of the constitution, but of its spirit also. This is a cardinal principle which applies to every province. On those grounds I am bound to oppose the Bill.

In so far as the amendment is concerned, it does not meet the contention that it requires the consent of all the provinces before the law can come into force.

It is claimed that this amendment provides that before the law comes into force it must have the assent of all the provinces. I cannot find that in the amendment. The amendment reads as follows:

3. No province shall be represented upon the council either by appointed or elected members until the legislature of the province has enacted in effect that registration by the council shall be accepted as equivalent to registration for the like purpose under the laws of the province; provided that when all the provinces of Canada have legislated in affect as aforesaid, &c.

What do these words mean? There is nothing in them referring to the coming into force of the law with or without the consent of the provinces. So, at least, it appears to me. I would suggest that if the Bill is to pass with this amendment, it should be made clear that it will require the consent of all the provinces before the law goes into operation.

Hon. Mr. CHURCH—I wish to say a few words on this Bill. I am in favour of it, and agree with the views of my hon. friend from South Grey. I have listened with very great attention to the remarks of the hon. gentleman to my right, and I respect his views from the standpoint from which he delivers them. I respect them cordially, but as I understand the Bill, I am in favour of it. And perhaps I have some right to speak on this matter, because one-half of the people I have been meeting have called me Dr. Church. If that be the case, I have the right to talk on this question; but viewing it from the standpoint of the province from which I come, I think, as representing that province, I could fairly vote for this Bill and be in accord with the great majority of the medical men of the province. The matter was brought up in our local legislature during my term of service there and it was on a point to which the hon. gentleman to my right has referred. It was not known whether the other provinces would reciprocate or not, but the principle of this Bill was favoured by the great majority of the members of the House of Assembly of Nova Scotia. Why not? We send our young men to McGill in the province of Quebec to get a medical education and equipment, and yet these young men of Nova Scotia cannot practice in Quebec. The way the law now is they cannot be registered as medical practitioners in the province in which they have received their medical education, and vice versa. The question of education in the abstract is involved in the Bill, but the question, so far as it affects the conscience of any hon. member, is not affected by this Bill, and I think it should not be opposed on that ground. If a Nova Scotian who gets his education in Laval sees fit to go to Manitoba to practice, what is the result? He cannot practice there, and sometimes there may be opposition of a not very genuine kind brought against him, that he may find it difficult to get rid of. I do not think this obtains with regard to the legal fraternity. They probably can practice from one end of the Dominion to the other.

Hon. Sir MACKENZIE BOWELL—Oh, no.

Hon. Mr. SCOTT—The law is different in the different provinces, but the law relating to medicine is alike.

Hon. Mr. CHURCH—Well, they should be able to practice anywhere in Canada. We have never formed a union in reality in this regard. It is only a union on paper so far as it relates to medical matters. I am in favour of this Bill. The examinations of all the medical schools are very strict, and I believe in nine cases out of ten, no young man gets his degree unless he is fully qualified to enter upon the duties of that profession. That being the case, and the standard being about the same in all the provinces—I do not think there is any difference in the degrees—and as gentlemen go to England and get their degrees there, it seems ridiculous that they cannot practice in any of the provinces. The opposition to

the Bill is a matter of conscience and sentiment, but that clause of the Bill that the legislature of the province must give assent to it, I think fully protects the provinces in so far as the educational question comes in incidentally. Why should there be Nova Scotia doctors, New Brunswick doctors, Quebec doctors, Ontario doctors and Manitoba doctors, as such, in the Dominion, when all the provinces are formed, by the British North America Act, into one country ?

Hon. Mr. BERNIER—I understand the hon. gentleman who has just spoken had been for many years in public life in Nova Scotia and a member of the government for that province. Then why has not that gentleman passed a Bill of reciprocity in the matter?

Hon. Mr. CHURCH—Just because the other provinces would not reciprocate, notably Quebec.

Hon. Mr. BEIQUE—I entirely agree with the hon. gentleman from Montarville when he says this Bill is a very important measure, and that we should be jealous of the powers of the provinces in dealing with education. Section 92 of the British North America Act says that education is left exclusively to the provinces, and were I of opinion, on examining this Bill, that it interferes in any way with that provision, I would oppose it ; but as I understand the Bill, its object is merely for the purpose of establishing a general standing of the profession, which standing should be as high as the highest existing for the time being in any of the provinces, and such being the principle, as I understand, of the Bill, it seems to me it would be a good law, provided we are sure that the object of the Bill is carried out and that it does not overreach that object. I entirely agree with the hon. gentleman from Montarville in saying that clause 6 of the Bill should be made perfectly clear, and I think I am in a position to show that this subsection is far from being clear and requires to be amended. I desire to call the attention of the hon. gentleman from Montarville and all the other members of the House, to this fact: that taking the provincial law of Quebec, as an example, it is provided by section 3976 that no person shall be admitted to practice medicine in the province, unless he has obtained a license from the provincial board. It is not sought by this Bill to abolish or interfere with that provision, and if the Bill were to pass as it is, it would not give any power to any persons registered under this Bill to practice in any of the provinces by virtue of the Bill. All that is sought to be done by the Bill is to organize a Dominion Medical Council to establish a qualification of medical practitioners and who shall provide for the registration of members under this Act. But in no part of the Bill is there a provision that any person registered under this Act shall have the right to practice in any province. If there were, it would have been ultra vires, but the hon. members who have prepared this Bill have not gone as far as that. In subsection 3 of section 6, they have recognized the principle of the provincial legislation :

> 3. No province shall be represented upon the council either by appointed or elected members until the legislature of the province has enacted in effect that registration by the council shall be accepted as equivalent to registration for the like purpose under the laws of the province.

This acknowledges that until the provinces have passed a law accepting legislation under this Act, the Act will be inoperative, and the persons registered under this Act will not have the right to practice in the provinces, and so far as that goes, I am perfectly satisfied with the Bill; but where the Bill is deficient—and I am quite sure it is through an oversight—it is in the last portion of the same subsection 3. The proviso reads this way :

> Provided that when all the provinces of Canada have legislated in effect as aforesaid, it shall be lawful to appoint and elect in the manner aforesaid members of the council representing the provinces, and the universities and incorporated schools aforesaid, and such members shall, subject to the provisions of this Act, constitute the council.

Now, I draw the attention of hon. members to this fact: that in clause 6 of this Bill, there are four classes of members of the council, class A, class B, class C, and class D. Now, the proviso refers only to the appointment of classes B and C, and leaves out class A and D. The consequence will be this, that the members of the council in classes A and D could be appointed, and the law would be in operation as far as they are concerned. Therefore, I would suggest, when the Bill is examined in Committee

of the Whole, that this proviso be amended so as to make it clear that before any members of the council can be appointed, it shall be necessary that legislation be passed by all the provinces. There is another point in the Bill which troubles me. It is this: I understand that the object of the Bill is to provide for this high professional standard to which I have referred. I am entirely in accord with that object of the Bill. This, I understand, is to be done, not by attempting to open any schools, but merely providing for examinations which the persons desiring to be registered under this Bill would have to pass. I do not think this interferes with education. It is merely providing for the giving of a license to persons who have attained a certain standard of education. But what troubles me, from the cursory examination of the Bill I have been able to make to-day, is this, that the Bill in three or four different clauses refers to students, and I believe that this will have to be made clear, these provisions will have to be amended in order to make clear that when the Bill comes in force, the medical council, under the provisions of the Act, will not open any medical schools whereby an education would be given to the students. For instance, reference is made to students in paragraph *h* in clause 10:

The admission, enrolment and registration of practitioners and students of the medical profession, subject to the provisions of this Act.

I am afraid that under this wording it would be open to this medical council to interfere somewhat with the education which would be given in the schools, or rather interfere with the right of admission of students in provincial medical schools, I think we should scrutinize the Bill, and see whether there is any danger of that kind under the wording of these clauses. These will be matters for consideration when the Bill is examined in Committee of the Whole.

Hon. Mr. LANDRY—There is a great deal that suggests itself in the wording of the Bill, and especially in the remarks made by the hon. gentleman who has just spoken on the subject. If he refers a little further to the same clause 10, paragraph *i* and subparagraphs *i*, *ii* and *iii*, he will see that the qualifications asked for by this Dominion Medical Association are as follows:

(i.) the qualifications to be required from all persons desirous of being registered, either as practitioners or students, under the authority of this Act, including the establishment, maintenance and effective conduct of examinations for ascertaining whether such persons possess the qualifications required; the number, nature, times and modes of such examinations; the appointment of examiners; the terms upon which matriculation and other certificates from universities, colleges and other educational institutions, or from the governing bodies of other professions, shall be received as evidence of qualification; the dispensation of candidates from undergoing examinations, either wholly or partially; and generally all matters incident to such examinations or necessary or expedient to effect the objects thereof:

Provided, however, that—

(i.) the requirements of any curriculum established by the council, shall not, at any time, be lower than the requirements of the most comprehensive curriculum then established for the like purpose in any province;

(ii.) the standard of examination, either preliminary or professional, shall not, at any time, be lower than the highest standard for the like purpose then established for ascertaining the qualification for registration in any province;

(iii.) the possession of a Canadian university degree alone, or of a certificate of provincial registration founded on such possession, obtained subsequent to the passing of this Act, shall not entitle the possessor thereof to be registered under this Act.

That is to say, the council has a right to have a standard of examination either preliminary, for admission to study, or professional when the studies are over. I think that is an infringement on provincial rights; but the particular point to which I wish to call the attention of the House in this: the father of the Bill in the House of Commons, Dr. Roddick, when he presented his amendment, was asked by an hon. gentleman to explain it, and what did he say?

The original clause provided that when any five or more provinces had legislated, this would come into effect. The amendment provides that all the provinces shall legislate before the council can be formed.

That is the interpretation given by the father of the Bill in the House of Commons, and it was so understood by all those who took part in the discussion in the House. And what does the Prime Minister say:

But with the Bill as it is now, with the amendments which have been made declaring in so many words that this Bill shall not come into effect until it has been ratified by all the provinces, how can the contention be maintained?

We see by these quotations that all those interested in the Bill, who took part in the discussion in the House of Commons, understood that the amendment proposed by Mr. Roddick was to this effect, that the Bill would go into operation only when accepted and approved by all the legislatures of the provinces. Where is that clause to be found in the Bill as it is now before us ?

Hon. Mr. LANDERKIN—In subsection 3, of clause 6.

Hon. Mr. LANDRY—Clause 6 deals with the composition of the council. The council should be composed as set forth in the first subsection of the clause. The second gives the qualifications of the members. The 3rd subsection sets forth the condition as follows :.

3. No province shall be represented upon the council either by appointed or elected members until the legislature of the province has enacted in effect that registration by the council shall be accepted as equivalent to registration for the like purpose under the laws of the province.

I find in this that it is the council only that shall be composed when the legislative body of each province has accepted certain conditions of equivalence.

Hon. Mr. LOUGHEED—I would point out to my hon. friend that he omits the additional clause which provides that the council cannot come into existence until the legislatures of all the provinces have given affect to this Bill. There cannot be any council until all the legislatures have legislated, and as the council is the crux of the whole Bill, my hon. friend must appreciate the fact that without the council, the Bill cannot go into effect.

Hon. Mr. LANDRY—There is no quorum fixed in the Bill, and if a medical council is constituted only of members under category A, the council will be named by the Governor in Council, and where are the rights of the provinces then ? The council will be created.

Hon. Mr. LANDERKIN—By the profession ?

Hon. Mr. LOUGHEED—Your legislature will provide for that.

Hon. Mr. LANDRY—Suppose the legislature does not pass a law at all.

Hon. Mr. LOUGHEED—Then the Bill does not go into effect.

Hon. Mr. LANDRY—Why not ? There is no provision for a quorum. Where the Bill does not make any distinction, we are not allowed to make any ourselves, and the council could be composed solely of the members named by the Governor in Council. At all events, this is the only proposition we have in the Bill. Taking it as the expression of the ideas of those who favoured the Bill in the House of Commons, you want to make it clear that it shall only come into force when the provinces have accepted it. A clause could be added, that this Bill should have no effect until it is accepted by each province of the Dominion, or if any particular province, by the legislature of that province. I don't want to make a condition that all the provinces should join to accept it, though the idea of the promoters was, that they should. I want the idea of the promoters and those who favoured the Bill in the House of Commons to prevail, and that can be done by adding the clause I have suggested.

Hon. Mr. McMILLAN—I think, from the trend of the discussion, that the principle of the Bill is admitted, and for that reason I do not wish to prolong the debate. I merely wish to say that what the hon. gentlemen who are opposed to the Bill are asking for, can be brought up when the Bill is in committee. If the objections they raise to the Bill are well founded, in order to protect the rights of the provinces, I am sure this House will not object to carrying out their views. For that reason, the principle being admitted, I see no reason why the Bill should not now be read the second time.

Hon. Mr. DeBOUCHERVILLE—The hon. gentleman who spoke after me misunderstood me when he said I was opposed to the Bill. I am not opposed to the Bill.

Hon. Mr. LANDERKIN—I take it back.

Hon. Mr. DeBOUCHERVILLE—I say it was a matter of principle. All I wanted was to do what the promoter of the Bill, Dr. Roddick, in the other House, is reported in 'Hansard' to have said, that this law shall not become effective before the different provincial legislatures shall have legislated. On that point, Dr. Roddick has ex-

pressed himself decidedly. I think the Bill is not clear in that respect, and there are others who agree with me. What I want is to put it beyond a doubt. If the Senate thinks it is better to have the Bill read the second time now, and make the amendment later on, I have no objection.

The motion was agreed to, and the Bill was read the second time.

THE STANDING COMMITTEES.

MOTION.

Hon. Mr. SCOTT moved that for the remainder of the session the Standing Committees have leave to sit during the sittings of the Senate.

Hon. Mr. DeBOUCHERVILLE—I have had some experience of this practice, and I doubt if we will have a quorum in the House.

Hon. Sir MACKENZIE BOWELL—Why not have the committee meet at ten? The notice I have received is for 11.30. I do not think it is a good precedent to establish.

Hon. Mr. LANDRY—The objection to the hon. gentleman's suggestion is, that the notice given has been to members to meet at 11.30. Some of them may not know of the change.

Hon. Mr. SCOTT—We suspend the rules every year at this stage of the session.

Hon. Sir MACKENZIE BOWELL—Then it is time to stop the practice. Bring in your measures earlier. We have had, during the last week, nearly all the important government measures.

Hon. Mr. SCOTT—I think this government has not been as great a sinnner as some of its predecessors in that particular.

Hon. Sir MACKENZIE BOWELL—We have heard that story every session, when objection was taken, that this government is not as bad as its predecessors. If that be true, why do you not as a Reform Government reform?

Hon. Mr. SCOTT—I have made it on the other side of the House very often.

Hon. Sir MACKENZIE BOWELL—Let it be a notice of motion.

Hon. Mr. DeBOUCHERVILLE.

The SPEAKER—If there is an objection it cannot be put.

Hon. Sir MACKENZIE BOWELL—I take that position because I wish to let the other branch of the legislature and the government know that we are not going to swallow measures of the greatest importance at the close of the session, without an opportunity to consider them.

Hon. Mr. SCOTT—The most important measures have not been kept back. There are only two or three government measures to come from the other House.

Hon. Sir MACKENZIE BOWELL—We are to have a Bill during the next two or three days affecting the whole coasting trade of the country.

The SPEAKER—This motion does not affect the government measures.

Hon. Mr. SCOTT—We want to close the session by Tuesday. It has been invariably the custom towards the close of the session to suspend the rules to allow the business to proceed. I move that for the rest of the session, rules 17, 41, 60 and 70 be suspended.

Hon. Mr. BERNIER—What is the effect of that?

Hon. Mr. SCOTT—That one day's notice is not necessary. That you can take a Bill reported from a committee, and it may be read at the same sitting.

Several hon. MEMBERS—I object.

Hon. Mr. SCOTT—Then I give this notice for Monday. It has been invariably done. I have never known it to be refused before.

Hon. Mr. MACDONALD (P.E.I.)—I have known at the last hours of the session important Bills to come up when there was no opportunity to discuss them.

Hon. Sir MACKENZIE BOWELL—Where it is necessary to proceed with an important Bill, make a special motion to suspend the rules. That is better than to sweep the whole of the rules out, by which any one can introduce an objectionable Bill if he wishes.

Hon. Mr. SCOTT—When Monday or Tuesday comes, any hon. gentleman can say: 'You must give notice of that,' and we may be kept here unnecessarily.

Hon. Sir MACKENZIE BOWELL—Then the hon. gentleman should have the government business brought before the House in time, in order that we may have an opportunity of considering it. The hon. gentleman has referred to the past. I do not propose to adopt the plan he did, talk out a Bill until His Excellency came to prorogue the House.

Hon. Mr. SCOTT—That was a Bill to which there was strong objection.

Hon. Sir MACKENZIE BOWELL—Yes, and the hon. gentleman introduced and passed a similar Bill after his party came into power. Has the hon. gentleman forgotten that? There are some other things I can remind him of if necessary.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, May 12, 1902.

The SPEAKER took the Chair at Eleven o'clock a.m.

Prayers and routine proceedings.

THIRD READING.

Bill (87) An Act respecting the Quebec Southern Railway Company.—(Hon. Mr. Beique).

SUSPENSION OF RULES.

MOTION WITHDRAWN.

Hon. Mr. SCOTT rose to move

That Rules Nos. 17 and 41, in so far as they relate to Private Bills Nos. 60 and 70, be suspended for the remainder of this session.

He said: There are very few Bills to come down from the other House, I understand, I think only two government Bills, and some private Bills, and it is very desirable that we should suspend the rules in regard to those Bills. It has been the usual practice at the end of the session to do so.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman will see that this will not accomplish the object which he has in view. The motion only refers to Bills 60 and 70 for the remainder of the session. I can scarcely see the necessity to put in the words 'for the remainder of the session,' if you suspend the rules in the case of the two Bills. It will not apply to any other Bills that come down.

Hon. Mr. SCOTT—That is not my motion. It is a mistake.

Hon. Sir MACKENZIE BOWELL—I am calling attention to what we are asked to adopt. Would the hon. gentleman tell us what Bills 60 and 70 are?

Hon. Mr. SCOTT—It is not my motion. My motion seems to have disappeared from the Order paper altogether. I read this motion thinking it was mine. It is somebody else's motion to which my name is attached. I do not limit the suspension to any particular Bills. My motion was general. It was that the rules affecting the stages of the several Bills still to come before the Senate should be suspended for the remainder of the session. I see they have attached to it these two Bills of which I have had no knowledge.

Hon. Sir MACKENZIE BOWELL—The House will remember that when I took the objection I said that I thought the better way to proceed would be to make a special motion for each Bill, and where there was no objection to the principle of the Bill or the Bill itself, the House has, as a rule, acceded to the request of the member who desires to pass it. There may be Bills, however, that parties have very strong objections to, and having such objections, they are entitled to take advantage of all the rules in order to prevent their becoming law. That was the reason why I took that course. I see the hon. senator from Portage la Prairie (Hon. Mr. Watson) acted upon that suggestion and made a special motion for a Bill of which he has charge, although no objection was taken at the time when he asked for a suspension of the rules.

Hon. Mr. SCOTT—It appears the motion, owing to a typographical error, the fault of somebody in copying it, is made to read as if it referred to two private Bills. The words 'Private Bills' have been inserted in the motion by error. My intention was to move the suspension of rules 17, 41, 60 and 70. I thought it was the desire of the House

to suspend these rules. It is the usual thing at this stage of the session. I have no desire to do it if it is against the wishes of the House.

Hon. Mr. DeBOUCHERVILLE—There is no notice of that motion.

Hon. Mr. SCOTT—If the House is not desirous of suspending the rules it may involve our remaining here two or three days longer.

Hon. Mr. DeBOUCHERVILLE—Nobody would object to suspending the rules on each Bill when the Bill comes before us, taking the Bill on its merits.

Hon. Mr. SCOTT—The hon. gentleman did the other day.

Hon. Mr. DeBOUCHERVILLE—There is one Bill that will be opposed very strongly, and those who are opposing it will not be in favour of suspending the rules in that case, but they will allow the rules to be suspended in the case of all other Bills. I do not see why we should pass a general motion.

The SPEAKER—As I understand it, the hon. Secretary of State does not press his motion.

The motion was withdrawn.

GENERAL INSPECTION ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. SCOTT—On Saturday, we had before us a proposed amendment to the General Inspection Act in so far as it relates to Manitoba and the North-west Territories, and that section of Ontario lying west of Lake Superior. After a good deal of discussion the amendments were agreed upon, but I see that, as they are printed in the Bill that has now been distributed, there are a number of patent errors.

Hon. Mr. DeBOUCHERVILLE—I would like to call the attention of the hon. minister to this: it says that the oats shall be free from any other grain. Supposing there there were wheat or pease with them, that would give more value to the oats, because pease and wheat always sell at a higher price than oats. Oats are the lowest priced grain we have in the market.

Hon. Mr. SCOTT—Those amendments only apply to Manitoba and the west.

Hon. Mr. DeBOUCHERVILLE—I am calling the attention of western members to the fact.

Hon. Mr. YOUNG—As I understand, these amendments are proposed by parties who represent the largest grain-growing district in the North-west Territories, and while it is very hard for this honourable body to judge on so short a notice, as to what is the very best standard, still we must accept the views and information furnished us by those who represent the district interested. It is done, I fancy, with the very best intentions to enable the oat crop of the North-west Territories to be graded, and classified so as to make it more profitable to the producer, and if that is done, we ought to be satisfied.

Hon. Mr. BEIQUE—It seems to me that the intention of this House will not be carried out if this amendment remains as it is. There was a very important change in the Bill as printed from what it was as reported from the committee. The report of the Committee of the Whole was to this effect: as regards Manitoba and the North-west Territories, and that part of Ontario west of Lake Superior, section 44 of the General Inspection Act is amended by striking out the provisions of that section and substituting something else. I draw attention to the fact that in the Bill as printed the provisions are left as they now exist under section 44, and the provisions as to oats are merely added by adding certain words. You add subsections which are in conflict with the sections that remain in the Act.

Hon. Mr. SCOTT—The section in the Act applies to all Canada.

Hon. Mr. BEIQUE—I am referring to section 44 of the Act as it now exists. It covers the North-west and Manitoba and western Ontario as well as the rest of Canada.

Hon. Mr. YOUNG—It was understood that, inasmuch as the amendment which was moved the other day covered the whole Dominion of Canada, it was not wise to disturb the provisions which relate to the

older portions of the Dominion, but to confine these amendments to that portion of Canada west of Lake Superior. That is what we are aiming at. If my hon. friend will look he will find in the General Inspection Act the very same policy is pursued with reference to the grading of wheat. There is an exception made of certain grades referring only to the section west of Lake Superior, so we are only carrying out in the oats clause what has already been carried out in the wheat clause. The same inspection and grades would not be fair to the producers of the west, which applies to the grain of the east. I should like to suggest to the government, in view of the increasing area of production in the west, particularly the far west, it is advisable to appoint three or four additional members to the Western Standards Board. Oats, of course, is cut out from the jurisdiction of the Standards Board, but there are barley, flax (a rapidly increasing crop), and other grains, and inasmuch as the area of crops every year in the west is increasing, I would suggest that a member be appointed from Prince Albert district, another from Edmonton district, and another from the Regina district, so that these western districts will be represented on the Standards Board, and then their interests will be protected and explained to the board, and it will work to the advantage of all concerned.

The motion was agreed to, and the Bill was read the third time and passed.

MEDICAL COUNCIL OF CANADA BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (11) 'An Act for the establishment of a Medical Council in Canada.'

(In the Committee.)

Hon. Mr. BEIQUE—I think it may be as well to make a remark or two of a general nature at this stage of the Bill. I have given a good deal of attention to the Bill since the House rose on Saturday, and have prepared amendments, which were submitted to Dr. Roddick and accepted by him. I will draw the attention of hon. members of this House to the main amendments. There are others, but they are merely for the purpose of giving effect to the true intention of the Bill. It was contemplated by the Bill that legislation by provinces would be necessary to make the Bill operative, and my first amendments are merely to make that perfectly clear, and also to make it clear that this Bill does not encroach upon the rights of the provinces, and that it will be left to any of the provinces to withdraw from the operation of the Bill as far as they are concerned if they should desire to do so; of course, without prejudice to the acquired rights of a medical man who would have, in the meantime, obtained by virtue of this Act the right to practice in that province. Then a very important provision to which I draw the attention of this honourable Chamber, which I propose to add to the Bill as clause 21, reads as follows:

This Act shall not be interpreted as authorizing the creation of medical schools or otherwise giving medical tuition.

So as to make it perfectly clear that it is not intended to infringe upon the rights of provinces, as far as education is concerned. Then I propose to make an addition to clause 13, after subparagraph 3. There was no provision in the Bill, as passed by the House of Commons, protecting the rights of students who, at the time when this Act shall become operative, would be studying medicine, and of course it is important that their rights be protected, so that they will not be obliged to commence over again their whole study. I will propose another amendment, to interpret the word 'students' in the interpretation clause of the Bill. I would propose that the expression, students, means only persons admitted to the study of medicine in virtue of provincial law, so that the Medical Council under this Act shall not have any power to deal with students before they are received as students and recognized as such under provincial laws.

On clause 2,

Hon. Mr. BEIQUE—I move that the following be added to this clause:

(c.) The expression 'medical school' includes an institution wherein medicine is taught.

(d.) The expression 'student' means only persons admitted to the study of medicine by virtue of provincial laws.

The amendment was adopted.

On clause 4,

Hon. Mr. McMULLEN—I would like to have some explanation with regard to subsections 'a,' 'b,' and 'c,' of clause 4. It appears to me it is taking out of the hands of the different medical institutions or colleges in the Dominion the power to fix the curriculum, and the terms and conditions upon which doctors shall pass and become physicians, and placing it under the control of this organization. If that is the case, I do not think we should assent to that.

Hon. Mr. LANDERKIN—There is no objection to that.

Hon. Mr. SULLIVAN—This does not attempt to take away from any college its own curriculum or course of study.

Hon. Mr. McMULLEN—The doctors may arrange a very high curriculum, and exclude numbers that possibly might be registered by the different medical colleges of this country. I should like to get a full explanation of that clause.

Hon. Mr. SULLIVAN—This has only reference to registration under this Act. The hon. gentleman must bear in mind that this does not interfere in any way with or curtail any college or institution of its rights as they at present exist. It does not lower or increase, or interfere in any way with the standard. It has nothing to do with that. It is simply an examining board, and not a teaching body; and, therefore, it only accepts and supervises the curriculum of every college and university, so that its students can be admitted to registration.

Hon. Mr. LANDERKIN—They have to make arrangements for conducting the examination. The members of the council are elected by the profession. There is no danger of them exceeding their powers, because they are under the control of the profesion, and of the university, and the consequence is, there is no danger to be apprehended. There is no province need fear the examination. I should be sorry to think any university would be afraid of an examination prepared by this board of men selected by the profession throughout the country. I do not think there would be any danger of injustice to the medical men, and if we do not fear it, I hope our lay friends will not fear it either.

Hon. Mr. ELLIS—I have this view with reference to the whole subject—perhaps it is useless to express it—that when a man goes through an educational institution founded by the law, and passes the examination necessary to become a doctor, it seems very hard indeed that he shall not have the right to practice medicine in any part of Canada. If I were introducing such a Bill, I would declare it to be for the general benefit of Canada, and every man who gets his degree from a regular college in Canada should be entitled to practice anywhere in the Dominion.

Hon. GENTLEMEN—Hear, hear.

Hon. Mr. ELLIS—This Bill is a restriction, no doubt, on the existing conditions. It may be the doctors want it, and it may be that the Senate wants it.

Hon. Mr. LANDERKIN—We have the restrictions now in every province. If this Bill were passed, and a common standard fixed, upon which all medical men would have to pass, then it would be for the best men to win. There could be no acrimonious contentions that one university was better than another—all had to come to the board and pass it—all appeared before the people with the same standing. Acrimony and all that kind of thing is taken out of it, and I do not see why the Bill should not be carried.

Hon. Mr. SULLIVAN—This measure has been submitted to all the universities, and medical councils, and all parties who have a right to grant licenses or degrees in the province, and has been approved.

Hon. Mr. McMULLEN—I have not the slightest doubt that the doctors and institutes of medicine may consent to the provisions of this Bill, but after all, I cannot see it in any light but this, that it gives the doctors certain powers by which they may set up a standard.

Hon. GENTLEMEN—No, no.

Hon. Mr. McMULLEN—Yes, they may, which will interfere with a man entering the particular circle formed by this Bill. We know perfectly well that in the case of dentistry, the dentists have certain powers

by which it becomes very expensive to get a license to practice as a dentist. If this Bill had merely proposed to do what the hon. gentleman from St. John said in his speech, that is to declare that any college or seminary licensing a doctor as a practising physician in any province shall have the right after the pasage of this Bill to practice in any province of this Dominion—with the sanction of the different provinces if you like—there could have been no objection to it—but this Bill makes a provision that it brings them first under the examination of the board that is constituted by this Bill, and if that board does not sanction them after they are examined they cannot practice outside of the province in which they receive their license The board may establish such rules of practice that men may be excluded, or they may charge very high fees, and these injustices may be done. We should guard the interests of the public. The colleges and other institutions, no doubt, will agree to this Bill, and consent that the provisions will be all right, but outside of that particular line, it is the duty of this House to look after the interests of the public. We should not sanction anything which constitutes a restriction on students becoming practitioners.

Hon. Mr. LANDERKIN—If you raise the standard, you protect the public by giving them better doctors.

Hon. Mr. McMULLEN—No.

Hon. Mr. LANDERKIN—The hon. gentleman's fears are groundless. The system proposed here is the system which has been extant in Ontario for twenty-five years. We are only calling for the re-enactment of the same system, and we want it in every province of the Dominion, so that all will be on the same footing. The doctors are not better than they should be, and if they continue to raise the standard it will be all the better for the public.

Hon. Mr. McMULLEN—It is in the line of the combines that the country is suffering from—it is giving the doctors powers to form a combine among themselves, and restrict others from coming into that circle.

Hon. Mr. LANDERKIN—It is the same law we have now.

Hon. Mr. POWER—I do not know whether I understand this Bill or not. As I understand it, this Bill not only does not affect to enable gentlemen who have been admitted to practice in the different provinces, but it does not affect the right of the province to license a gentleman to practice medicine hereafter within that province. Is that so ?

Hon. Mr. SULLIVAN—That is right.

Hon. Mr. POWER—I cannot see any objection, then, on the ground of provincial rights. I understand this measure proposes to enable gentlemen who have been admitted under certain conditions in any province to practice all over the Dominion, and that is clearly an advantage to the medical men of every province.

Hon. Mr. BERNIER—This Bill goes further than that.

Hon. Mr. POWER—I do not think it does. Then it provides there shall be made, for those gentlemen who are at liberty to practice all over the country, a register. That does not interfere with the rights of any one.

Hon. Mr. BERNIER—Examination too.

Hon. Mr. POWER—It does not prescribe that an examination shall be held by this board, but that examinations of a certain character shall have been passed before licenses are granted. That is solely for the purpose of qualifying for this Dominion practice. It does not interfere with the provincial license.

Hon. Mr. LANDERKIN—Not at all.

Hon. Mr. POWER—It seems to me it is a step in the right direction. The suggestion made by the hon. gentleman from St. John (Hon. Mr. Ellis) is one which at first sight seems to be reasonable enough, but I do not think our doctors are too well qualified as it is.

Hon. Mr. McMILLAN—Hear, hear.

Hon. Mr. POWER—If the suggestion of the senator from St. John were adopted, you might have medical men from the province which has the lowest requirement practising all over the country. I think that is undesirable. We should have the highest possible standard, and therefore I am in favour of this Bill. The hon. gentleman from Wellington (Hon. Mr. McMullen) made some reference to the question of combines. There are

objectionable combines in this country, but this is not one of that kind. This combine, if the hon. gentleman chooses to call it so, proposes to require that a man, before he is allowed to practice medicine over the country, shall be thoroughly well qualified for the work; and if the other combines to which reference has been made would move in the same direction, I, for one, should be very happy to see them extend their operations.

Hon. Mr. McMULLEN—I do not at all challenge the statement my hon. friend has made. A medical college, say in Manitoba, can license their own students, and they become doctors for that province, but if they want to become doctors for the entire Dominion, they must come before this board. The determination and fixing of the qualifications and conditions necessary for registration are fixed by this board. While they are licensed by their local college in each province——

Hon. Mr. McMILLAN—They have no college in that province at all.

Hon. Mr. McMULLEN—That does not change my argument. In any province where they have a medical college they can unquestionably educate and license doctors.

Hon. Mr. SULLIVAN—Not license. They cannot license. They merely grant degrees. There is another board which licenses. In Ontario, I took my degree in the Queen's University. It is recognized by the Medical Board of Ontario; but I could not give a pill or open an abscess until I get a license from the board. This is simply a Bill to nationalize medicine.

Hon. Mr. McMULLEN—Once a student passes his medical course, and comes finally for his M. D., he must pass a board of doctors for the purpose of conferring upon him the privilege of practising as a physician. Now, that belongs to the province. While he has done that and passed that examination, and secured his license for the purpose of practising as a doctor of that province, if he wants to enter the circle formed by this Bill, he must pass another examination, under a committee appointed under this Bill, independent altogether of the examinations that he has to pass in the province. What I find fault with is this: it is placing power in the hands of a circle formed under this Bill to establish a curriculum that may exclude a great many doctors. We will have two grades of doctors, one provincial, a lower grade, and another looked upon as Dominion grade, doctors of a higher class as it were, and they may raise the standard from time to time and make it a choice circle composed of themselves and those they like to admit.

Hon. Mr. McMILLAN—The hon. gentleman forgets that this Bill has another object, and that is, to elevate the standard of medical men in the Dominion of Canada, so that they can be recognized abroad.

Hon. Mr. McMULLEN—It is the highest in the empire already. There is no higher.

Hon. Mr. McMILLAN—But notwithstanding that fact, they are not recognized abroad, nor can a medical student who passes in a university in this Dominion secure a situation on any of the British lines running from here to Great Britain.

Hon. Mr. McMULLEN—That is not the fault of the curriculum under which they are educated; it is the fault of the law.

Hon. Mr. McMILLAN—The fault of the law as it at present stands, of limiting the license the medical men get to the provinces, and that is not recognized by the English law of 1896. If we were provinces as we were before the confederation, we would be recognized abroad as provinces, but the fact that we are part and parcel of the confederation is so construed by those who interpret the Imperial Act that we are not included. The fact was quite apparent in the South African war. Medical men from Canada, who are as well educated, perhaps, as medical men are in any part of the world, were not qualified to attend a soldier belonging to the British army. They were, of course, entitled to practice with their own men, but beyond that they could not go, while medical men from the Australian provinces, who are recognized by the English law, could attend a soldier belonging to the regular army. This discrimination against our medical men is really the cause, and the real fact that prompted the hon. gentleman in the other House from Montreal to present this Bill, and try to secure for the medi-

cal men of Canada the standing that they really are entitled to from their education, and from the curriculum of our universities. The hon. gentleman surely is not going to lower the standard. That would be against the welfare and the interest of the people of Canada. The object of the Bill is to elevate the standard, and, of course, that secures the public against any quackery or any imposition in the medical practice. These qualifications are a protection to the public, and for these reasons I think the arguments of the hon. gentleman from Wellington are not well taken.

Hon. Mr. POIRIER—I do not see that we should be much alarmed at the passage of this Bill, because, if I understood correctly one of the clauses introduced by way of amendment by the hon. gentleman from De Salaberry, the Bill will practically be inoperative. It is stated in one amendment that before it can be enforced each and every province must confirm this Act. If all the provinces but one should confirm this Bill, and that one refuse to do so, then the Act will be inoperative. It will take a long time before this Bill goes into operation, and therefore we need not be alarmed about it. It is true one of the clauses provides that after it has been agreed upon by all the provinces and has become a Dominion law, if any province afterwards should recede from it, the law will remain in force in all the provinces except that one, but before it goes into operation all the provinces must confirm this legislation, and it will take a long time before that is done. However, this is none of my funeral, and I am well satisfied to die through the help of the medical faculty as it now exists.

Hon. Mr. McMULLEN—I wish to enter my protest against this Bill. I say it is objectionable, and it will have the effect of placing in the hands of the doctors who enter this particular ring power to exclude men, when the object could have been accomplished just as well by a simple Bill, giving them the powers they need.

The clause was adopted.

On clause 10,

Hon. Mr. BEIQUE—I move that subclause *a* be amended to give power to the council to provide by regulations, for the purposes mentioned in clause 4, the establishment of a qualification and of a register, and provisions for examinations.

Hon Mr. McMULLEN—I notice that subsection *g* speaks of fees, &c. They have power to regulate what the fees are. We have been providing during this session that railway charges, telephone and telegraph charges, shall be subject to the approval of the Governor General in Council. I do not see why we should not make this clause read that way.

Hon. Mr. BEIQUE—It is provided further on.

The clause was amended.

On sub-clause *j* of clause 10,

Hon. Mr. ELLIS—Would a man who graduates in Vienna be entitled to practice in Canada ?

Hon. Mr. BEIQUE—He would have to pass an examination. Of course, this does not shut him out.

The sub-clause was adopted.

Hon. Mr. BEIQUE—I move to add the following section to clause 10 :

And such approval shall be conclusive evidence that the Act shall have no retroactive effect.

There was an amendment which was carried declaring that this Act would have no retroactive effect, and especially as regards students. It is difficult to frame a clause which would properly protect the students, and I came to the conclusion that it had better be covered by a general clause of this kind, and then the matter would have to be settled with the approval of the Governor in Council. They could be heard, but when the Governor in Council approves of the regulation, then it will close the door to any litigation as to whether it had or had not a retroactive effect.

Hon. Sir MACKENZIE BOWELL—Good for the lawyers.

Hon. Mr. BEIQUE—I am not protecting the lawyers.

Hon. Mr. LANDRY—I move to add the following as clause 22 :

This Act shall have no force or effect until the proclamation of the Governor General announces that it has been approved and accepted by the provincial legislatures.

Hon. Mr. SULLIVAN—That has all been provided for, and I think it is only opening a discussion now which would delay the whole matter, and probably would cause such opposition or discussion in the House of Commons as will destroy the whole Bill. I think the Hon. Mr. Beique will give my hon. friend the opinion that what he wishes to secure is already provided for. In that event, I ask the hon. gentleman not to press the amendment.

Hon. Mr. BEIQUE—I would suggest that this amendment might defeat the whole object of the Bill, for this reason, that the provinces should be at liberty to impose such conditions as they may desire to impose. Some of the provinces in legislating for the purpose of giving effect to this Bill may impose conditions which would be incompatible with the amendment as the hon. gentleman suggests.

Hon. Mr. LANDRY—I do not see why it should be defeated. If they have power to impose a condition this amendment does not take away the power.

Hon. Mr. BEIQUE—I draw the attention of the hon. gentleman to the wording of his clause, which would render it necessary that the whole Bill should be accepted by the provincial legislature, whereas some of the legislatures may accept some portions of the Bill and impose new conditions on their acceptance of the Bill. They may qualify, so to speak, their acceptance of this legislation, and moreover the clause would be unnecessary, because under sub-clause 3 of clause 6, it is perfectly plain that the Act cannot come into operation unless and until the whole of the provinces have legislated in effect to qualify persons who are qualified by this medical council to practice in the several provinces.

Hon. Mr. LANDRY—I do not see why, if this amendment is the same thing as is provided for in clause 6, it should be so much objected to. It must be because it is not the same.

Hon. Mr. SULLIVAN—It will imperil the Bill in the House of Commons.

Hon. Mr. LANDRY—And it does away with all the amendments made by my hon. friend to the effect that such a clause would be good only when the law comes into operation. I am providing for when it comes into operation. I press my amendment.

The amendment was lost on a division.

Hon. Mr. THOMPSON, from the committee, reported the Bill with certain amendments, which were concurred in.

Hon. Mr. SULLIVAN moved the third reading of the Bill.

Hon. Mr. McMULLEN—Before the Bill is read the third time, I want to say a word. I am a new member of the House and I have observed that during this session there has been a disposition to railroad measures through the House by suspending rules. I do not object in the case of government measures. I am willing to do anything to facilitate the government to close up the business of the session, owing to the fact that it is the intention of the premier to attend the Coronation, but I give this notice that while I am a member of the Senate, I shall, if I come back here again, decidedly oppose the railroading of measures through the House. It may have been the practice in the past, but it is a wrong practice. We are engaged by the people of the country to do the business of the country in a deliberate, quiet, prudent statesmanlike way, and it is not statesmanlike for us to suspend the rules, and rush the Bills through the House without the consideration they should receive at our hands. In future I shall undoubtedly oppose it, unless in special cases.

Hon. Mr. SCOTT—I wish to say a word for one moment with reference to the strictures the hon. gentleman professes to apply to the government.

Hon. Mr. McMULLEN—No, no.

Hon. Mr. SCOTT—This is not a government Bill, and there have been no government Bills hastily rushed through this Chamber.

Hon. Mr. McMULLEN—I beg to make an explanation. I did not intend at all to refer to government measures. If my hon. friend received that impression, it is incorrect. The principle has been adopted of rushing the Bills through at the close of the session. I am opposed to that being carried out in the future. The reason why I am

willing to give way at present is, that there is a disposition to close up the business of the House in order to allow the premier to go to England.

Hon. Mr. LANDRY—There is a motion on the Order paper to-day for a suspension of the rules.

Hon. Mr. SCOTT—Yes, but it was withdrawn.

Hon. Mr. SULLIVAN—I am sorry the hon. gentleman took occasion to make these remarks, because above all others this is a beneficient Bill and will bring a blessing on the community.

The motion was agreed to, and the Bill was read the third time and passed.

BILLS INTRODUCED.

Bill (134) An Act respecting the representation of the Yukon Territory in the House of Commons.—(Hon. Mr. Scott.)

Bill (151) An Act respecting the remission of Penalties.—(Hon. Mr. Templeman.)

Bill (155) An Act to amend the Railway Act.—(Hon. Mr. Scott.)

FIRST AND SECOND READINGS.

The following Bills were introduced and read the first and second times, under a suspension of the rules.

Bill (55) An Act respecting the Lake Erie and Detroit River Railway Co.—(Hon. Mr. Casgrain, Windsor.)

Bill (81) An Act to incorporate the Canadian Northern Telegraph Co.—(Hon. Mr. Young.)

Bill (89) An Act to incorporate the Canada Central Railway Co.—(Hon. Mr. Landerkin.)

MANITOBA GRAIN ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (162) 'An Act to amend the Manitoba Grain Act, 1900.'

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time at the next sitting of the House. He said: It is enlarging the powers granted last year by parliament in reference to the construction of flat warehouses and of sidings, making some changes in the interest of the farmer. The important point in the Bill is that it obliges the station master at every station to have an order-book, and that a farmer is entitled, if a car is vacant, to have his name entered for the car. He has forty-eight hours in which to fill the car.

Hon. Sir MACKENZIE BOWELL—I may state a number of telegrams have been received from Winnipeg, from incorporated bodies there, protesting against the character of the Bill. It may have arisen from the newspaper reports. It is a very important Bill.

Hon. Mr. SCOTT—Yes, a very important Bill.

The motion was agreed to.

CITY OF OTTAWA ACT OF 1899, AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (164) 'An Act to amend the Act of 1899, respecting the City of Ottawa.'

Hon. Mr. SCOTT—This Bill proposes to increase the representation on this board from 4 to 8. That is the whole purpose of the Bill. I move that it be read the first time.

Hon. Sir MACKENZIE BOWELL—The only objection to the Bill is, I think, they ought to have given the city a better representation on the board.

The motion was agreed to, and the Bill was read the first time.

The Senate adjourned.

Second Sitting.

The SPEAKER took the Chair at Three o'clock.

THE CONTINGENT ACCOUNTS OF THE SENATE.

REPORT OF THE COMMITTEE ADOPTED.

Hon. Mr. WATSON moved the adoption of the fourth report of the Standing Committee on Internal Economy and Contingent Accounts of the Senate.

Hon. Sir MACKENZIE BOWELL—I would suggest to the chairman the advisability of considering this report paragraph

by paragraph. There is a large portion of it to which I think there can be no possible objection, and there are some paragraphs that will require consideration on the part of the Senate before adopting them, and it may be advisable not to put them into force until next session.

Hon. Mr. WATSON—I have no objection to that.

The SPEAKER—It is understood the report will be taken up paragraph by paragraph.

On paragraph 6,

6. Your committee recommend that, where the law clerk, who is also clerk of committees, attends a meeting of a committee, he shall act as clerk of such committee and make the minutes of the meeting.

Hon. Sir MACKENZIE BOWELL—What is the meaning of the changing and altering of 6 and 7 ?

Hon. Mr. WATSON—I might say that further on you will find that refers more particularly to the recommendation made with regard to translating. Some recommendations were made to the committee of changes in regard to the employment of translators.

Hon. Sir MACKENZIE BOWELL—Does that refer to paragraphs 6 and 7 ? Because it says 'Being, however, so amended that any action of the clerk therein may be reversed or modified by the Senate or by the Committee on Internal Economy.' Does that mean that as to anything that is done by the clerk, under this, rules 6 and 7 shall not apply, but that it may be reversed by the Contingent Accounts Committee next year at its meeting and approved by the House.

The SPEAKER—Yes.

Hon. Sir MACKENZIE BOWELL—There can be no objection to that.

Hon. Mr. DANDURAND—What is the variation ?

Hon. Mr. WATSON—I might say on inquiry of the sub-committee, we found that until about three years ago the law clerk, where he attended the committee, took the minutes of the meeting. For the last two years in the Railway Committee, and I presume the other committees were the same, the law clerk had a clerk to take the minutes for him, and it is simply to provide that where the law clerk attends the committee he will take the minutes himself.

Hon. Mr. DANDURAND—Does that imply that he must attend ?

Hon. Mr. WATSON—Oh, no.

The paragraph was adopted.

On paragraph 7,

7. Your committee recommend that in case of the absence of any member of the clerical staff or of any vacancy in such staff, the duties attached to the vacant position shall, for the time being, be discharged by some member of the staff to be selected by the clerk. Provided that if temporary help is required to secure the proper transaction of the business of the Senate the same may be obtained by the clerk.

Hon. Sir MACKENZIE BOWELL—I think an amendment might be made to that clause, defining the duty of the clerk so that he may not order a superior clerk to do the work of an inferior one, or in other words, a first-class clerk to do the work of a second or third-class clerk.

Hon. Mr. WATSON—This refers to the Clerk of the House.

Hon. Sir MACKENZIE BOWELL—I am aware of that. It is the Clerk of the House whom you are empowering to do a certain act. You are giving him power to order a first-class, or chief clerk if you like, to do the work which had been performed by a second-class clerk. I do not think that is the intention of the committee, nor do I anticipate the Clerk of the Senate would do such a thing, but it seems to me you had better make it read somewhat in this way : 'discharged by some member of the staff to be selected by the clerk of a similar rank, if any are available, and if not, then by some other competent person.' You might not have a second-class clerk competent or available to do the work. Then you want to give him power to select some one who is competent. I think that is the intention of the committee.

Hon. Mr. WATSON—The intention is to empower the clerk to allot the work. A second-class clerk might not be here, or he might be disabled, or sick. There would be nothing wrong in the clerk asking a first-class clerk to do his work, because I think this is wide enough. It might only be for a day or two, and the clerk then would ask a first-class clerk to do the work.

Hon. Sir MACKENZIE BOWELL—It might create a little friction, that is all.

Hon. Mr. SCOTT—We must allow a little latitude.

Hon. Sir MACKENZIE BOWELL—That is what my suggestion does. I say if no person is available for that purpose, give him power to select some one who is.

Hon. Mr. MACDONALD (B.C.)—The whole thing is a temporary arrangement, and I do not see why a first-class clerk should not be asked to do any work temporarily to tide over a difficulty.

The SPEAKER—This is perhaps intended to provide for a case of this kind: one of the officers who was examined by the sub-committee, said that he and one of his colleagues would be prepared, while there was a pressure of work, to do the work of an officer who was going away. I think it is to provide for a case of that sort. The hon. gentleman will see, under the previous paragraph, that if the clerk is not doing what is considered right, the committee can reverse his action.

Hon. Sir MACKENZIE BOWELL—That is after it is done.

Hon. Mr. WATSON—We came to the conclusion there would be no objection to giving the clerk this power, because the officers apparently in all cases were willing to do temporary work of that description for the purpose of facilitating the business of the Senate.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman have any objection to striking out the word 'temporary'?

The SPEAKER—That would give the clerk the power of making a permanent appointment.

The paragraph was adopted.

On the 8th paragraph,

8. Your committee recommend that paragraphs 16 and 17 of the said report of July 9, 1894, be revised, the paragraphs being as follows:—

16. With a view to improving the discipline in that branch of the Senate service, your committee recommend that the door-keepers, messengers and pages be placed under the supervision of the Serjeant-at-Arms, who shall have power to suspend any member of that portion of the staff for a fortnight, any longer suspension to be by the clerk.

17. The housekeeper or chief messenger to continue to direct the staff of messengers, subject to the supervision and control of the Serjeant-at-Arms.

The clerk is so situated and occupied that he cannot exercise efficient supervision over the door-keepers, messengers and pages.

During the time when the paragraphs in question were in force, that is, from July 9, 1894, to June 17, 1897, there was no ground for complaint as to their working, nor any serious friction.

Paragraph 16 simply places the Serjeant-at-Arms in the same position which he occupies in England and under rule 107 of the Canadian House of Commons.

Hon. Sir MACKENZIE BOWELL—This is a part of the report to which I must take exception. You reaffirm what was stated in 1894, 'with the view of improving the discipline in that branch of the Senate service.' I do not know what was the inefficiency of the staff at the time referred to here, but I do know this, after I had the honour of being appointed to a seat in this Chamber, and until these rules were set aside, there was no discipline at all. It was utter chaos, so far as the different messengers were concerned, and in order to avoid that difficulty, that may have arisen from causes which it is unnecessary for me to refer to, now, the supervision of the messengers was placed under the control of the Clerk of the Senate, who directed the chief messenger to see that the different messengers did their duty. I have never heard yet that there has been any complaint made as to the performance of duty by the messengers since this change was made. If you look at the proposition, you will find that you place the whole staff of the Senate under the charge and control of the Clerk of the House. That, I think, is quite proper. Then the next thing you do is to place certain other officials under the charge and control of the Serjeant-at-Arms. If you go a little further down, you will find certain duties are assigned to the head messenger, so that you create confusion, regular red-tape operations. First the Clerk of the Senate must give instruction to the Serjeant-at-Arms; then the Serjeant-at-Arms gives instructions to the head messenger. In fact it is placing the messengers almost in the same position they were prior to the adoption of the present system—that is in an irresponsible position, to a very great extent. Then you go on further to say that the head messenger shall supervise the work of his subordinates from the messengers' room and keep a record of all messengers sent outside of the parliament buildings, during the ses-

sion. I should like to be informed how the committee came to the conclusion that the chief messenger can control and direct and manage his messengers in the lobby of the House, and keep them in order and in their proper places if he is to be confined to the messengers' room to make a note and keep a record of the orders of the different senators who want a messenger to be sent any place. Would you have the Serjeant-at-Arms leaving his seat in the Chamber to go into the lobby and see if the messengers are doing their duty there or not—doing what they used to do, obstructing the lobby, and interfering with people coming into the building ? Under the old system, strangers used to come in, and go to senators' rooms, without asking permission from any one. Under the present system, adopted by the clerk, and carried out by the chief messenger, no one is allowed to go to a senator's room unless he sends in his card, or is accompanied by a senator. The result this session, to myself at all events, has been that we have not been pestered by having our rooms full of strangers when we want to attend to business.

I frankly confess that I do not consider this an improvement, and why it should be made I cannot understand. I do not think the Serjeant-at-Arms is particularly anxious to take charge of all the messengers. It may be said he gives his instructions to the head messenger, to do certain things. Then the committee say that head messenger must be downstairs keeping a record of what is going on. It would be utterly useless, so far as the advantages to senators and to the proper working of the service and keeping order in the outside lobbies, if this were carried out. Speaking for myself, I do not think it would be an advantage to the Senate or to the discipline of the Senate, or that it would add either to the comfort of senators or increase the efficiency of the staff, and I certainly would suggest the dropping of that portion of the report. I do not see any other portion that I would object to, and I hope the committee, whatever the feeling of the Senate is, will delay the adoption of these propositions. I feel pretty strongly in the matter, and I think it would be well, if the committee see no objection to it, to delay it, more particularly as it is a radical change we are making in the discipline of the Senate staff.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. WATSON—With regard to the criticism of the report, I might say that these conclusions were arrived at after a great many meetings of the sub-committee, and they took most of those matters which have been referred to into consideration, examined the Serjeant-at-Arms, the Clerk of the House, and the chief messenger, and after conferring with all those gentlemen and getting their opinions, we came to the conclusion there was no particular reason why the Serjeant-at-Arms should not have the control of the messengers, as well as the clerk. It does not take away the power of the chief messenger. All the messengers are under him ; he, in turn, is under control of the Serjeant-at-Arms. And I think hon. gentlemen will agree with me, that in all legislative bodies, at any rate in all cases where I have had any experience, the messengers are directly under the control of the Serjeant-at-Arms. In the House of Commons all the messengers are under the control of the Serjeant-at-Arms. In the legislative bodies they are under the control of the Serjeant-at-Arms. They are so in England, and we could not see any reason why they should not be managed in the same way here. It appears to me the Serjeant-at-Arms is a much better person to have control and direction of the chief messenger and messengers during the sittings of the House than the Clerk of the House. We can much better spare the Serjeant-at-Arms from the Chamber for a few minutes to walk around the corridors to see everything is right than the Clerk of the House. It would be impossible for the Clerk of the House to leave. I was not here at the time, and cannot speak of how it worked before, but those gentlemen stated that there was no friction then. For that reason we embodied the recommendation in our report.

Hon. Sir MACKENZIE BOWELL—I know personally that friction did exist.

Hon. Mr. WATSON—My information came from the chief messenger and the Serjeant-at-Arms. Those gentlemen were questioned, and said there was no friction.

Hon. Sir MACKENZIE BOWELL—The chief messenger of that time is dead.

Hon. Mr. WATSON—With regard to the next paragraph, so far as locating the mes-

sengers is concerned, the committee recommend that the chief messenger be located in the messengers' room. He informed us that he believed he could supervise the staff much better if he could direct them from the messengers' room. A complaint has been made that bells were not answered promptly. He stated that if he could be located there, and not around the corridors so much, he could have a better control of his staff, and stated to us that if he was given to understand that he was not required here, he could supervise the staff much better downstairs. I think it is a good provision, and for that reason, putting the recommendations together, the Serjeant-at-Arms would be in a position to occasionally take a walk around the corridors here during the session of the House or other hours, and see that the staff were doing their duties throughout the building, and after a good deal of consultation, the committee unanimously came to the conclusion that they should make those recommendations.

Hon. Mr. CLEMOW—I am one of those who believe that the less power you can give to officials the better. One head is quite sufficient. I do not believe in having to go from A to B to find out whether the work is being performed. I want to look to one man and make him responsible. Let the one man be the Clerk of the House and give him his instructions, and we will hold him responsible to see that they are carried out. How will it be in this House? He may give instructions of one nature, and the Serjeant-at-Arms may give contrary instructions, and there will be friction immediately. Place the responsibility upon the shoulders of one man and see that he carries it out properly. In all public works we find one man specially set apart for that purpose. It is not left to three or four men or five men. Place the power in the right hand and see that it is properly exercised. That is my idea. We had experience of this some years ago. It did not work satisfactorily, and a change was made. Has there been any difficulty since that change was made? Has not everything gone on smoothly and satisfactorily? I do not believe there is a man in this Senate who will not admit that the business of this Senate has been conducted in an admirable manner by the chief messenger and his staff. If any difficulty should arise, the chief messenger will say perhaps, 'I am not responsible for that; the Serjeant-at-Arms gave the instructions. I do not know whether they were right or wrong,' and the employee will say, Oh, I received instructions from the Serjeant-at-Arms,' ignoring the position of the chief clerk and the position of the chief messenger. I think the chief messenger, if he is fit for the position, should have all authority. I do not believe in divided authority. If you have proper subdivision of the labour, you must have that labour in such a way that you can control it at any time. You do not see the heads of great works going to employees and finding fault with this man and that man. He looks to one man who is placed in a position of responsibility, and if that man does not fulfil the orders he receives, he is immediately dispensed with. I want to see some one man have the authority. If I have a grievance, I want to go to one man. I do not want him to say, 'You must go to another man.' We are going to have trouble in the future, and will not have a complete management of the affairs of the subordinates as we have had in the past. Do not let us destroy what we have had in the past. It has been a good system, and I question very much if there is one man in the Senate who will find fault with it. These gentlemen performed their duties in a manner which will meet the approbation of the whole Senate. These people are not very apt to give evidence that would operate against themselves, and therefore came out as quietly as possible. If the committee wish to make that change they are the judges, and the responsibility must be upon their shoulders. They come forward and want this House to ratify what they have done. I do not find fault with the Senate. A great many of them are new at the business. After they are here some time they wil find they are wrong in making this recommendation. I am satisfied of that, because they will see that that system will not be carried out in a way satisfactory to them, or to the employees, or to anybody connected with them. I do hope they will expunge that section of the report, and allow the matter to go on as at present. If anybody had found fault with

the way matters had been managed in the past it would be different, but I have not heard any one complain. Then why make that change? We do not want a change unless it is necessary.

Hon. Mr. CASGRAIN (de Lanaudière)—I would like to concur in the report. I know that sub-committee of the Contingent Accounts Committee took a great deal of trouble in preparing this report now submitted for the approval of this House, and I for one, would be in favour of adopting it, and if it should not be found to be to the advantage of the Senate another session, it could be amended. I think it deserves a very fair trial. As to putting the messengers under the special and immediate control of the Serjeant-at-Arms, I am informed that that obtains in all legislative bodies. Even in our House of Commons, I understand the messengers have always been under the immediate control of the Serjeant-at-Arms. I think it is a matter for congratulation to the Senate to know that we have a most efficient Serjeant-at-Arms now, and I should like to give him a trial and see how he could administer and control our staff of messengers here. With reference to this divided authority, I think the Clerk of the Senate has quite enough to do to fulfil all his many duties in this House, and there is no division of authority. In all large concerns there are presidents and vice-presidents. The hon. gentleman from Ottawa seems to ignore the fact that a manager is generally the one who has the execution of the work in hand, who has to see that the details are carried out. I think the commanding of not a very numerous staff of messengers could be quite safely left in the hands of the present Serjeant-at-Arms, and I think the Clerk of the Senate has quite enough to do to attend to his very many duties. Therefore, I have very great pleasure in concurring with the report.

Hon. Sir MACKENZIE BOWELL—I wonder if the hon. gentleman who has just spoken knows that the Serjeant-at-Arms we have at present is the same Serjeant-at-Arms we have had ever since I have been in the Senate. He emphasized the fact that we have 'now' a very efficient Serjeant-at-Arms. No one denies that, but he is the same Serjeant-at-Arms who was here long before the hon. gentleman ever thought of securing a seat in the Senate, and I hope he will remain a long time. I have just as high respect as the hon. gentleman for the manner in which he performs his duty. I have known him a long while, and those who preceded him. Perhaps he is confounding the Serjeant-at-Arms with the Black Rod. The Black Rod is a new appointment. The chairman of the committee, and my hon. friend who has just spoken, have referred to the assiduity with which the sub-committee prepared the report. The whole argument of the hon. gentleman from Marquette was applied to the period during the session of parliament where the clerk could not leave his seat. Who is to supervise afterwards?

Hon. Mr. WATSON—The same applies to the Serjeant-at-Arms. The hon. gentleman said the Serjeant-at-Arms could not leave his seat and go into the corridor.

Hon. Sir MACKENZIE BOWELL—I beg the hon. gentleman's pardon, I did not say that. I said: Who was to supervise the messengers when parliament was not in session? We know that the Serjeant-at-Arms is not here half the time during that period. The duty of the chief messenger is to supervise them all over the building when the Serjeant-at-Arms is not here. If you look at this report you will see that you place the whole power over the officials under the direction and management of the Clerk of the Senate, and then you coolly say at the bottom of it, that his duties are such that he cannot attend to it. Is it consistent or logical?

Hon. Mr. WATSON—We consider the clerk has these powers now, and we are trying to relieve him of some of them.

Hon. Sir MACKENZIE BOWELL—The whole report, so far as this point is concerned, is contradictory in its character. You give full powers to the clerk. Then you tell him that he is not in a position to perform those duties.

Hon. Mr. WATSON—No.

Hon. Sir MACKENZIE BOWELL—In the fourth paragraph you say that the clerk

is so occupied that he cannot exercise that power and authority which the committee have vested in him.

Hon. Mr. WATSON—No.

Hon. Sir MACKENZIE BOWELL—The paragraph says so in so many words. You do not confine it to the session. You declare, after giving power to the Clerk of the House, that he is not in a position to perform his duty, and consequently you relegate it to another official of the House, and when that official is away, who is to be responsible ?

Hon. Mr. WATSON—The Clerk of the House.

Hon. Sir MACKENZIE BOWELL—And when they are both away, I suppose they will leave instructions to the chief messenger that he is to vacate his place below, and come up and attend to those duties. The hon. gentleman says this is an improvement on conditions in the past. Neither the chairman nor the gentleman who has supported him, has given a single argument or produced any evidence to show that there has been any misconduct on the part of any of the officials, nor has he shown that there has been any inconvenience except this—and the hon. gentleman did not mention it—that the removing of the messengers from the corridor, did not put them in a position to answer the bells as promptly as they should do. The explanation to that is, that one or two messengers have been allotted to other work than that of answering the bells, and consequently the staff of the chief messenger was rendered less efficient than it was before. Now, if I understand the case, the chief messenger, with the consent or direction of the Clerk of the Senate placed these messengers in the room below, for the purpose of removing them from the lobby of the House, where they used to be loitering about, waiting for the bells to ring, and, the chief messenger says, placed him in a position to have better control over them. I do not believe the suggestion is an improvement. On the contrary, I think it places us back to where we were some ten or twelve years ago when we made this change, which I know from experience has proved effective.

Hon. Mr. GIBSON—As a member of the committee I want to bear testimony to the care which was taken by the committee in preparing this report. The men were all taken in and examined before the committee, one by one. We had had a good deal of evidence, and while I agree that no evidence was furnished to the committee that any disturbance or friction had taken place under the present arrangement, it seems to me, with a view of having discipline maintained in the Senate, the proper course would be to have the word 'messenger' erased from that paragraph. That would place the door-keepers and pages under the direct supervision of the Serjeant-at-Arms, leaving the chief messenger to be responsible to the Clerk of the Senate. Just as the hon. gentleman opposite points out, in the absence of the Serjeant-at-Arms there is no one to control or direct the duties of the chief messenger, because the power is taken away from the clerk, whom we all acknowledge by the first paragraph is the governing officer of this body. But in the absence of the Serjeant-at-Arms, who comes directly in contact, and is directly in touch with the Clerk of the House more than any one else, during his absence, the clerk so to speak, has no control over the chief messenger, because he is controlled by the Serjeant-at-Arms. In the absence of the Serjeant-at-Arms—and he is liable to be absent during the recess—there is a great deal to be done. I think, therefore, if the word 'messenger' is taken out of paragraph 8 with a view to improving the discipline in that branch of the Senate, the door-keeper and pages would be placed under the direction of the Serjeant-at-Arms, and the house-keeper and chief messenger would direct the messengers. There you would have both these officers directly responsible to the Senate, and directly responsible, in a measure, to the chief officer of the House. If that meets with the approval of this body, I would move that that portion of the report be amended by striking out the word. 'messenger.'

Hon. Sir MACKENZIE BOWELL—I think that amendment will remove the friction I anticipated, to a certain extent.

Hon. Mr. WATSON—I have no objection to make these changes, if it is thought desirable by the Senate.

Hon. Mr. SULLIVAN—Are there written rules and instructions ? I think when there is so much division of authority there should be some written rules for the officers to go by. The danger would be of a conflict. I think the amendment, to a great extent, meets the difficulty.

Hon. Mr. OWENS—I am sure it is not the intention of the House to reflect on the subcommittee. We can all realize that they gave a great deal of care and attention to the subject, but unfortunately many of the gentlemen who compose this committee are comparatively new members. They were not in the House at the time when the messengers were under the charge of the Serjeant-at-Arms. They are not aware of the friction which existed at that time, and it was in consequence of that friction the change was made, and the chief messenger, who had supervision of the messengers, was placed under the supervision of the Clerk of the House. Since that time there has been no friction. Everything has gone on smoothly. Hence we fail to see why this change should be suggested. There has been no necessity for it. Not one gentleman who has spoken in favour of the change has shown any necessity for it. All will admit that the chief messenger is not only a competent man, but is most attentive to his duties, and certainly, in so far as the messengers are concerned, I consider they should be under the direct charge of the chief messenger, who would be under the supervision of the Clerk of the House. Any hon. gentleman who has taken the trouble to read the report of the Clerk of the House, which was submitted to the committee at the opening of this sessison, must say that that report was a most elaborate one. It shows that the Clerk of the House has gone carefully into the subject, and given to it the attention it deserved, and I do not think we would now be taking a step in the wrong direction to make the change proposed in this report. I quite agree with the hon. senator opposite (Hon. Mr. Gibson), who has suggested striking out the word 'messengers' from clause 16, and then in the following clause to provide that the chief messenger shall have the direction of the messengers, under the supervision of the Clerk of the Senate. I am sure that will meet the approval of all, and we can proceed to business.

Hon. Mr. POIRIER—What will become of those two messengers who are placed nominally under the care of the Serjeant-at-Arms, when the session is over ? Will there be any work for them ? What will be their position in the service ? They will not be under the control of the chief messenger. They will be under the control of the Serjeant-at-Arms.

Hon. Mr. OWENS—They will be under the control of the chief messenger, subject to the supervision of the Clerk of the Senate, as all the messengers will be.

Hon. Mr. POIRIER—There is another complication which strikes me as useless. It is the power of suspension on the part of the Serjeant-at-Arms, and the same power is given to the clerk. In the other House, and in England, the Serjeant-at-Arms has control of the messengers, and can suspend them at will for a certain time ; for a longer suspension he must appeal to the Speaker ; but the interference of the clerk, in my opinion, complicates matters uselessly. I do not propose to go in opposition to the report of this committee, but it strikes me that these complications are unnecessary. I should have preferred to let well enough alone. We have no fault to find with the management of the messenger service. I have been here for many years, and I must candidly say that the messenger service under Mr. Carleton is very much better than it was before his time. Not that faults perhaps could not be found in his administration, but on the whole the management of his branch here is very satisfactory to us and creditable to him. I would like to ask the hon. chairman of the committee if he could not see his way to doing away with the last words of clause 6, by which the clerk is given power to interfere in this matter. In my estimation, either the Clerk of the House should have the management altogether of that department, or it should be left to the Serjeant-at-Arms—either one or the other.

Hon. Mr. DEVER—I have been here some thirty-four years, and have had experience under more than one chief messenger. When

the former housekeeper died, his brother was spoken of as his successor. He is the present doorkeeper. Many members of the Senate had promised him that he should be his brother's successor as housekeeper of the Senate. I carried out my promise to him, as did many others, but he was defeated on a vote in this House, and was succeeded by the present housekeepr, Mr. Carleton. Since then I have had an opportunity of seeing how Mr. Carleton has discharged the duties of his office, and presided over those who are employed to keep the House in order, and I am prepared to say that he has acquitted himself to my entire satisfaction. I come to this House pretty early in the mornings, and I find that our present housekeeper is always attending to his duties. It would be a very unkind act to deprive him of the position he holds at present. I see no reason why it should be done, because I believe he has been a most efficient officer, and if any gentleman of this Senate requires his services, he always finds Mr. Carleton in his place to respond to him. At the same time, I must say I look with a great deal of respect on our present clerk and our Serjeant-at-Arms. No doubt these gentlemen are competent to preside over the messengers, and ignore the housekeeper so far as giving orders, but meddling with the management of the housekeeper would, in my opinion, confuse matters. Under the circumstances, though I voted against Mr. Carleton's appointment, if it came to a vote now, it would be my pleasure to sustain him in the present position, because I do not think the work could possibly be done as well if you remove from him the authority he now possesses.

The paragraph was amended as suggested by the Hon. Mr. Gibson, and adopted.

Hon. Mr. POIRIER—I should like to know what will be the nature of the services of the doorkeeper after the House is adjourned. He is not under the chief messenger.

Hon. Sir MACKENZIE BOWELL—He is under the direction of the clerk.

The SPEAKER—The doorkeeper is not an officer of the House, and his duties terminate with the session.

Hon. Mr. POIRIER—Is he not a permanent messenger ?

Hon. Sir ALPHONSE PELLETIER—Yes, permanent, but not occupied during the recess.

On the 10th paragraph,

Hon. Sir MACKENZIE BOWELL—I want to compliment the Secretary of State on the economical reports presented by the committee he selected for the express purpose of effecting economy. That was the principal reason given by the Secretary of State for the government having control of the committees, that there had been great extravagance in the past in the way of raising the salaries of clerks and messengers, who from their positions should not have them increased, yet each report that we have had this session recommends some increase of salary. I am not finding any fault with that; I simply want to compliment the Secretary of State on the efficiency of the economical committee he was instrumental in appointing. If they go on in this way, he will have greater cause to complain in a year or two than he had with the old committee.

Hon. Mr. WATSON—I will say in reply to that, that the Senate agreed unanimously to relieve the chief French translator, Mr. Boucher, some time ago. He was getting $2,800 a year. They have made Mr. Garneau chief translator, and recommend that his salary be increased to $2,400 a year. There is an increase of $200 there. There is $1,000 increase for Mr. Chapman, a matter that was under the control of the hon. gentleman's friend. They added that translator to the staff at $1,000 a year.

Hon. Sir MACKENZIE BOWELL—He was paid temporarily before, so it does not make any difference.

Hon. Mr. WATSON—The committee should not be charged with that increase.

Hon. Sir MACKENZIE BOWELL—The committee have given power to make new appointments, and have not superannuated Mr. Boucher. They continue his salary, and they have increased the expenditure of the Senate to that extent.

Hon. Mr. GIBSON—This is a matter that need not be very much discussed, because it was done entirely with the view to improving the translation of the Senate. We were very much in the same position with regard

to the translation as we were with regard to the work done by the housekeeper, and the Serjeant-at-Arms, and it was felt that as Mr. Boucher had served the country so long, it would be hardly fair for the few years he has to live to reduce his salary.

Hon. Sir MACKENZIE BOWELL—That was never proposed.

Hon. Mr. GIBSON—It would not have been fair to deprive him of his salary as chief translator after thirty-five years service. The committee felt they were without a head in that department though we had a chief French translator, a second French translator, and so on. The committee felt that it would be far better that the whole translation staff should be put under a chief and in order to make Mr. Garneau chief translator, we had to make him a chief clerk, and with his promotion the salary had to be increased to correspond, to $2,400 a year. In that way now, the whole translation of the Senate is entirely under the control and direction of Mr. Garneau, and he will apportion it, not to the first or second or third translator necessarily, but have the translation of the Senate done to the best advantage under his supervision. I therefore think, when everything is taken into consideration, notwithstanding the retirement of Mr. Boucher, the committee are justified in asking this small increase of $200 for Mr. Garneau.

Hon. Mr. SCOTT—Mr. Garneau is certainly entitled to this increase. He has been in the translator's office for forty-one years. I am told in all that time he has proved himself most efficient, and certainly with that long service there should be no hesitation, when he was raised to the position of chief translator, to give him this increase. Officers in another branch of parliament who have served a very much less time, receive a salary quite as large.

Hon. Sir MACKENZIE BOWELL—The remarks I made were no reflection on Mr. Garneau, nor did I even insinuate that his salary should not be increased. I rather commended the committee for what they had done, I was pointing out what an economical lot they are.

The clause was adopted.

On the 12th paragraph,

Hon. Sir MACKENZIE BOWELL—I am very glad to see that the Board of Works has put the barber shop and its rooms in such a position that any gentleman can go there and be comfortably served. The intention is, as I understand, to change the bath rooms, which are not very enticing, and fit up the rooms adjacent to the barber shop as bath rooms. If that be done, we will have to put a messenger in charge of those bathrooms, in order that they may be ready when required by senators, and to have them properly cleaned and attended to afterwards. We cannot get such a messenger during the session under $2 a day. That, I think, is what is paid to the present attendant. By what you are recommending, you will turn out of the barber shop the barber, whoever he may be, and I cannot see that it is going to be any economy, because the barber attended to the bathrooms without any additional charge to the Senate, other than that which is given to a messenger. If you carry this paragraph, you close up the barber shop, which is a very great convenience to many, and you will have to employ a messenger to take his place to look after the bath room. There is really no economy in the transaction. On the contrary, I question whether you will get a messenger who will do the business better than the man who is there now and from the statement which has been put in my hands, whether correct or not I cannot say, the work performed by the barber does not cover the actual expense of wages in connection with that establishment, so that unless he is kept there and paid as a messenger during the session of parliament, you will have to employ another and the barber shop will be closed.

Hon. Mr. CLEMOW—I do not see why the Senate should be deprived of the privileges of a barber shop the same as in the Commons. I am told—whether it is true or not I do not know—that the government want that room which is occupied by the barber shop, for the purpose of establishing a carpenter shop.

Hon. Mr. SULLIVAN—No, no.

Hon. Mr. WATSON—No.

Hon. Mr. CLEMOW—I hope it is not true. I hope they will not think of establishing

a carpenter shop in that place. This man has been a long time in the employ of the Commons. He was displaced through political motive some years ago. I think there is no doubt about that.

Hon. Mr. GIBSON—And you got him here for the same reason.

Hon. Mr. CLEMOW—I do not know about that. I think the Senate are just as much entitled to a barber shop as the Commons, and I think this recommendation is a small business. If we can give this accommodation to the senators who live a long distance away and at the same time keep the bathroom in proper order, it is certainly an advantage to them, and they should not be deprived of that advantage. The committee are also trying to do away with the amount given to the keeper of the restaurant. The Commons are organizing a new restaurant themselves next year, and this restaurant will be deprived of the patronage of that body, and you will not be able to maintain a restaurant if you are entirely dependant on what you would get from senators. Therefore I do not think it is advisable on that ground to dispense with the payment to that person at the present time. Thomas J. Price is the man to be entrusted with the Commons restaurant, and he writes to the members of the Commons that he intended to have the place in first-class order and he invites their patronage. If they are going to have this improved restaurant in the Commons, I think we would act very foolishly in depriving the senators of this small patronage, but allow the present man to maintain the position he has occupied for some years past with every satisfaction to the members of this House. I hope the chairman of the committee will not insist on this amendment for the abolition of the barber shop and the patronage of the restaurant.

Hon. Mr. SULLIVAN—I certainly think we ought to feel grateful to this committee for considering so closely the external cleanliness and the internal comfort of members of the Senate. I can only tell them that it must have excited a good deal of care when they attempted to look into the barber's affairs, but it was a most serious thing when they came to consider the matter of feeding, if I may use such an expression—or catering to the Senate. It is of the highest importance that the gentlemen who come here should be furnished with good food. Did the committee take into cosideration the organs of mastication or the organs of digestion, or the capacities and tastes of honourable gentlemen, before they undertook so small a piece of economy as to strike out this allowance? I have only to say that I would ask the hon. gentlemen to postpone this paragraph with reference to the caterer until the gentlemen who take their meals there will be present, and also the Restaurant Committee to report on it. The caterer told me that his expenditure was very large. He pays fifty dollars a month for a cook, and he pays for waiters and other expenses as much as $310 or $315 a month. The meals are served there in first-class style, better than any hotel in this city. I have been in them all and know it. The food is of the best quality, fit for any gentleman who has been accustomed to luxury all his life, and therefore there can be no objection on that score. The waiters are very attentive and very polite, and it would be a serious matter to interfere with this man and have him removed from his position by any chance until you can replace him with another equally good. You should be careful how you treat the stomachs of hon. senators. You should be careful to guard against any revulsion from the good, wholesome food which they are enjoying at the present time, to change to something that would be inferior and badly cooked. In view of the very great necessity there is for looking carefully into this question, I ask the chairman to refrain from pressing this recommendation until the Restaurant Committee, who know of the expenditure in the matter and above all until the gentlemen who are in the habit of taking their meals here have time to consider it. I am sure that anything that is taken off this man will only be put on the Senate, so that you are really imposing a tax on the men who take their meals here. In any case, I think the chairman, who is generous, and warm-hearted will postpone it. There are other gentlemen here who can speak of the great advantages of the restaurant and the first-class manner in which everything is conducted.

Hon. Mr. WATSON—I would just say that I am only reflecting the opinions ex-

pressed by the committee on this report. It is not my report, it is the report of the committee. I think this particular clause was carried unanimously—not a dissenting voice. If the Senate wish to eliminate that portion of the report it is in their hands to do so. There is no feeling in the matter, about any person. A few moments ago it was suggested we were a little extravagant, and we tried to economize and now they want us to be still further extravagant. I objected two years ago when the report was adopted allowing the barber $2.50 a day as a messenger. If we wanted to pay him that sum, pay it to him, but do not call him a messenger, and if you want to provide a restaurant-keeper, pay him as a restaurant-keeper, but I do not think it is right to pay these men as messengers when they are not messengers at all.

Hon. Mr. LANDRY—It is a diplomatic name.

Hon. Mr. WATSON—The country pays for all the linen and everything about the Senate restaurant, I understand, excepting the food and part of the help, furnish the building, heat, light, and it appears to me that it would be no trouble, if a gentleman keeps a good restaurant, to come here and keep it without being bonused to do so. I think the same of the barber shop.

Hon. Mr. MACDONALD (B.C.)—The reason the Contingent Accounts' Committee some years ago made this allowance to the restaurant keeper was that he was sustaining a loss, and there was a small allowance made to recoup him. There were very few members dining there, and he had to keep the restaurant open for the Speaker of the House, and he could not possibly make money. There were not more than 12 or 13 members dining there every day, and the committee recommended that he should get this small allowance as some recompense for his loss. I think the House will not now insist on passing that part of the report. I move, seconded by Mr. Sullivan, that paragraph 12 be struck out.

The amendment was adopted.

The balance of the report was adopted without discussion.

Hon. Mr. WATSON.

MONTREAL SUBWAY COMPANY BILL.

ORDER OF THE DAY POSTPONED.

Hon. Mr. WATSON moved the second reading of Bill (98) 'An Act to incorporate the Montreal Subway Company.'

The Speaker declared the motion carried.

Hon. Mr. FORGET—It has not been printed in French, and I object to the second reading.

Hon. Mr. WATSON—The hon. gentleman is too late. The motion has been carried.

The SPEAKER—The hon. gentleman can object to the reference to the committee.

Hon. Mr. FORGET—I objected to the second reading.

Hon. Sir MACKENZIE BOWELL—If an hon. gentleman rises to make an objection, or to address the Senate, and the Speaker happens not to see him, as in this case, he is not deprived of his right because the Speaker did not see him. The question is did he rise before the motion was declared carried.

Hon. Mr. YOUNG—I presume there is no desire to prevent the hon. gentleman from addressing the House.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman did not rise to address the House, but to take objection to the second reading, on the ground that the Bill was not printed in French. The Speaker did not see him, and declared the motion carried.

The SPEAKER—The objection of the hon. leader of the opposition is sound, and the Bill must be considered as on the Orders for second reading. We shall consider the motion now for the second reading, and the hon. gentleman can object.

Hon. Mr. FORGET—I object to it because it is not printed in French.

Hon. Mr. WATSON—Let it stand for the present. The French copy may be here before long.

The SPEAKER—Stands for the present.

YUKON TERRITORY ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (119) 'An Act to further amend

the Yukon Territory Act.' He said: The object of the Bill is, in the first place, to give to the territorial council an increased representation on the part of the people. At present the people only elect two, and this Bill proposes to give five representatives on the territorial council. Then clause 2 enlarges their powers, and at the same time it provides that the Commissioner in Council may, as aforesaid, notwithstanding anything in the Act of Parliament, have control of the granting of licenses. It is proposed under this Bill, instead of the licenses and the sale of intoxicating liquors being managed or administered from Ottawa, that the territorial council is to have charge.

The motion was agreed to, and the Bill was read the second time.

The House resolved itself into Committee of the Whole on the Bill.

(In the Committee.)

Hon. Mr. MACDONALD (B.C.)—When the Bill was read the second time, I had not the opportunity of saying a few words which I now desire to do. As one of those gentlemen who have frequently attacked the schemes of the Minister of the Interior as being improvident and not exactly wise, I have now great pleasure in congratulating him in his advanced ideas in leaving the affairs of the Yukon to be managed by the local authorities instead of from Ottawa. We all know that the management from Ottawa has been unsuccessful, full of corruption and mistakes.

Hon. MEMBERS—No, no.

Hon. Mr. MACDONALD (B.C.)—And I hope now, when local men will deal with the affairs of that country that they will be managed in a better—I will not say with more honesty—but in a better way. If this had been done before we would not have such schemes before us as the Treadgold concession, which is one of the most ill-advised things I ever heard of, giving a monopoly of thirty years and no advantage to the country whatever. I have to again congratulate the minister on being wise enough to give in to public opinion and to have that concession amended four different times, and now it stands emasculated, and I believe it is hardly worth anything at all to the men who hold the concession. I think the House will be glad to hear that, after the fourth and last amendment of that concession, there has been a rush of miners to the places formerly made over to the concessionairs, the Bonanza Creek and other localities, which were virtually given over. The tributaries to those different rivers have been eliminated, and they do not come under their control by the new arrangement. The only question that will arise is whether the interpretation placed upon the instructions would be borne out by the contract given. The contract says one thing, and gives certain powers and certain matters, but the regulations overrule that, and I do not know which would hold good in a court of law. But probably the gentlemen who obtained the concession have agreed to the interpretation placed on the regulations. My chief object in rising is to say that I am very glad to congratulate the Minister of the Interior on taking this step forward. It is a thing which he and this country will never regret.

Hon. Mr. WATSON—I am glad that the hon. gentleman from British Columbia is pleased to see that the government is going to extend further local self government to the Yukon, but I hardly think it is fair to make use of the word corruption and all these slang phrases which have been used in connection with the Yukon.

Hon. Sir MACKENZIE BOWELL—That is not a slang phrase.

Hon. Mr. WATSON—The Minister of the Interior has been accused of corrupt dealing in the Yukon. He was accused by a gentleman who was probably in a better position to make charges than any other person in Canada—Sir Charles Tupper. He made those charges. He was threatened in the courts with a libel suit, and over his own signature he apologized to the Minister of the Interior for any statement he had made. He made that statement publicly. We have listened in this House to the hon. leader of the opposition who, in a very complimentary way, referred to the present administration in the Yukon, and said that if the wishes of Mr. Ross were carried out the affairs of the Yukon would be properly administered. I think, taking those two matters, the compliment paid to

Mr. Ross, and the fact that Sir Charles Tupper apologized for any charges he had made, it is a pretty clear record.

Hon. Mr. MACDONALD (B.C.)—I did not accuse the Minister of the Interior or Mr. Ross of any corruption, but I believe there are junior officials up there who have not been honest, and the hon. gentleman knows as well as I do how difficult it is to prove in a parliamentary committee, with the strong tide and force of the government against you, charges of this kind, and how difficult it is to elicit the evidence that ought to be given. But, as I say, I do not make any charge against the Minister of the Interior, but that these things are done up in the Yukon nobody denies.

Hon. Sir MACKENZIE BOWELL—Too wide a construction has been placed upon the complimentary remarks which I made. I said nothing complimentary about the administration of Yukon affairs by the department in Ottawa.

Hon. Mr. WATSON—By Mr. Ross.

Hon. Sir MACKENZIE BOWELL—What I stated was that they had appointed a man whose practical knowledge of governing such a country was an advantage, and I was convinced if they would only carry out his recommendations it would be to the benefit of the country. That there has been corruption and rascality, I have not the slightest doubt. Everybody knows it. And those are not slang terms. They are plain Anglo-Saxon terms, which everybody can understand.

Hon. Mr. DANDURAND—Human nature does not evolve specially in the Yukon. It remains about the same.

On clause 2,

Hon. Sir MACKENZIE BOWELL—Did we not pass a law a short time ago preventing the sale of liquor in that section of the country, except by permission of the authorities here ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—That is repealed by this ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—I think teetotalers will approve of that. There is no question the permit system has been very much abused in that country. The liquor trade has been a gross monopoly in that country. Only a few people have had the opportunity of making a great deal of money out of it. Placing it under the control of the local authorities there will distribute the business among a larger number of people, and I believe will add in a great measure to what my hon. friend opposite (Mr. Scott) would like to see enforced—temperance.

The clause was adopted.

On clause 3,

Hon. Sir MACKENZIE BOWELL—Has the Governor in Council considered the question of imposing a tax upon the export of gold ?

Hon. Mr. SCOTT—Yes. It is intended to collect the royalty practically in that way, to put a general tax on all the gold taken out. It is not properly an export, because it comes from one part of Canada to another, but instead of collecting it as a royalty, we collect it on its being sent out. It is not to exceed five per cent, but it will be two and a half and three.

On subsection *g*, of clause 3.

Hon. Sir MACKENZIE BOWELL—In adopting this principle of collecting revenue, I might suggest—I dare say the government have already considered it—the propriety of making very stringent rules. Any one who has had experience of what we call smuggling, and the difficulties which will present themselves in collecting the royalty on what may be termed an export from the country, will see that stringent rules are required. This question was discussed with me by those interested, and I came to the conclusion that this was the better way to do it. I think it will be more profitable to the government, but I foresee, and I speak from experience in the Customs Department, there will be great difficulty in enforcing a rule of this kind, because there are so many ways of evading the law. At the same time, the same means of evading the law exist when you impose a royalty on the output, because miners can smuggle portions of the gold away, make false returns, and evade the royalty by various means. It is one dif-

ficulty which presents itself in the imposition of any tariff restrictions. Speaking from my own long experience, very rigid powers should be given to the officers in order to collect this royalty.

The subsection was adopted.

On subsection 2, of clause 3,

Hon. Mr. MACDONALD (B.C.)—How many members will be elective in this council ?

Hon. Mr. SCOTT—Five elective.

Hon. Mr. MACDONALD (B.C.)—Under the first subsection, Asiatics can vote. There are a number of Chinamen born in Hong Kong who are British subjects, and who could vote under this Bill.

Hon. Mr. SCOTT—This is only for the territorial council.

Hon. Sir MACKENZIE BOWELL—Provision is made for the publication of ordinances in the Official Gazette. That will not be seen by any considerable number of people in the Yukon. It would be advisable to publish it in some newspaper in the territory.

Hon. Mr. SCOTT—They will be sent out forthwith to Dawson.

Hon. Sir MACKENZIE BOWELL—But that would not give it publicity. However, I do not wish to prevent the passage of the Bill by having it sent back to the Commons.

Hon. Mr. SCOTT—I will call the attention of the Minister of the Interior to it, so that he will give instructions to have all ordinances, when they are passed, published in Dawson.

The clause was adopted.

Hon. Mr. BAKER, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

YUKON TERRITORY REPRESENTATION BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (134) 'An Act respecting the representation of the Yukon Territory in the House of Commons.' He said: In consequence of the growing importance of the Yukon Territory and the population that is there now, and with a view of having the opinions of its people represented by some authorized individual, it is proposed by this Bill to give representation in the House of Commons to the Territory. This Bill is framed upon the Bill giving representation to the North-west Territories. The qualifications of a voter will be twenty-one years of age, British subject, or naturalized, and a resident of twelve months in the territory. The plan adopted in the North-west Territories, is, after the writ of election is issued, the list of voters is made up by what are called enumerators. They form a list and the time between the issuing of the proclamation and the taking of the vote is very much longer than in other parts of the Dominion. Twenty-eight days are allowed under this Act.

Hon. Mr. McMILLAN—How many representatives ?

Hon. Mr. SCOTT—One. The election has to be before the 1st of January next, so that he will have a seat in the House of Commons at the next session of parliament.

Hon. Mr. MACDONALD (B.C.)—I think it is a very great mistake to allow Asiatics to vote in Dominion elections. The representation of one member is really very insignificant. It is like the voice of one crying in the wilderness of this parliament. I think three should have been the smallest number. What can one member do ? However, it must go this year, I suppose, but three is the smallest number of representatives that should be given to that country. It is very important.

Hon. Mr. YOUNG—What is the population of the Yukon ?

Hon. Mr. TEMPLEMAN—About twenty-five thousand. I want to congratulate the hon. gentleman on his expression that Chinese should not vote in the Yukon. I am glad to see that the hon. gentleman is coming round to the view held by the people of British Columbia on this subject. I had the impression that my hon. friend was pro-Chinese, but am pleased to know that he approves of the view of that class of people who believe that the voting

of the Chinese where they exist would be inimical to the interests of white people. I can assure him, with respect to the Yukon country, according to the census reports, as there were only seven Chinese in the entire territory, the danger of Chinese supremacy at an election is not imminent.

Hon. Mr. SCOTT—And they may not be British subjects.

Hon. Mr. TEMPLEMAN—There are very few naturalized Chinese in all Canada. So even the Chinese in the Yukon Territory may not be, and in all probability are not British subjects. I was pleased to hear the hon. gentleman a moment ago compliment the Minister of the Interior on the great reforms he has made in the Yukon country, and I again congratulate him on the view he has expressed that the Chinese should not vote. Presently we shall have the hon. gentleman on this side of the House supporting the government.

Hon. Mr. MACDONALD (B.C.)—I am not opposed to the Chinese. I believe in giving equal rights to all races. I believe in fair-play and justice to everybody, but I have had some experience of Chinese voting. Some years ago I was a candidate in a municipal election in Victoria, when we were liberal enough to allow the Chinese who paid taxes to vote. I went round to the different Chinese shops and left my cards, and next day my opponent went around and tore up my cards and left his own. Then on polling day, he drove round to the Chinese shops at seven in the morning, before I was around, and took them to vote. I do not know how they voted—they could not speak English; but that is my experience of Chinese voting, and one reason why I would not like to see them given the right to vote, because it is bad for the Chinaman as well as for the white man. Then, on the other point, if any minister of the Crown has done what is wrong in my eyes, and sees the error of his ways, and comes round to do the right thing, I shall always give him credit for it. I shall never fail to give the government or any of its members credit for anything they do that is right.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman will not be troubled to do much in that way with the present government. The Secretary of State said a Chinaman could not vote. Would a Mongolian born at Hong Kong, a British colony, a British subject, be entitled to vote, unless he was restricted by the Act?

Hon. Mr. SCOTT—I presume he would.

Hon. Sir MACKENZIE BOWELL—That is the class of people to whom my hon. friend referred.

The motion was agreed to, and the Bill was read the second time.

The House resolved itself into Committee of the Whole on the Bill.

In the Committee.

On clause 9,

Hon. Sir MACKENZIE BOWELL—It was one of the principles laid down by the party to which the hon. gentleman belongs when they were in opposition, whenever this question of appointing the returning officers arose, that it should be an official who could be held responsible in case of maladministration in his office, unless there were none of them to be appointed, in such cases as where there were two or three ridings in one county. Then you could appoint the registrar thereof. But in this case you do not impose such restrictions and you can appoint an irresponsible partisan.

Hon. Mr. SCOTT—We will endeavour to appoint an official.

Hon. Sir MACKENZIE BOWELL—Why not make provision for a proper appointment?

The clause was adopted.

On clause 22,

Hon. Sir MACKENZIE BOWELL—We have had cases where candidates, after having been nominated, and a deposit made, have withdrawn and no provision was made for the punishment of the party so withdrawing, leaving the other candidate to be returned by acclamation. Is there any provision in the Bill providing for the nomination of some other candidate under such circumstances?

Hon. Mr. SCOTT—I do not think so. He forfeits his $200, that is all.

Hon. Sir MACKENZIE BOWELL—We have had cases of this kind during the last election, two candidates were legally and properly proposed. After the nomination was over, the next day, one of the candidates sent in his resignation and withdrew from the contest. That left the other party elected by acclamation and there was no provision in the law to enable the electors to substitute a candidate in the place of the one who had withdrawn. Should that continue to be the law ?

Hon. Mr. TEMPLEMAN—Certainly.

Hon. Sir MACKENZIE BOWELL—Why ?

Hon. Mr. BEIQUE—The question might be a proper question for this House to consider on the general law, but not on this Yukon Representation Bill.

Hon. Sir MACKENZIE BOWELL—That does not affect the principle at all. I am surprised to hear the non-portfolio member of the Cabinet say it is all right. It enables a wealthy man to purchase a poor man and cheat the electors out of their just representation in parliament. The intention certainly cannot be that, and I do not think my hon. friend, on reflection, will say that is right. There may be a conspiracy to cheat the constituency out of the representative who would represent the majority of the people, by making a bargain to have two men nominated regularly, the deposit paid, and then, as soon as the time for nomination expires, for one to retire—I am putting a hypothetical case—for a consideration much greater than $200 he deposited. And that leaves the door open to a fraud by which the constituents could be cheated out of proper representation. My hon. friend would never advocate a policy of that kind or that the law should be left in that state. I am not going to enforce my view by moving an amendment to this, but I hope when the question does arise in dealing with the General Election Law the suggestion made by my hon. friend opposite will be carried out and provision made for it.

Hon. Mr. POWER—There are some words left in this clause which should have been struck out, and the way it appears now it is nonsensical. It refers to two candidates.

Hon. Mr. SCOTT—I object to that clause being amended.

Hon. Mr. POWER—The Bill was sent to committee to be amended if necessary, and now my hon. friend objects to the amendment.

Hon. Mr. SCOTT—I do not think it is necessary.

Hon. Sir MACKENZIE BOWELL—Looking at the context and the other clauses, the point that suggested itself to me is this : whether the clause was confined exclusively to the election of one candidate, or whether it was not put in there designedly, for the purpose of providing for the election of two or three. I would suggest to the Secretary of State to allow this clause to stand until he has an opportunity of consulting the gentleman who drafted the Bill, and see whether it is as nonsensical as the Speaker thinks it is.

Hon. Mr. POWER—I think the hon. gentleman should be anxious to show the Senate was able to do some work, instead of endeavouring to block amendments.

Hon. Mr. SCOTT—When we give another member to the Yukon we will not have to bring in a long Bill like this. I will ascertain the object of this before to-morrow.

Hon. Mr. POWER—I would suggest that the third reading be postponed till to-morrow, and the law clerk instructed to go over the Bill carefully and see if there are any other parts of it which require amendment.

Clauses 22 and 23 were allowed to stand.

On clause 28,

Hon. Mr. SCOTT—I propose to strike out some words in this clause.

Hon. Mr. POWER—The hon. gentleman objected to amendments before, and now he is proposing amendments himself.

Hon. Mr. SCOTT—It is rather important, if the Chief Justice happens to be away, that the next in office shall be appointed, and that is the effect of the amendment.

Hon. Mr. LANDRY—I thought the Bill could not suffer any amendment.

Hon. Mr. SCOTT—I asked to have the other clause stand to see if it was prepared

designedly with a view to having two members.

The clause was amended and adopted.

On clause 36,

Hon. Sir MACKENZIE BOWELL—Is there any provision in this clause to prevent such frauds and rascalities—those are not slang words but they are very expressive—as those which occurred in the west where they brought in strangers who had no locus standi in the riding.

Hon. Mr. TEMPLEMAN—What constituency is the hon. gentleman referring to ?

Hon. Sir MACKENZIE BOWELL—I have not named the constituency, but I could do so. I can give an hour's dissertation on that kind of work if the hon. gentleman desires it, but I am speaking of the principle, of making provision to prevent what took place there. I think the House of Commons during the present session, or the last session, did introduce some amendments to the Election Law to prevent occurrences of that kind in the future. The hon. nonportfolio gentleman may think it is fun, but if he were running himself, and found such things practised against him it would not be so funny.

Hon. Mr. SCOTT—There is provision in reference to it further on.

The clause was adopted.

On clause 47,

Hon. Mr. LANDRY—When would that notice be forwarded, three, four or six months after the election, or when ?

Hon. Mr. SCOTT—Under the law it has to be done within a certain number of days. A writ is always returnable within a fixed time after the election.

The clause was adopted.

On clause 55,

Hon. Mr. LANDRY—What are '4 to 7' ?

Hon. Mr. DANDURAND—The hon. gentleman could find that out himself if he took the trouble to look.

Hon. Mr. POWER—I was going to repeat the suggestion I made a while ago. This is a pretty long Bill. There are a number of elaborate clauses and a number of long schedules, and the right thing to do now is to have this Bill carefully examined by the law clerk, and the hon. Secretary of State will be able to tell us at the third reading if it needs other amendments, and he will be prepared also to explain just what the provisions are which are referred to in clause 55. I think that is the commonsense and businesslike way to do it.

Hon. Mr. DANDURAND—This Bill went throught the other Chamber. It appertains to that Chamber more than to this House.

Hon. Mr. LANDRY—That is no good reason.

Hon. Mr. SCOTT—I will not have the Bill read a third time till to-morrow.

Hon. Sir MACKENZIE BOWELL—The Speaker wishes the Bill referred to the Law Clerk of the Senate, and that shows a lack of confidence in the Minister of Justice. I congratulate the hon. gentleman. He is on the right track.

The clause was adopted.

Hon. Mr. YOUNG, from the committee, reported the Bill with certain amendments and asked leave to sit again to-morrow.

It being six o'clock the Speaker left the Chair.

After Recess.

SECOND READING.

Bill (98) An Act to incorporate the Montreal Subway Company.—(Mr. Watson.)

REMISSION OF PENALTIES BILL.

SECOND READING.

Hon. Mr. TEMPLEMAN moved the second reading of Bill (151) 'An Act respecting the Remission of Penalties.' He said: This Bill is for the purpose of remitting penalties incurred specifically by some railway companies in British Columbia, street railway companies, and small private railways owned by coal mines, and lines in the interior—railways used for the purpose of transporting their coal and their ore some few miles in each case. These short tramway lines, numbering 12 or 13, have incurred penalties under clauses 298 to 305 of the Railway Act, which require railway com-

panies to make returns to the government. These small railway companies failed to make the returns. The companies are sued for non-compliance with the law; the penalties ranging from $10 to, in some cases, $100 per day. In the instance of the Tramway Company of Victoria and Vancouver and New Westminster, one company which failed to make returns, action has been taken against them for a sum of money aggregating $1,000,000, and in every other instance of the 12 or 13 companies, the amount is very large, aggregating altogether about twenty to twenty-five millions. These actions have been taken by blackmailers—men who are unknown in the community, men who are too lazy to work, and probably too cowardly to steal, who thought they would make a large sum of money by prosecuting companies of this character, which have been operating in all good faith, and did not consider that they were bound to make these returns. In some cases they were entirely ignorant that the Railway Act applied to them as private companies. In the case of a tramway company, I know that they were in correspondence with the Railway Department, with a view of learning what was the exact character of the returns they should make, as in their opinion the Railway Act did not specify the information which a tramway company or street railway company might make under the provision of the law. This Bill is for the purpose of giving the government power to remit these fines, if they should be imposed—the entire fine, the moiety which would go to the informer, and the moiety which would go to His Majesty.

Hon. Mr. LANDRY—I raise the objection that the Bill is not printed in French.

Hon. Mr. TEMPLEMAN—I trust my hon. friend will not be quite so captious as to take that course, as he will delay the proceedings of the House. The hon. gentleman can read the Bill in English.

Hon. Mr. MACDONALD (B.C.)—It is a very important Bill, to stop blackmailing and robbery.

Hon. Mr. DeBOUCHERVILLE—The hon. gentleman has raised a question which is very important. The Bill has not been printed or distributed in French. It seems to me the Bill is so extraordinary a measure that, without waiving our right to postpone the second reading, we might have a discussion on the point. A similar Bill was passed in another parliament, which was condemned throughout the Dominion. Certain gentlemen who had a right, which every citizen has, to go before the court, have justice taken away from them. If we pass this Bill, what would we do? We would declare that certain persons, having gone before a court, having gained their point, having a right to a certain sum of money, that is to say half the penalty, would be prevented from having their rights.

Hon. Mr. TEMPLEMAN—It is not in that position yet.

Hon. Mr. DeBOUCHERVILLE—The first clause of the Bill reads as follows:

> The Governor in Council may at any time remit, in whole or in part, any pecuniary penalty, fine, or forfeiture imposed by any Act of the Parliament of Canada, whether such penalty, fine, or forfeiture is payable to His Majesty or to some other person, or in part to His Majesty and in part to some other person, and whether it is recoverable on indictment, information or summary conviction, or by action or otherwise, and whether or not proceedings have been instituted for the recovery thereof.

His Majesty may remit the penalty due to him, but we have never had a Bill before us to remit money which was coming to some other person. The hon. Minister has given us an exposé of the case which certainly is very strong. He says that a little tramway company had been mulcted to the amount of one million.

Hon. Mr. TEMPLEMAN—There are about thirteen railways, comprising nearly all the small railways owned by mining companies.

Hon. Mr. DeBOUCHERVILLE—Not the same company.

Hon. Mr. TEMPLEMAN—No. The Vancouver Coal Company has a line of four or five miles which transports their coal from the mine to the wharf. The most important company is the Victoria & Vancouver Tramway Company, a street railway. That is the largest concern. The others are small ones scattered through the province. I said that in respect of one company the total fines, if they had been imposed, would be over one million dollars. The suits are in this position: that the writs

have only been issued, and as yet no penalties have been imposed.

Hon. Mr. DeBOUCHERVILLE—I have not put the sum large enough. One company would have to pay one million, five hundred thousand dollars. I have not read the Bill. I asked the hon. gentleman, but he did not give me a complete answer. He said the penalties in some cases were ten dollars a day, and in others a hundred dollars.

Hon. Mr. TEMPLEMAN—Per day.

Hon. Mr. DeBOUCHERVILLE—I have not the law before me. If they pay a hundred dollars a day, half of that would be a great deal. A hundred dollars a day would be a hundred thousand dollars in a thousand days. It would require three years to make up that amount..

Hon. Mr. TEMPLEMAN—In the case of one company it is running about thirty years.

Hon. Mr. DeBOUCHERVILLE—I have known of laws imposing a penalty, but I think a penalty cannot be imposed after one year. Therefore, I cannot understand that this Bill should extend thirty years back. I think it is contrary to all our laws. The penalties are generally for one year. If you do not sue during the year, the matter is concluded. I do not wish to be unparliamentary, but it seems to me monstrous to pass a law by which the money due to a person should be remitted by the government.

Hon. Mr. CHURCH—It is a government Bill, and on the face of it, only for the discussion which has taken place, I would not have known what the real purport of it was. I do not know what the practice in the Senate is, but this Bill originated in the other House. Generally when there is special legislation it is customary to insert a preamble setting forth why the legislation is sought for. If this Bill passes in its bald form, it might mean anything with regard to penalties and fines, but as I understand it now, it appears to me the real question is, whether it is right to do it, and if it be right it is our bounden duty to support it. I cannot conceive that the government would seek to have legislation of this kind enacted for which they must take the full responsibility before the electors of this country, unless they have made up their mind that the Bill itself was right. I think there should be a short preamble to the Bill setting forth clearly the reasons why this legislation was sought. I take it for granted these people have been in default, and in default so long that even ten dollars a day amounts to a very considerable sum of money. I suppose the shareholders in the small railways are hardly able to respond. It might fairly be asked whether the government has not been lax in its duties in allowing this default to go on so long. As far as I understand the question, I am prepared to give the government the benefit of the doubt and vote for the Bill.

Hon. Mr. BEIQUE—I must say my impression at first was very much the same as that of the hon. gentleman from Montarville, but on referring to the Revised Statutes, chap 29, section 78, I find the very same principle that is embodied in this Bill :

> The Governor in Council whenever he deems it right and conducive to the public good may remit any duty or toll payable to Her Majesty, imposed and authorized to be imposed by any Act of the parliament of Canada, or by any Act or ordinance of the legislature of the late province of Canada, or of any of the provinces of Nova Scotia, New Brunswick, British Columbia or Prince Edward Island, in force in Canada, and relating to any matter within the scope of the powers of the parliament thereof, or any forfeiture or pecuniary penalty imposed or authorized to be imposed by any such Act or Ordinance for any contravention of the laws relating to the collection of the revenue, or to the management of any public work producing toll or revenue, although any part of such forfeiture or penalty is given by law to the informer or prosecutor, or to any other person ; and such remission may be total or partial, conditional or unconditional, and may be granted either before or after, or pending any suit or proceeding for the recovery of any duty, toll, penalty or forfeiture.

It says here that the portion coming to the private prosecutor may be remitted. It seems to me that it is the very same principle, whether it be in connection with the revenues, or in connection with something else. Under section 304 of the Railway Act, railway companies are bound to make reports of any accident to life or property, and failing to make such report they are liable to a penalty of $100 per day. If there are such cases as have been mentioned by the hon. minister, that suits are taken

for the amount of millions of dollars, surely—

Hon. Mr. DeBOUCHERVILLE—Is there not prescription ?

Hon. Mr. BEIQUE—I know there would be prescription in Quebec, but I am not aware that there is prescription in British Columbia. I do not know about that. It is under sections 302 and 304 of the Rail-Act that the penalty is imposed. I was rising merely to cite this section of the Revenue Law which seems to me to embody the principle of the Bill, but I confess at first sight it rather surprised me.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman might have gone further. While this Bill appears upon the face of it to be an extraordinary measure, the Audit Act, to which the hon. gentleman has referred, gives the most unlimited power to the Governor in Council, upon the report of the Treasury Board, to remit any penalties under any circumstances, no matter in what state the case may be, but that clause confines the power exclusively to violations of the customs and inland revenue laws, or penalties affecting the revenue of the country. The object, I take it, of this Bill, is to extend the power which the Governor in Council has under the Audit Act to which I have just referred, to deal with all other cases of penalties. It is not a new principle, although it may seem very strange to all of us. I find that there is an Imperial Act, 22 Victoria, chap. 32, which gives the same power exactly to the imperial government that is sought to be obtained by this Act for the Governor in Council. A similar Act occurs in the ordinances of the North-west Territories. I think there is a similar Act also on the statute-book of the province of Ontario, and, if I am correctly informed, in the province of British Columbia, giving to the Lieutenant Governor in Council the same powers that this Act gives to this Governor in Council in the Dominion, so that the principle is not new. I have before me some telegrams which have been sent, some of which I received myself, and some of which have been placed in my hands from British Columbia, on this subject. However, before referring to them, I may ask the question I intended to in the first place from the hon. gentleman who is moving this amendment, as to the causes which led to the non-making of the returns. Was it through ignorance of the law, or because these small railways to which he referred did not think that the law applied to them ? Was that the case ? That is my information.

Hon. Mr. TEMPLEMAN—My information is, that these private railways did not think that the Railway Act, with respect to making returns of the number of passengers carried, number of miles travelled, and other statistics required from railway companies applied to them, and they do not think it does yet. But at all events, we do not know who these blackmailers are. They are nobodies put up by some people to persecute these private companies.

Hon. Sir MACKENZIE BOWELL—They have taken advantage of a law on the statute-books in order to make money. Whether you call them blackmailers or informers, they have a right to do under the law what they have done, and it is for the courts to decide whether the clauses in the Railway Act apply to these particular railways to which the hon. gentleman refers. I have a telegram to-day from Victoria, signed by A. E. McPhillips. Is he a lawyer ?

Hon. Mr. TEMPLEMAN—Yes.

Hon. Sir MACKENZIE BOWELL—I came to the conclusion that both these parties to whom I propose to refer are lawyers. He says :

> Remission penalties Bill in line with Imperial and Ontario legislation. Action brought here oppressively against street railway tramway companies, for non-compliance making financial mileage and accident returns. Railway Act amended, 1900, not thought refer to such companies, no objection to except from Bill section 290 Railway Act. Consider Bill in public interest.

Then on the other side I have a telegram signed 'Dumbleton & Boyd,' that was sent to Messrs. Chrysler & Bethune of Ottawa. It says :

> Oppose retroactive clause, Fitzpatrick. Bill, vigorously. Clients have bona fide, with consent advise ministers, Justice, Railways. Attempted enforce compliance provisions Railway Act. Actions approaching trial. Clients incurred heavy expense. Advised from Ottawa Bill aimed specially at these actions, namely, inter-alia Neil and Berkeley vs. Neilson Tramway, Atkinson and Berkeley vs. British Columbia Elec-

tric Railway. Get opposition; ventilate grievance. Reported McKenzie, Mann acquiring latter company. Report progress Bill through stages. Million claimed, but largely discretion court.

I have these telegrams in their abbreviated state, as transmitted. It is quite evident that these people have acted under the law, as Dumbleton & Barnum say. They are lawyers also, I suppose?

Hon. Mr. MACDONALD (B.C.)—Yes.

Hon. Sir MACKENZIE BOWELL—This says simply, that actions have been taken bona fide, and they want the parties who oppose it to so advise the Minister of Justice and Minister of Railways and stop the Bill. I was informed to-day by Mr. Bethune, just as the House rose, that what his clients desire before the Bill passes, is to be heard.

Hon. Mr. TEMPLEMAN—Did the telegram mention who their clients are?

Hon. Sir MACKENZIE BOWELL—I think not. The hon. gentleman can have the telegram and read it for himself. What they say is this, and I think it is reasonable, if parliament approve the principle, they only approve a principle that has been recognized by the British parliament, by Ontario, by British Columbia and the North-west Territories, and they ask, before any remission of penalties take place, that the parties interested should be heard. I do not see any objection to that. You will notice in the 2nd clause of the Bill, it is provided that where proceedings have been instituted by private persons, the costs already incurred shall not be remitted. I took very much the same view that my hon. friend from Montarville (Hon. Mr. DeBoucherville) took, when I first read it. Every one is opposed to what is called retroactive legislation, and this Bill has that effect. Whether parliament should adopt the principle that has been adopted in the case to which I have referred is a question. We have had on the statute-book ever since confederation a law giving power to the government to remit penalties under certain circumstances; whether we should extend it further, and include all cases, or whether this law should be restricted to the particular cases mentioned, is a point which should be considered well by the Senate before taking action.

Hon. Mr. DANDURAND—There is one point raised by the hon. gentleman from Montarville which needs an answer. The hon. gentleman seems surprised and shocked at the idea that private rights should be invaded and confiscated. Well, if the hon. gentleman will look at the rights of the claimants under this Act he will see that they have individually no personal or private right. They have a right which any citizen has to apply to the courts to obtain from a party a penalty for having violated the law. The private individual in each case substitutes himself to the Attorney General or to the Crown in punishing another fellow-citizen. There is no private right invaded, and we all know that such classes of actions taken by individuals are most unpopular throughout the land. Once in a while an individual will sue a party because he has failed to register his firm, or to register within a regular time. The courts, within my experience, give all possible scope for the defendant to escape from the meshes of the law, and from the greedy individual who wants to get from his fellow-citizen the pound of flesh. In this instance, but one private right could be invaded, and that is the right to remit the costs incurred. I understand the party who uses the law to institute proceedings for the recovery of the penalty, employs an attorney and is entitled to the payment for that attorney's services before his brief is taken out of his hands by parliament. This present law provides for the payment of costs. No individual excites less sympathy than the party who will use the law to punish a person by substituting himself for the Crown, and I think there is no monstrosity in this law; on the contrary, it is based on equity and justice.

Hon. Mr. DeBOUCHERVILLE—Where does the hon. gentleman find in the Bill that the costs will be remitted?

Hon. Mr. DANDURAND—In clause 2.

Hon. Sir MACKENZIE BOWELL—Looking at the third clause, I find it is confined exclusively to offences under the Railway Act.

Hon. Mr. DeBOUCHERVILLE—I do not consider clause 2 meets the case.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman said those people have earned their money and should get it. The case has not gone on trial, and therefore no money

is due them. They have undertaken, in this mischievous way, to make money. I am not surprised some persons support it, because a million and a half of dollars makes pretty good picking. Those railways have failed to make proper returns under the Railway Act. Are they to be punished for that? The prosecutors are trying to get what they have no right to take. The law may give it to them, but it is blackmailing, nothing more or less. I hope this House will take the proper and only legitimate view of this matter, and give the relief asked for.

Hon. Mr. BERNIER—I think this Bill is most extraordinary. In the first place, it is retroactive. As a principle, retroactive legislation is not admissible. There is another point. It seems to me that opportunity is taken of a special case to make a general law.

Hon. Mr. MACDONALD (B.C.)—How is it retroactive?

Hon. Mr. BERNIER—From the explanation given, its object is to cure certain past offences.

Hon. Mr. MACDONALD (B.C.)—There has been no decision in any of the cases yet.

Hon. Mr. BERNIER—It is to apply to all cases. If there is good reason for dealing with these cases it would be better to legislate specially for them, and not make a general law. Informers are not very much liked, and I know generally those people are not to be found in the highest classes of the community. At the same time, it appears to me that we should be consistent with our own law. If we pass legislation by which power is given to any individual to lay an information against anybody, it is not consistent with our own Act, to afterwards say these people are simply blackmailers; we want to deprive them of the privilege we gave them by our own legislation. I admit there may be good reason in these cases, but again I say it would be better to legislate specially for the particular cases mentioned, and not in a general way.

The motion was agreed to, and the Bill was read the second time.

Hon. Mr. DeBOUCHERVILLE—An objection was raised by the hon. gentleman from Stadacona (Mr. Landry) that the Bill was not printed in French; and therefore it should not be proceeded with. That objection has been before the House, and we have passed the second reading against the rules of the House. We have no right to go on with the Bill when one member objects.

Hon. Mr. MACDONALD (B.C.)—He did not press his objection.

Hon. Mr. DeBOUCHERVILLE—It is only necessary for a member to raise the objection, and the objection having been raised, the Speaker ought to have decided that, one member objecting, the Bill should not be proceeded with.

Hon. Mr. TEMPLEMAN—Does the hon. gentleman persist in his objection that because the Bill is not printed in French we cannot go on? I understood the hon. gentleman from Stadacona waived the objection.

Hon. Mr. LANDRY—How could the hon. minister understand that?

Hon. Mr. TEMPLEMAN—Does the hon. gentleman insist upon it now?

Hon. Mr. LANDRY—I do.

Hon. Mr. TEMPLEMAN—Then I move that the Bill be referred to a Committee of the Whole House to-morrow.

Hon. Mr. DeBOUCHERVILLE—The objection was taken to the second reading.

The SPEAKER—The House cannot go back to undo what has already been done. I understood, as the hon. gentleman from British Columbia did, that the hon. gentleman from Stadacona did not press his objection. He did not press it, and the Bill will have to wait until to-morrow for the committee stage.

The committee stage of the Bill was fixed for to-morrow.

RAILWAY ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (155) 'An Act to amend the Railway Act.' He said: The object of this Bill

is to replace section 114 with a section somewhat similar, only fuller in language. A technical objection has been raised to the right of a railway company to run a certain distance within six miles for either water, rock, gravel or earth, in the construction of its railway line. The case arose where a lake intervened between the railway and the gravel bed, and it was held that, as the water intervened, the clause did not apply; this clause is simply widening the Act. It applies only where the railway company requires sand, gravel, earth or water at a distance from the line of railway for the construction and maintenance of the line. It is to remove a doubt as to the right of the company to take it.

Hon. Mr. LANDRY—There is no distance specified.

Hon. Mr. SCOTT—No.

Hon. Mr. CASGRAIN (de Lanaudière)—It is specified in the Act, six miles away.

Hon. Mr. DANDURAND—This does not change the distance.

Hon. Mr. LANDRY—How does this Bill differ from the law as it stands?

Hon. Mr. SCOTT—I will read the first part of section 114 as it appears in the Act:

Whenever any stone, gravel, earth, sand or water, so required, is situate at a distance from the line of the railway, the company may lay down the necessary tracks, spurs or branch lines, water pipes or conduits, over or through any lands intervening between the railway and the land on which such material or water is found, or any other place to which the said stone, gravel, earth or sand may be brought, whatever is the distance.

The words in the third line 'for the purpose of the construction and maintenance of the railway' are added.

Hon. Mr. LANDRY—By this Bill you have the power of expropriation, not only for the construction but for the maintenance.

Hon. Mr. SCOTT—Yes, so far as sand, earth, gravel and water are concerned.

Hon. Mr. CASGRAIN (de Lanaudière)—In practice it has been done all the time. It is only to legalize what has been done and is being done every day.

Hon. Mr. DeBOUCHERVILLE—The great objection is in the very last words of this Bill.

Hon. Mr. SCOTT.

Hon. Mr. SCOTT—It is in the third line, the material change is. It is limiting their power to these particular purposes. It must be for the maintenance and construction of the railway.

Hon. Mr. DeBOUCHERVILLE—I have the French version here, and it says: 'All those rights'—that is to say the rights of expropriation, the right to pass through the land and to take possession of a certain part of the land. I suppose nobody could object to those powers that are given for the construction of a railway. But when the road is completed it seems to me that the expropriation ought to cease. The company can, without any plan or notice, expropriate land and build a road to these places where they get the ballast. I think this legislation is new. I do not think you will find in any of our laws that, after the road is constructed and in operation, there still remains the right to expropriate.

Hon. Mr. SCOTT—If the hon. gentleman will note what I read, he will find it in the law, but it is only constructively stated. It comes in at the end of the paragraph I read from the Railway Act of 1888. It reads as follows:

And the powers in this and the next preceding sections contained, may at all times be used in all respects after the railway is constructed for the purpose of constructing and maintaining the railway.

It seems pretty certain, but the courts held the authority was not given. The words introduced in the third line of the Bill are really a repetition of the words in the last line of the clause as it stands.

Hon. Mr. DeBOUCHERVILLE—It says they can build a railway six miles long.

Hon. Mr. SCOTT—Yes, that is the limitation.

Hon. Mr. DeBOUCHERVILLE—Why did you not put it in this Bill?

Hon. Mr. SCOTT—They must file a plan for every six miles.

Hon. Sir MACKENZIE BOWELL—I have listened with a great deal of attention, trying to understand the explanation, but I must confess frankly that I do not understand the reasons for the introduction of this Bill. If it gives no further power than the present law gives, certainly the Rail-

way Department would not introduce a measure to restrict their rights and privileges. That I think we may take for granted. Some difficulty must have arisen in connection with the securing of this gravel and stone, or the Bill would not have been introduced. Does it arise from this fact, that they found, as the Secretary of State has mentioned, that they could not reach these deposits of gravel and stone required for repairing within the six miles, and that a lake intervening between the two, that it was necessary to build around this pond, or lake, or watercourse in order to reach the gravel pit or quarry. Is that really the object of the Bill ?

Hon. Mr. SCOTT—That is the explanation the Minister of Railways gave me when I asked him for it. He drew a little plan and said : ' The line come up to within two or three miles, and the gravel is on the other side of the lake. It is six miles if you go round, and not six miles if you go across the water.'

The motion was agreed to, and the Bill was read the second time.

The Bill was then read the third time and passed, under suspension of the rules.

MANITOBA GRAIN ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (162) An Act to amend the Manitoba Grain Act, 1900. He said : This Bill is to amend an Act that was a good deal discussed in this Chamber two years ago. In the session of 1900, it may be remembered, we had a very long discussion occupying several days in connection with the Manitoba Grain Act. The question of platforms for farmers to load on cars, and the erection of flat warehouses, was discussed. It is alleged, I am advised, that the farmers have rather suffered in the North-west during the last year by combinations that have existed, or alleged combinations so reported of the elevator men. Whether it is true or not, at all events that is the statement made, and this Bill is to remove a grievance of the farmers who allege that they have been deprived of the fair competitive rates that might be received for their grain and claim that they should be allowed wider privileges in regard to the flat warehouses. I will point out the material changes as I am proceeding. In the first section the material change is that the person operating the elevator shall have the standard grades of wheat described and kept in view. In reference to the flat warehouse there was a limitation that it should be erected only in those cases where it had a capacity of 3,000 bushels. The question of capacity is removed from the law by this Bill, the capacity not being in any degree limited. There are some new clauses.

Hon. Mr. DRUMMOND—What is a flat warehouse ?

Hon. Mr. SCOTT—In contradistinction to an elevator, the old fashioned warehouse. The railway companies are bound, under this amendment if it passes, to erect what are called loading platforms for the farmers at the railway stations. The commissioner has, to some extent, a discretionary power in judging of the necessity for the platforms and the warehouses. At present, if I am properly instructed, officials are paid salaries. They no longer get fees.

Hon. Mr. YOUNG—The inspectors are paid salaries now.

Hon. Mr. SCOTT—The penalties for the infractions of the Act have been considerably increased. In the Act passed in 1900 a penalty might be as low as $10. Under this Act the least penalty must be no less than $50 or more than $1,000. Then there is another new clause to which I call the attention of the House, and that is a new departure requiring the station agent at each railway station to keep an order-book, and if there are cars at the station, the farmer coming to the station has a right to have his name entered for one or more cars. It is the duty of the company to hold those cars for him 48 hours.

Hon. Sir MACKENZIE BOWELL—That is an increase of 24 hours.

Hon. Mr. SCOTT—I think it is a novelty altogether.

Hon. Sir MACKENZIE BOWELL—No, it was 24 hours under the Railway Act.

Hon. Mr. YOUNG—I want to say a word or two. I am not going to discuss the pro-

visions of the Bill, because I fancy we can discuss those provisions much better in Committee of the Whole House, but I wish to say a word or two in reference to one or two remarks which have fallen from the lips of my hon. friend.

Hon. Mr. SCOTT—Very qualified remarks.

Hon. Mr. YOUNG—Very qualified, I admit. He suggested that owing to an alleged combine amongst the grain buyers in the west, farmers did not get that price for their grain which they were entitled to. Now, I am not going to discuss this matter in any other spirit than in the same spirit my hon. friend the Secretary of State suggested, and that is that we should legislate, so far as we are capable of doing so on such short notice, in the direction of securing to the farmers of the North-west and Manitoba fair prices for their produce, whether it be wheat or anything else. But I wish to call the attention of this honourable body to one or two things which would seem to me to make it very difficult to have a very close combination existing in Manitoba and the North-west. Just as an example, we had in the North-west 123 private elevators, thirty-one farmers' elevators owned by farmers joining together. We have elevator companies owning 265 elevators. I think my figures are correct. It is the latest information I could get, and we had the two big milling companies, Ogilvies and the Lake of the Woods Milling Company, operating 113 elevators, and we have 88 of those warehouses which were mentioned a moment ago, making altogether over 600 buildings operating in connection with the handling of grain in the west. I think every hon. gentleman will agree with me that it would be very difficult to have a combination covering the whole of that territory when we know the interests that are represented here in the elevators I have spoken of. The milling companies get the wheat independent of anybody else in regard to price and quality. I fancy every hon. gentleman who knows these companies will readily understand that. The farmers' elevators again are operated by farmers, where different buyers are buying, if they choose, through those elevators, and surely they do not belong to any combine which would have the effect of depressing the prices over the whole of the North-west. Then take the other large companies representing large interests in buying grain. Besides that, since 1900, when this Grain Act was passed, we have allowed farmers the privilege of loading on cars, of building flat warehouses, and having these loading platforms, or loading where there were no platforms. So that under ordinary circumstances one would think it would be very difficult to have a combine which would bring about the effects suggested by the remarks which have been made. When this question, that there was a combine, was agitated by certain parties, independent buyers were written to and asked a series of questions, and I have here a list of their names, and I have also in my possession their replies with their signatures attached, from between fifty and sixty of those country buyers, individual buyers throughout the country, independent of any combination of elevators or anything else, relying on their own capital. Being independent in that way, they have written denying most emphatically that they are either controlled or under any obligation to pay any price for grain except to buy at what they considered the value of the grain on the market where they are buying. But notwithstanding that, by legislation passed in the province of Manitoba, the Northern Pacific Railway, and the Lake Dauphin, as it was known at the time, now the Canadian Northern, by their local charter which they obtained from the provincial legislature of Manitoba, had to allow a free shipment of grain in any way, shape or form along their line, so that these combinations would have to include such an immense number of people that you can readily see that that state of affairs cannot generally prevail. Now, during last year, there is no question about it, owing to the shortage of cars, there was a congestion in our wheat market in the west, grain was worth more on a car than in a heap in the elevator when you did not know when you were going to ship it out, the elevator being frequently filled to the neck. I have known elevators that did not turn a wheel for weeks at a time. The railway companies have not sufficient rolling stock to carry out the grain, and when a farmer would see a man getting a premium on his wheat once he got it into his car, and he himself, standing alongside the car, not able to get nearly so much for his wheat, he naturally account-

ed for it by the fact that there was crookedness somewhere. He could not see otherwise why he could not get as much for his wheat in the elevator as when it was in the car ready to ship. We must remember that this was particularly so shortly before the close of navigation last year. Everybody will bear me out in saying that if you have to buy a thousand carloads of wheat in November and carry it until navigation opens, or pay all-rail rates, it is not nearly so valuable. It is worth at least carrying charges less than if you have it ready to ship down and take advantage of the fall navigation, and as a natural consequence there was considerable irritation. I was pleased the other day when I saw provision was made by which the possibilities are, that that state of affairs will not exist perhaps this next year in consequence of the increased capital that has been given to the Canadian Pacific Railway, a large percentage of which has to be devoted to rolling stock. I do not want to go into the prophesying business, but if we continue to develop in the west as we have been developing in the past year, the Canadian Pacific Railway will be knocking at the door of parliament in a very short time for the purpose of repeating their request of this year—for more capital for rolling stock.

Hon. Mr. CLEMOW—That is all right.

Hon. Mr. YOUNG—It is all right and we are proud of it, but the man who has his grain at home and cannot ship it, has reason to grumble, and in this legislation it will be well to keep this view of the question before us all the time: legistate so that the rolling stock of the country will not be unreasonably hampered, so that we can get our grain out reasonably fast. If we legislate so that this increased rolling stock will be limited in its usefulness, then to that extent we will be nearer the danger line of congestion again in another year or the year following. So that we have to be careful in dealing with these matters to see that we do not, while trying to help one end of the question, injure the farmer as much at the other end. That is one thing we have to look out for. This legislation has been brought down very recently. I have been watching for it for a good many months, and it is impossible for me offhand to state the exact effect of all these various clauses. It is a large question involving the moving of millions of bushels of grain, and we have to consider it very carefully. I would have preferred to see this Bill brought down a month ago, and proceeded with very slowly so that we could have got all the information, the expert evidence, as my hon. friend suggests, so that we could feel certain of our ground. We have not got the time now, and if we knocked out the Bill, as has been suggested, that would not do, because some of these provisions are very wise and necessary, and it is not the feeling of this House to do anything which will in any way hamper the farmers of the North-west. I am sure hon. gentlemen are, like myself, only too anxious to help them. I thought it only fair to say these few words, but I want to point out that the very first clause of the Bill will need amending. It is an indication that we must watch the other clauses very closely. It is only a technical matter that requires amendment in the first clause, but it shows how careful we must be. In section 2, the two last lines:

> The six standard grades of wheat established and described in the General Inspection Act as amended by chap. 25 of the Statutes of 1898.

I find that that section has been repealed and that Chap. 24 of the Act of 1901 has been substituted for it. We have to start from the very beginning and correct that, because the six grades that are referred to in that proposed amendment are not all contained in the Act of 1901. As to the time for loading cars, I said a moment ago that, while dealing fairly with the farmer—and he is the one we should consider first—we should be careful not to make such provisions, as will destroy to a great extent the usefulness of the rolling stock or prevent the company from hauling out as much grain with their rolling stock as they reasonably can. In one clause of the Bill I understand that 48 hours is allowed. The provisions contained in the Bill are suggestions which have been made by various members in another place, but I am told that the 48 hours mentioned there was intended to be 24 hours, and when we go into committee, I shall draw attention to that. There are one or two other amendments which have been suggested to me, and when we come to read the Act all through and compare it with the Act of 1900, we will be

better able to see it, but I hope when we are through with the Bill that we will have such an Act on our statute-book as will not leave any shadow of suspicion that we have not given to the farmers every possible facility and opportunity to handle their grain.

Hon. Sir MACKENZIE BOWELL—Might I ask the Hon. Secretary of State whether the parties who are interested in this Bill have had such notice of its provisions as to enable them to protest or to approve. Judging from the telegrams which I have received. I should say they have not. I do not propose to discuss the question as the hon. gentleman has done, but simply to point this out: have the railway companies made any objections to the clause which compels them, if it be possible, to leave a car standing forty-eight hours? Common sense would teach us there is a great deal of force in the remarks of the hon. gentleman from Killarney (Mr. Young) who has spoken on this point. If the railway companies are obliged to leave a car for 48 hours, it compels them to leave it 24 hours longer than they are required to do now. That time would enable the company to haul a train of cars from a considerable distance west of Winnipeg, or even to Fort William and get back to reload. That is a question to be considered. Judging from the telegram placed in my hands, I should be inclined to think the parties interested have not received the notice of this legislation to which they are entitled. For instance, here is a telegram from Winnipeg, dated the 10th inst. It is directed to myself, and is as follows:

The proposed amendments of the Grain Act as published in the press to-day, are simply outrageous. They are founded on false statements of unfair treatment of farmers, and on abnormal conditions that existed last winter, which conditions are unlikely ever to be repeated. The allegations of certain western members that elevator owners combine to systematically rob farmers, was clearly disproved before the royal commission three years ago, and would be disproved again at any judicial investigation. It is astonishing that parliament should accept without question the wholesale charges that have been made against elevator owners, and passed hasty, injudicious and unfair legislation without giving some opportunity to the interests affected being heard. Please use your influence to secure stay of proceedings until our delegation can be heard.

(Signed) THE NORTHERN ELEVATOR CO., (Limited).

A similar telegram has been received from G. R. Crowe. I do not know what position he holds.

Hon. Mr. YOUNG—He is a grain man.

Hon. Sir MACKENZIE BOWELL—It is exactly of the same character and was received by a member of the House of Commons and practically in the same terms, and winds up with the following:—

I refer you to the Hon. Senator McKay, Hon. W. J. Stairs, John F. Stairs, Halifax, also S. E. Gourlay.

Then there is another one received by Senator Cox, to this effect:—

Elevator owners protest strongly against unfair provisions reported being put into Grain Act amendments, on car distribution, and consider all shippers, whether farmer or dealer, should have equal right to cars, according to quantity he has to ship; also consider it as unfair to oblige elevators to receive six grades, while warehouse owners may do as they please. I think there is ground for protest, and would suggest that action be deferred until the important interests here have an opportunity of stating their case.

This is signed by John Aird.

Hon. Mr. YOUNG—He is a manager of the Bank of Commerce.

Hon. Sir MACKENZIE BOWELL—A similar telegram was received by Mr. E. B. Osler, M.P., who had to go to Montreal and gave it to Senator Cox, who handed it to me. It reads as follows:—

Amendments to Grain Act published in press to-day most unjust to elevator property. Restrictions placed on the elevator shipping power by provisions for car distribution are such as might leave elevators blocked for a long period; also requirements for storage six grades unjust and arbitrary in the extreme, because some grades may have little or no existence, and warehouses have no such restrictions. Also no provision to protect elevator in event of accident to machinery or partial distribution of building. Result if amendments become law will be great damage to investments in elevators. See Cox, Bowell, or any senator that will argue the matter, and see fair-play to invested capital.

This is signed by the Winnipeg Elevator Company. From these telegrams I should judge that this class of people who deal in grain have not had an opportunity of giving their opinions. I know there is great complaint of the elevator men and also of grain buyers in the west. What they say is, by refusing to have storage for the different grades of wheat in their elevators they are very often compelled to put No. 1 wheat in with No. 2 and 3, and thereby the farmers lose four or five cents a bushel on the grain.

If there is any complaint of that kind, that affects the farmers to that extent, parliament ought to step in and protect them. I think that is our duty—that they should allow no combine. if they can possibly avoid it, to exist, by which the farmers of the North-west and the output of grain we have from that country may be deprived of three or even two cents per bushel. When one calculates the loss of three or four cents a bushel on grain where there are sixty to a hundred million bushels to be handled, it is a very important matter to those who are engaged in the farming industry. I am not sufficiently familiar with the provisions of the Bill or the working of the law to speak as intelligently as I should like. I am just speaking on general principles. I have read these telegrams for the information of the Senate and for their consideration before we legislate too hastily upon a subject of such vast importance to the western country, which is developing at the present moment in such a rapid degree as to make it almost impossible for the railway companies to meet the requirements of the farmers to bring out their produce and put it on the market in reasonable time. My own opinion, from what I have read and seen, and the faultfinding that has taken place, considering the short time the railways have been in existence, is that they have accomplished wonders. It is said they have not facilities enough to accommodate the traffic. That may be, but who anticipated two or three years ago, when there was hardly any output from that country, that we would have from sixty to a hundred million bushels of grain for export to the east.

Hon. Mr. CASGRAIN (De Lanaudière)—Sir Charles Tupper anticipated it.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman wants to go back to ancient history instead of discussing matters as we have them to-day. I might ask that hon. gentleman what position would those farmers be in to-day, if they had to depend on the water stretches? I prefer to drop ancient history, and to take the facts as we have them to-day. Ten or fifteen years ago, we could scarcely contemplate the results which have flowed from the settlement of that country, and if this season should be as favourable a season as last year's, the railways will be in a still more congested condition than they are to-day, and that is one reason why I think every man who knows any thing on the subject will favour the policy of the government in giving to the Canadian Pacific Railway Company the right to borrow twenty million dollars in order to meet those requirements. Before we finally pass this Bill, we should understand exactly what we are doing so as not to injure either the farmers, the elevator men or the grain buyers.

The motion was agreed to, and the Bill was read the second time.

CITY OF OTTAWA ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (164) 'An Act to amend the Act of 1899, respecting the city of Ottawa.' He said: The object of this Bill is to increase the number forming the Ottawa Improvement Commission, adding four members to it, with the view of placing on the commission gentlemen who are outside of Ottawa, who might be induced to take an interest in the improvements contemplated, under the Ottawa Improvement Act.

Hon. Sir MACKENZIE BOWELL—Making this the 'Washington of the North.'

Hon. Mr. CLEMOW—I approve of this Bill, and I have great pleasure in saying that the commission appointed in the past have done remarkably well. They have performed their work in a very satisfactory manner, and if they continue in the future as they have done in the past, in a very few years we shall have a city worthy of being known as the Washington of the North. I would go further if I had my way, and would place the entire work of the improvement of this city under the control of this commission appointed by the Governor in Council. It is more satisfactory in every way. It is true that last year there was some little difficulty caused by the death of a gentleman they intended to appoint, which gave the chairman two votes. That caused some comment in the press, but it did not amount to anything. I bear testimony to the manner in which this commission have performed their work.

They have done it well, and have been economical in every way. I do not believe that they have spent one dollar in excess of the amount required for their purposes. Private individuals were willing to give them all the land they required to make the driveways. The commission had no cause of complaint in that respect. Every man who had land in the vicinity of the driveways gave them freely what they required. I gave them considerable land myself, knowing that I would be benefited in the end by the improvement, but if they had to buy this land and pay for it, it would have amounted to considerable. The city have not saved anything by the expenditure—rather the reverse—because out of the $60,000, the commission get $15,000 that the government formerly paid the city for water supply. However, that is passed, and I hope the government will increase the amount of the appropriation for improvements, and make this city what it ought to be. I heartily approve of the increase in the number of commissioners.

Hon. Mr. DeBOUCHERVILLE—I am happy to hear the hon. senator from Rideau (Hon. Mr. Clemow) informing us that the commissioners have done their duty with great advantage to the city of Ottawa. I am far from wishing to say anything against this measure. I approve of the appropriation of $60,000 for the city of Ottawa. We of the other provinces ought to have as our capital a city which belongs to all the provinces. It has been said that Ottawa ought to be the Washington of the North. I entirely agree with that idea, but it can only be done by putting it in the same position as the Washington of the South—the more so as it was the wish of our great leader, Sir John Macdonald, who told me that he had forgotten that one thing at confederation. He might be pardoned for that, since he gave us the perfect constitution we have. I hope the increase in the number of commissioners will not interfere with the improvements in Ottawa, and that the government, being Liberal, will be liberal enough to name persons not merely for their political opinions but persons able and interested in promoting the improvement of the city. I think we ought to have a district of Ottawa like the District of Columbia. Ottawa ought to be independent of all the provinces. This district should belong to the Dominion, and when we come here we should feel at home. I hope it will be felt we should make Ottawa one of the finest cities in the world.

The motion was agreed to, and the Bill was read the second time.

The Bill was then passed through its final stages, under a suspension of the rules.

GASPE & WESTERN RAILWAY COMPANY INCORPORATION BILL.

FIRST READING.

A message was received from the House of Commons with Bill (102) 'An Act to incorporate the Gaspé and Western Railway Company.'

The Bill was read the first time.

Hon. Mr. SULLIVAN moved the suspension of the 60th rule so far as it relates to this Bill.

Hon. Mr. CASGRAIN—I object to the suspension.

The SPEAKER—The hon. gentleman can give notice of that motion.

Hon. Mr. SULLIVAN—Then I give notice that I will to-morrow move the suspension of all rules affecting this Bill.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, May 13, 1902.

The SPEAKER took the Chair at Eleven o'clock, a.m.

Prayers and routine proceedings.

THIRD READINGS.

Bill (85) An Act respecting the South Shore Railway Company.—(Hon. Mr. Beique.)

Bill (55) An Act respecting the Lake Erie and Detroit River Railway Company.—(Hon. Mr. Macdonald, P.E.I.)

Bill (81) An Act to incorporate the Canadian Northern Telegraph Company.—(Hon. Mr. Young.)

Bill (89) An Act to incorporate the Canada Central Railway Company.—(Hon. Mr. Watson.)

Bill (98) An Act to incorporate the Montreal Subway Company.—(Hon. Mr. Watson.)

THE STANDING ORDERS COMMITTEE.

REPORT ADOPTED.

Hon. Mr. MACDONALD (P.E.I.), from the Standing Committee on Standing Orders, presented their 26th report. He said: It has been found that there has been a difference between the orders of the House of Commons and the orders of the Standing Committee of the Senate respecting Bills, and a sub-committee was appointed by the Standing Orders Committee of the Senate to consult with the members of the Standing Orders Committee of the House of Commons respecting this difference in the rules as to notices required, and after consultation this report was adopted. I move that it be received and read.

The report was read at the Table.

Hon. Mr. BEIQUE—The Committee on Standing Orders had a conference with a sub-committee of the Standing Orders Committee of the House of Commons and, as a result of the conference, they have agreed to modify their rules in the Commons so as to agree with the rules heretofore existing in the Senate. The change made to paragraph *a* of rule 49 is merely a change of wording, but it is exactly to the purport of the rule as now in force. We have made changes in words only. Paragraph, *b*, was the same in both Houses, and therefore it remains the same. Paragraph *c* was not at all the rule of the Commons—that is, the rule applying to a company that is to operate in more than one province, district or territory—and they have agreed to recommend the adoption of this paragraph *c* in the Commons so as to make the rules uniform in both Houses, and the Standing Orders Committee recommended that the period of the publication of the notices be reduced to one month. Hon. gentlemen are aware that it has been the rule to have publication for two months. That rule has existed for thirty or forty years or more, but in the province of Quebec, and I am quite sure in Ontario and the other provinces, the time has been reduced to one month, and less, and your committee is of opinion that publication for one month would answer the purpose. If the report is to be adopted, it would require the suspension of rule 16.

Hon. Mr. DANDURAND—I must enter my protest against that part of the report which maintains the rule, when a Bill is to operate in more than one province, that publication should be had in all the provinces. It seems to me the time has come when we should continue to act on the lines that we adopted in the new Companies Act and reduce the procedure to a minimum. The safeguard that the publication in the Canada 'Gazette' gives, is, to my mind, ample. The newspapers now publish the important notices that the Canada 'Gazette' contains, and it seems to me that if we reduce the notification to the publishing of the notice at the head office of the company and in the Canada 'Gazette,' that would be sufficient to ensure complete publicity throughout Canada. We have now our dailies in large centres circulating throughout the whole Dominion publishing a summary of what appears in the Canada 'Gazette,' and it is a most obnoxious rule to maintain, that when an attorney has to advertise an application to this parliament, he should get into communication with people throughout the whole Dominion. We will soon have three other provinces in the west, and to ensure the publication in due time of this notice, one would have to start a couple of months in advance to get in communication with newspapers throughout the whole country. It seems to me that publication in the Canada 'Gazette' is sufficient, as our newspapers publish from it. It will be found at times when we have only a few weeks at our disposal that to publish the notice throughout the Dominion will be a hardship and sometimes an impossibility. The Canada 'Gazette' should be the only and proper medium through which we should advertise.

Hon. Mr. YOUNG—I cannot endorse all that my hon. friend has just said with reference to notices for private Bills. The tendency of corporations coming here for charters is not to ask for decreased powers; our experience is that they ask for pretty nearly everything under the sun.

Hon. Mr. CLEMOW—Especially those from the North-west.

Hon. Mr. YOUNG—Not only in the North-west but all over, and when my hon. friend suggests that the Canada 'Gazette' would give ample notice to districts affected by private Bills, I should like to point out that possibly not one man in ten thousand sees the Canada 'Gazette.' We have had called

to our attention this session already the fact that through want of notice injustice might have been done to certain interests in granting charters in the same territory. I am pleased that this recommendation has been made, because we have the Standing Orders Committee to bear witness to this statement which has been frequently made. We have advertised according to the rules of the House of Commons, but when we come to the Senate, we find their rules are more exacting. We have subsection c, which exacts that notice shall be given in every province where the company operates, and they have not had that in the House of Commons, and there has been a difference between the two, and it has been a case of either suspending the rule, or throwing the petition out. What I want to point out is that this recommendation has practically no effect. According to rule 16, no motion shall be made for changing a rule, unless the senators have been previously summoned for considering the same. It leads up to this: we should have a small committee appointed to revise and modernize our rules at the earliest possible date. We cannot do it this session, it is too late; but we could do it in the first days of next session, and all those matters could be taken into consideration. While, as my hon. friend points out, it would not affect the notice which would have to be given next year for private Bills, it would take effect the year after. That is the very best we can do. The recommendations, I have no doubt, are in the right direction. Advertising in the appropriate districts, one month is sufficient, but so far from finding the information in the Canada 'Gazette' is concerned, very few people ever see it.

Hon. Mr. BERNIER—The hon. gentleman who opposes the report has the advantage of living in the city of Montreal. But if he were living in an outside province he would not oppose this report. If the notices are not published in the different provinces, many Bills will pass unnoticed.

Hon. Mr. MACDONALD (P.E.I.)—There is this to be taken into consideration also: the hon. senator from De Lorimier (Hon. Mr. Dandurand), who objected to the publication in the various papers in the other provinces, considered that the publication in the Canada 'Gazette' was sufficient. I do not agree with that. There is no difficulty in publishing in every province of the Dominion by sending a notice to some prominent paper for publication. That leading paper will have it published in every province in the Dominion, and carry out the intent of the Act. There is this to be considered about this report: it is necessary that it should be adopted, so far as it can be adopted by the Senate at present, in order that the practice may be uniform during the coming year. It does not make any material change in the present standing orders of the Senate, because, although the language is altered, the purport is almost identically the same. The language has to be altered also in the House of Commons rule to coincide literally with the language adopted here, which is much briefer and, I think, more easily understood, and not subject to misinterpretation as the other standing rules were liable to be. The only specific change made is in one rule, changing the time for which the notices are to be published from two months to one month. I think, as it is necessary that notice should be published at once in the Canada Gazette, that it would be much better to adopt that rule so far as we can do it at present.

Hon. Mr. BEIQUE—We are not suggesting that the rules of the Senate be amended otherwise than by reducing the time of notice from two months to one month. The other rules are the same, so far as the Senate rules are concerned. We have induced the committee of the House of Commons to adopt the same rules as we have had here. The hon. gentleman from De Lorimier says that the rules should be modernized and dispense with notices as we are dispensing with notices for companies incorporated under the Joint Stock Companies Act. There is a great difference between the two cases. Under the Joint Stock Companies Act, companies are incorporated with no privilege except the privilege of doing business as an individual can do business. No exclusive privilege is given, and no power of expropriation or any other exceptional advantage granted. This rule affects companies incorporated by special charters. As has been pointed out by the hon. gentleman from Killarney (Hon. Mr. Young), the tendency is for those com-

panies to ask for excessive powers, and I have come to the conclusion that it is a safe rule to follow that the notice be published in the 'Gazette' and in the leading newspapers of the provinces in which the company proposes to do business.

Now, it has been suggested that we should have waited until next year. We have been bearing that in mind. It has been suggested that we should revise all the rules of this House next year, but that would put us over two years. We have taken hold of this matter now with a view of providing for the notices which will have to be given previous to next session, and that is the only reason why the Committee on Standing Orders have deemed it advisable to bring this matter before the attention of the House this session. And, moreover, the rules remain as they are as far as the Senate is concerned, with that exception, shortening the publication of two months to one month.

Hon. Mr. DeBOUCHERVILLE — (In French)—I would call attention to rule 16 which says :

No motion for making any order of the Senate a standing order can be adopted unless the senators in attendance on the session shall have been previously summoned to consider the same.

So that this motion cannot be adopted.

The SPEAKER—The hon. gentleman is perfectly right. This report comes under the provisions of rule 17. However, there is no probability that we shall have prorogation before to-morrow afternoon, and if any hon. member gives notice now for motion at the first session of the House to-morrow, rule 50 can be altered. That is the only change that is really needed. The report recommends that the rules with respect to notice continue to be the same as those of the Senate, but that the notices provided for in the Bill specified under rule 50 be reduced from two months to one, and if some hon. gentleman gives notice of a motion to amend that rule to-morrow it can be done.

Hon. Mr. BEIQUE—I give notice that at the first sitting of the Senate to-morrow I will move that rule 50 of the Senate be amended by striking out the words 'two months, and substituting therefor the words 'one month' and adopting the wording of the report.

The SPEAKER—Does the hon. gentleman move that this report be concurred in as far as we can concur in it ?

Hon. Mr. MACDONALD (P.E.I.)—I move that this report be concurred in.

Hon. Sir MACKENZIE BOWELL—Does not that include the very point we have been discussing, if we adopt the report ?

The SPEAKER—No, I do not think so. The motion would be that the report be received.

Hon. Sir MACKENZIE BOWELL—If we adopt the report we affirm the very suggestion that has been discussed. I would suggest that the report be received and laid on the Table.

Hon. Mr. ELLIS—If the report is received and laid on the Table, it does not come into force without a resolution.

The report was received and laid on the Table.

APPOINTMENT OF HONORARY COLONELS.

MOTION.

Hon. Mr. LANDRY moved :

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will be graciously pleased to cause to be laid before this House a statement showing :—

1. The names of all the persons who have been appointed, or who have been recommended for the position of honorary colonels or honary lieutenant-colonels in the volunteer force, designating the regiments to which they are or are to be attached, and mentioning the date of each nomination.

2. A statement of the service of each of the persons so appointed or recommended.

3. The names of all persons who have recommended such nominations, together with all the correspondence exchanged on this subject.

4. The names of the persons recommended who have not been appointed, distinguishing persons whose appointment has been refused from persons whose appointment has not yet been decided upon, and giving for each of these persons the cause of the refusal of or the delay in his appointment.

The motion was agreed to.

GASPE AND WESTERN RAILWAY COMPANY BILL.

RULE SUSPENDED.

Hon. Mr. SULLIVAN moved :

To suspend the 60th and 70th rules, in so far as they relate to Bill (102) entitled 'An Act respecting the Gaspé and Western Railway Company.'

Hon. Mr. LANDRY—I will call attention to rule 13 which necessitates one intermediate day's notice in writing of all motions deemed special.

Hon. Mr. POWER—I do not regard this as a special motion.

Hon. Mr. LANDRY—And a motion is deemed special when it initiates a subject of discussion.

Hon. Mr. YOUNG—This is a routine motion. Rule 17 is the one.

Hon. Mr. LANDRY—The same principle is involved in rule 17.

Hon. Mr. SULLIVAN—The notice was given.

The SPEAKER—Rule 13 does not apply to the motion. It is a routine motion. The uniform practice has been to require only one day's notice, and the hon. gentleman from Kingston has given one day's notice under rule 17.

Hon. Mr. LANDRY—He gave the notice at the last sitting.

The SPEAKER—This is a separate day. The motion providing for distinct sittings recited that each sitting should be held to be a separate day, so that the motion is quite in order.

Hon. Mr. LANDRY—It is a separate sitting, but there is not an intermediate day.

The motion was agreed to.

REPRESENTATION OF YUKON TERRITORY IN HOUSE OF COMMONS' BILL.

THIRD READING.

The House again resolved iteself into Committee of the Whole on Bill (134) An Act respecting the Representation of the Yukon Territory in the House of Commons.

(In the Committee.)

Hon. Mr. SCOTT—When the House rose yesterday, it will be remembered clauses 22 and 23 were held for the purpose of getting some explanation as to why they were drawn on the assumption that two persons might be elected for the Yukon district. I asked the hon. gentleman who had charge of the Bill in the other House, and he said, although attention had been drawn to it, he did not consider a change need be made. It seems to be the opinion of hon. gentlemen here, however, that a change ought to be made to conform to the circumstances of the Bill limiting the representation to one member. I am therefore ready to accept the proposed change, and will move that the Bill be amended accordingly.

The clause was so amended and adopted.

Hon. Mr. YOUNG, from the committee, reported the Bill with amendments, which were concurred in.

The Bill was then read the third time and passsed.

REMISSION OF PENALTIES BILL.

IN COMMITTEE.

Hon. Mr. TEMPLEMAN moved that the House resolve itself into a Committee of the Whole on Bill (151) An Act respecting the Remission of Penalties.

Hon. Mr. ELLIS—It seems to me that it is a very sweeping power that has been taken under this Bill, and although the hon. leader of the opposition submitted what might be a precedent with regard to the customs laws, it appears to me that the persons affected by customs operations are in a somewhat different position from the general public. There is a sort of trading arrangement, and the government are aware of the facts and circumstances, and the reasons why there should be forgiveness in such a case, and while it is well to allow the government to have that power, it may be a very grave question indeed, whether the whole power with regard to all of the country should be given to the government to remit penalties. In the first place, why do so many laws provide that a private person may sue for these penalties, and thus compel parties to observe the law. I belong to a society, and no doubt many gentlemen belong to societies of different kinds, organized for the purpose of having particular laws enforced, because no individual cares to take upon himself the responsibility, and the individual has the power concurrently with the Attorney General to compel persons who violate laws to answer in court why they have done so. Under this Bill the government will have the sweeping power to remit every penalty—that is, it will not be worth the while of anybody in the interest of morality, or in his own interests,

to go into court and compel a company to say in court why they have violated the law, or compel observation of the law, because the government may remit the penality and the party prosecuting may be put to the trouble for nothing, and there will be no reason whatever why private persons will attempt to enforce the law. The junior member of the government has stated why the law should apply to cases in British Columbia, and it might be well to pass the Bill so far as it applies to British Columbia, but I suggest to the House it is a very sweeping Bill to pass with regard to the whole system of laws which now exists as regards private prosecutors.

Hon. Mr. SCOTT—The hon. gentleman is under the impression that this power to remit penalties is limited to breaches of the customs law. He is in error there. Our law which has been on the statute-book for very many years, is absolute in all cases, and might be supposed to cover this particular case, but it was thought better to have special legislation. Clause 29 of the Audit Act was read yesterday by my hon. friend from DeSalaberry.

Hon. Mr. CLEMOW—I entirely agree with the remarks made by the hon. gentleman from St. John. If this Bill is passed, it will be perfectly impossible, or unnecessary in the future to impose penalties under any circumstances. Because the government now have the authority to remit any penalty. I have seen, myself, in a small way the action of the government in refusing to enforce penalties. They pass a law and say, we are not responsible in any way for enforcing it. My idea is the moment the government pass an Act with a penalty, it is their bounden duty to see that penalty enforced; but according to this Bill the government can refuse to carry out any provision made by Act of parliament with respect to the collection of penalties. Is that correct? What will be the effect in the future? No party will take upon himself the unpleasant duty of suing for a penalty.

Hon. Mr. TEMPLEMAN—This is a special class.

Hon. Mr. CLEMOW—It applies to every class.

Hon. Mr. TEMPLEMAN—No.

Hon. Mr. CLEMOW—People will object to interfere in any way to see the laws of the country enforced. I think it would be very disastrous to the future welfare of any country to say that, after a man does perform the duty which he is authorized by Act of parliament to do, the government may say to him: 'We will meet your case; you may have incurred a considerable amount of expenditure in prosecuting the case, but still you must lose it.' They have given power to individuals to enforce the law, but the government can set it aside, and the prosecutor may be mulcted the amount of costs incurred in doing what he was entitled to do under the law. Therefore you may as well abolish all penalties, and let everything go as it may, if you give this extraordinary power to the government. It is a very good political move. It is no doubt intended in that direction. They can tell one man, 'You are a supporter of ours, and it is all right,' but another man, on the other side of politics, will be told, 'You must pay your penalty; this action has been taken, and you must lose this money, and there is an end of it.' If it was necessary to remit any penalties, as far as the government is concerned, they may remit their portion, but I do not think it is right to interfere with the rights of private parties, who are perfectly justified, under the law, in prosecuting a company. Therefore I do not think the Bill should be passed. The prosecutor in British Columbia should be protected. He has enforced he law, and I do not believe in the government interfering with law cases in this manner. They ought to enforce the law themselves. It is their duty to do so; and I think they have been derelict in their duty in not doing it in very many cases. Cases of hardship may arise, but that is not the fault of the government. It is the fault of the legislature in passing the Acts: if it is wrong to collect the penalties they should not have passed the law. Therefore, I think the argument of the hon. gentleman from St. John is justified, and his position should be sustained by the House.

Hon. Mr. SCOTT—Does the hon. gentleman think it would be right, or moral, or proper, that ten million dollars should be collected from the mining railways and

tram railways for the benefit of the speculators who entered the suits ?

Hon. Mr. CLEMOW—I have no opinion about it. Why did parliament pass the law under which the suits are brought ? Had the prosecutors the right under the law of the country to institute those actions ?

Hon. Mr. TEMPLEMAN—It is a question whether they had.

Hon. Mr. CLEMOW—The government may have been wrong in passing the Act, but after it is on the statute-book they have no more control over it than I have. The Secretary of State knows of a case which occurred here, when the government gave instructions to carry out a law, but by some underhand measures the actions were stopped, though the man prosecuted had been violating the law for very many years.

Hon. Mr. SCOTT—The sawdust case has no relation at all to this.

Hon. Mr. CLEMOW—The hon. gentleman may laugh it to scorn. It may have been the law in the past, but it has never been carried out. I have never heard that point mooted before, but the principal thing is this : is that man in British Columbia justified under the laws of the country in doing what he has done ? That is the whole question. If he is acting legally, then he has a right to do it.

Hon. Sir MACKENZIE BOWELL—I must confess that on the general principle I am fully in accord with the utterances of the hon. gentleman from St. John. The same thoughts ran through my mind when I first read the Bill. If you place a law upon the statute-book, imposing penalties for the infraction of certain provisions of the law, and then if the government is to step in and relieve all the offenders of the penalties, there is very little use in having a law upon the statute-book. It would have just the effect that the hon. gentleman pointed out. Then we must bear in mind in this particular case, it has been presented as one rather of an extraordinary character, and as the Bill confines the power to remit only to these cases.

Hon. Mr. POWER—No.

Hon. Mr. LANDRY—No, it is a general law.

Hon. Mr. ELLIS—No.

Hon. Sir MACKENZIE BOWELL—I am told at once by three hon. gentlemen that I am wrong. Let us read the Bill. The clause is as follows :

> The preceding sections of this Act shall apply to any penalty, fine or forfeiture under the provisions of the Railway Act for the recovery of which judgment has heretofore been obtained or proceedings have heretofore been instituted, but shall not be otherwise retrospective.

Hon. Mr. TEMPLEMAN—The hon. gentleman is reading from the Bill presented in the House of Commons, and not from the Bill as passed by the House. The Bill says : 'Under the provisions of section 298 to 305 of the Act.'

Hon. Sir MACKENZIE BOWELL—That makes my position much stronger. If it were general in character, I should certainly, as far as my view of the matter is concerned, have been fully in accord with the gentlemen who have spoken. Speaking as a layman, I do not think the power is given to the government by the Audit Act to go to the extent stated by the Secretary of State.

Hon. Mr. SCOTT—It goes beyond the Customs Act.

Hon. Sir MACKENZIE BOWELL—I explained the other day, when I referred to this Act, the interpretation put upon it during the time that I had the honour of dealing with that section. We had to deal with it very often in customs and inland revenue matters, and being a member of the Treasury Board for some thirteen or fourteen years, those cases always came before us. I know the Minister of Justice in the government of which I was a member gave it the interpretation which I gave it yesterday, and while it may be subject to a different interpretation—and I may also state that I took the same view as my hon. friend did upon one occasion when the Minister of Justice corrected me—if you read it closely you will find it confines the power of remission to tolls and duties which are to be paid to the government and not to the general penalties under all Acts, unless you can interpret the words 'for the public good' to include everything. It reads as follows :—

> The Governor in Council, whenever he deems it right and conducive to the public good, may remit any duty or toll payable to Her Majesty,

imposed and authorized to be imposed by any Act of the parliament of Canada, or by any ordinance of the legislature of the province of Ontario, or of the provinces of Nova Scotia, New Brunswick, British Columbia or Prince Edward Island, in force in Canada and relating to any matter within the scope of the power of parliament thereof, or authorized to be imposed by any such Act or ordinance for any contravention of the laws relating to the collection of the revenue or to the management of public works.

A close interpretation of that clause, or perhaps a more exact interpretation of it, has been given applying it exclusively to tolls which are payable to the government or to duties which may have been collected, and there is only one restriction in the whole Act, and that is that if duties have been paid upon goods and these goods have been burned or destroyed in any way by wreck or anything else, you cannot under this law remit the duties. That is the only restriction so far as duties are concerned. The section proceeds :

Provided always, that no duties, customs, or excise——

Hon. gentlemen will see in almost every sentence the law applies to duties and excise and what are termed tolls, whatever that may include. The clause goes on :

—paid to Her Majesty on any goods shall be remitted or refunded on account of such goods having, after the payment of such duties, been lost or destroyed by fire or other unavoidable accident.

There are many reasons for that, and it is not necessary to discuss it, and then the procedure is that it must go before the Treasury Board and they report it to the Council, setting forth the facts which led them to recommend the remission of the duty or toll, which has been paid, and it must be sanctioned by the Governor in Council. When I first saw this Bill I said 'The Audit Act covers it,' and I saw no necessity to introduce it. If the interpretation which the Secretary of State has put upon that clause is correct, there is no necessity to pass this Bill. That point must rest with my hon. friend opposite and the lawyers. However, I merely give the interpretation put upon the Act in the past, and I take it for granted that this Bill, having been introduced by the government, emanating I suppose from the Minister of Justice, the same interpretation has been put upon that clause which I say has been given in the past. I referred the other day to the law of England. I do not desire to prolong the discussion, but I have the Imperial Act before me, and I will read the clause. This is an amendment to an Act 22 Vic., chap. 32. In that case there was an Act passed by the Imperial parliament concerning the remission of penalties. After the preamble it reads as follows:—

It shall be lawful for Her Majesty, or in Ireland for the Lord Lieutenant or other chief officers or governors of Ireland, to remit in whole or in part any sums of money which under any Act now in force, or hereafter to be passed, may be imposed as a penalty or forfeiture on a convicted offender, although such money may be in whole or in part payable to some party other than the Crown, and to extend the Royal mercy to any person who may be in prison for nonpayment of any sum of money so imposed, although the same may in whole or in part be payable to some party other than the Crown.

Hon. Mr. TEMPLEMAN—That is greater power than we are taking.

Hon. Sir MACKENZIE BOWELL—At a later date an Imperial Act, 38 and 39 Vic., chap. 80, amended that law. I will read the clause amending it :

Whereas doubts are entertained as to the power of the Crown to remit penalties and forfeitures under the said Act of the 21st year of the reign of King George III, chapter 49, by reason of its being contended that the power of the Crown to remit such penalties and forfeitures does not extend to penalties and forfeitures recovered in penal action, and it is expedient to remove such doubts : be it therefore resolved, that it shall be lawful for Her Majesty to remit in whole or in part any penalty, fine or forfeiture imposed or recovered for any offence under the said Act, whether on indictment, information or summary conviction, or by action or any other process.

That is to make the Act of Geo. III. plain and explicit, giving the Crown what we would consider extraordinary powers under the circumstances ; and just such unlimited power is given to the Governor in Council, in connection with tolls, excise and duties in our own Act. I had also a copy of the Act of the province of Ontario before me, and an ordinance of the North-west Territories, taking the same powers. I merely give that information and give this as a reason why I support the Bill. It is not being confined to the remission of penalties in these particular cases for infraction of the Railway Act, which imposes penalties upon little mining railways, and little tramways, that are run for the purpose of carrying on industries where the people, I suppose,

never took the trouble to read the Railway Act which subjects them to penalties and fines which are ruinous. As I understand the reading of it—perhaps the Secretary of State will correct me if I am wrong—if a party complaining under the law has incurred any expenses they should be refunded to him.

Hon. Mr. ELLIS—I think that is clear.

Hon. Sir MACKENZIE BOWELL—That is the interpretation I put upon it, but I wish to be clear. At the same time, I may be permitted to say to the government that I think it would be only just and fair to accede to the request made in one of the telegrams that I read yesterday, that before any fines or penalties are remitted, the parties interested should have an opportunity of being heard and giving their reasons why they made the complaints against the railway companies. They may have had good reasons for it. Deaths may have occurred and injuries may have been inflicted on parties which might not have occurred if the companies had made their reports, and the government had called their attention to the incomplete state of their roads. If the members of the government here would state in the House that that request on behalf of those who made the complaint would be complied with, that they should have a full hearing, it might remove some of the objections to the Bill.

Hon. Mr. LANDRY—I think there is a little more in the Bill than the hon. leader of the opposition has presented to us.

Hon. Sir MACKENZIE BOWELL—Very likely.

Hon. Mr. LANDRY—What is the Bill ? It is a general law enacting that the Governor General may at any time remit, in whole or in part, any pecuniary penalty, fine or forfeiture, &c. This first clause amends our existing laws, and gives to the Governor in Council the extraordinary power of remitting any fines, whatsoever they may be. When the law in general has been amended by this first clause, the third one states that this general law will apply to one particular case : 'the preceding sections of this Act, says the third clause, shall apply to any penalty under section 298 to 305 of the Railway Act.' That is applying the general provision of the law to the special law of the Railway Act. So we are asked to-day to pass a general law giving power to the Governor General to remit in any case any fine or forfeiture, and then, when the Governor General has that general power by this Act, he may apply it to a special case. I think we should not go as far as that. We might remit those penalties by a special clause, and not give by this Act the general power to the Governor in Council.

Hon. Mr. BEIQUE—The hon. leader of the opposition has given valuable information to the hon. members of this House in drawing attention to the Imperial Act as it exists and which makes it perfectly clear that in England the power, sought to be obtained under this Bill in virtue of the first section, obtains. But the Bill as it is is contradictory, so to speak. The Bill should either be left as a general measure with clauses one and two, leaving out the third clause, or be limited to clause three. But that will be a matter to be considered in Committee of the Whole. The suggestion made by the hon. leader of the opposition should also be considered, as to whether provisions should not be inserted in the Bill, whether it is to be made general or special, whereby parties who have entered suit should be allowed to be heard before the fine is remitted. I have only one word to add, to draw the attention of the hon. members to the law I referred to yesterday, section 78 of chap. 29 of the Revised Statutes of Canada. That section of the Act is limited to fines under the revenue law. It is not a general Act. The first portion of the section is general, but it applies only to dues and tolls.

Hon. Sir MACKENZIE BOWELL—And excise.

Hon. Mr. BEIQUE—It does not deal with penalties. The portion dealing with penalties is limited to the revenue law. Therefore, I take it, that we have no general law on our statute-book, such as is attempted to be introduced by section one of the Bill.

Hon. Mr. SCOTT—Adverting to the remarks made by the hon. leader of the opposition in reference to the course which is usually taken and would be taken in this particular case, he has himself had some

experience of the practice on the Treasury Board, and I think he must concede that the Treasury Board is a body that proceeds with care and caution. Matters are held over for months and months, in order to get the fullest views of all parties affected by them, and I can give every assurance that before any action would be taken, the parties would have ample opportunity of stating any reasons they might have why this action should or should not be invoked, and in any case, under the second section of the Act, it is quite clear the costs the parties have been put to have to be paid before the penalties can be remitted. I should like to call the attention of hon. gentlemen to the class of offences that the companies have committed. Here is one of them :

Every company shall weekly prepare a return of its traffic for the next preceding seven days according to its schedule, &c.

We know that tramways doing business over the country do not make these returns.

Hon. Mr. DeBOUCHERVILLE — Then, they could not recommend.

Hon. Mr. SCOTT—Yes, they could be condemned. This Bill is limited to breaches of certain sections of the Railway Act. The preceding sections of this Act shall apply to any penalty, fine or forfeiture under sections 298 to 305 of the Railway Act. That is the intention. The gentleman who drew the clause had that in view.

Hon. Mr. DeBOUCHERVILLE—If the hon. gentleman reads section 305 of the Railway Act he will see that the company cannot be condemned, because those things cannot be brought into court.

The House resolved itself into a Committee of the Whole on the Bill.

(In the Committee.)

On the first clause,

Hon. Mr. POWER—I wish to make a suggestion, to insert in line five, after the word 'Canada,' the words 'and heretofore incurred.' That will apply to all past cases, and may prevent this clause from having any general future operations.

Hon. Mr. TEMPLEMAN—There is no objection to that. We are quite willing to accept that, or we would be willing to make it apply to British Columbia only.

Hon. Mr. DeBOUCHERVILLE—I think this amendment will make it more severe. I intend to discuss the Bill at the third reading more fully, but the point now is, shall we leave to the Governor in Council the right to dispose of the moneys belonging to a third party.

Hon. Mr. MACDONALD (B.C.)—It does not belong to anybody.

Hon. Mr. DeBOUCHERVILLE—It has been decided by some court that it does belong to them.

Hon. Mr. TEMPLEMAN—In order to remove any doubt as to the application of this Act, we might accept this amendment suggested by the Speaker, which makes it apply only to penalties or forfeitures hitherto incurred and nothing hereafter.

Hon. Mr. LANDRY—In the third line of the first clause, strike out the words 'imposed by any Act of the parliament of Canada,' and substitute 'therefore imposed.'

Hon. Mr. BEIQUE—The first clause of the Bill as drawn is general, and is intended to apply to the future as well as for the past. It has been suggested by the hon. Speaker that it should be limited to the past. For my part, I have no objection, though I am of the opinion that the law as it exists in England is a good law, and I would be disposed to support a law which would obtain, not only for the past, but also for the future. However, I am ready, to acquiesce in the suggestion of the hon. Speaker, but it will be necessary to leave out clause 3.

Hon. Mr. CLEMOW—How would the law be afterwards ?

Hon. Mr. BEIQUE—It would have no effect, except for the penalties which had been incurred before this date.

Hon. Mr. SCOTT—The intention of the Act was to give the government general powers and the proposal submitted to the House of Commons was altered here.

Hon. Mr. DeBOUCHERVILLE—I wish to move an amendment. I want to limit it to fines payable to His Majesty.

Hon. Mr. TEMPLEMAN—The House might as well defeat the measure at once. This Bill has been introduced specifically to apply to certain cases, and if you only remit the fines payable to His Majesty and do not remit that moiety payable to the informer, every one of those small railways in British Columbia would be bankrupt. I hold in my hand a statement of claim for $365,000 in respect of a tramway company.

Hon. Mr. DeBOUCHERVILLE—I understood the hon. gentleman to say the companies would be ruined if this amendment carried ?

Hon. Mr. TEMPLEMAN—Yes.

Hon. Mr. DeBOUCHERVILLE—What penalties can the informers get from the company ? Not more than five dollars a day, because there are other penalties where the informer has nothing for himself and the whole penalty belongs to the government, but he can get half of ten dollars a day. Supposing this informer should wait many days before bringing his action, he is limited to two years. All those penalties must be collected inside of two years.

Hon. Mr. TEMPLEMAN—I will read a statement of claim I have in my hand. The hon. gentleman seems to think the claim would be a small one. This is a document prepared by a solicitor. The claim has been amplified, and it reads as follows :—

Under section 299 of the said Railway Act, $20,510.
Under section 300, $500,000.
Under sections 303 and 304, $544,000.

Hon. Mr. DeBOUCHERVILLE—Show me the clause providing that he shall get his share of it.

Hon. Mr. TEMPLEMAN—He can get one-half of the fine.

Hon. Mr. DeBOUCHERVILLE—In that case he does not get one-half. I think there is only one case in which he can get half of ten dollars a day.

Hon. Mr. CLEMOW—That is all.

Hon. Mr. DeBOUCHERVILLE—The hon. senator from St. John put before this Senate very good reasons which, however, might have been a little shaken by the imperial law cited by the hon. leader of the opposition. But the law he cited is according to British fair-play and honesty. It is not retroactive. It applies only to the future, while this Bill which is before us is to be retroactive. Nobody can say it is not retroactive. The British law is not retroactive. It says it is for the future. It does not enact anything for the past. Therefore, I am sorry to differ from my hon. leader.

Hon. Mr. TEMPLEMAN—This Bill is retroactive. It would be no use otherwise.

Hon. Mr. DeBOUCHERVILLE—In his opinion it would be better for the companies he intends to favour, but I do not think this Senate is in favour of retroactive legislation. In certain states of the neighbouring country they have laws prohibiting retroactive legislation.

Hon. Mr. POWER—In their constitution.

Hon. Mr. DeBOUCHERVILLE—You have no such law in England. And why ? Because they thought it was so unjust to have a retroactive law that they would not pass it. But that is what we are asked to do in this case. I am very sorry that these railways did not act according to law, and that they have incurred a certain penalty. But I do not think the informer can get more than ten dollars a day. It is true the government can get fifty. I have no objection to give the government the right to remit those penalties, but being opposed to retroactive legislation, I ask that my amendment be adopted.

Hon. Sir MACKENZIE BOWELL—There is no difference of opinion between my hon. friend and myself. I did not say the English laws were retroactive. I merely quoted the English laws and the Ontario Act and the North-west Territories Act to show that the principle of giving the government power to remit penalties and tolls was in existence and had been recognized, and I said at the time that the reason I supported the Bill was that I thought it was a great hardship on these parties who had been complained of.

Hon. Mr. BEIQUE—The object of the government is not to have a general law, but to cover special cases to which a proper remedy should be applied, and as a necessity that remedy should be retroactive. The law should be retroactive, but it is quite proper to confine it to those special cases.

and it might meet with general approval if we substituted in the third line of the first section the following :—

Under the provisions of sections 298 to 305 of the Railway Act.

Hon. Mr. POWER—I withdraw my amendment in favour of that one.

The CHAIRMAN—There is an amendment before the committee proposed by the hon. gentleman from Montarville. He does not want this clause to apply to fines that could be collected by private parties. I should suggest that we first vote on his amendment.

Hon. Mr. POWER—I first moved an amendment on the subject which is dealt with by the hon. gentleman behind me, and his amendment being an amendment to mine, should be dealt with first. The amendment of the hon. gentleman from Montarville is on a different point.

Hon. Mr. BEIQUE—I hope the hon. gentleman from Montarville will withdraw his amendment. He is labouring under the impression that only ten dollars could be collected. There are penalties which might amount to $100 a day.

Hon. Mr. DeBOUCHERVILLE—Cite one of them.

Hon. Mr. BEIQUE—Section 304 of the Railway Act.

Hon. Mr. DeBOUCHERVILLE—Where does the informer get any part of that ?

Hon. Mr. DANDURAND, from the committee, reported that they had made some progress with the Bill and asked leave to sit again at the next session of the House.

FRUIT MARKS ACT AMENDMENT BILL.

COMMONS AMENDMENT CONCURRED IN.

A message was received from the House of Commons with Bill (136) 'An Act to amend the Fruit Marks Act, 1901,' stating that they had agreed to the amendment of the Senate, with a consequential amendment.

Hon. Mr. SCOTT—We made a penalty attaching to any person who removed marks. That applied to everybody, including the inspector. It appears that under the law the inspector has a right, under certain conditions, to erase marks where they have been falsely placed on a package, and our amedment was thought to conflict with that. The object is, while every one else may be punished for removing a mark, the inspector is justified in removing a mark if he finds it has been falsely placed on a package. I move that the consequential amendment of the House of Commons to this Bill be accepted.

The motion was agreed to.

BILL INTRODUCED.

Bill (152) An Act further to amend the provisions of chap. 183 of the Revised Statutes with respect to the Halifax industrial School and St. Patrick's Home at Halifax.—(Hon. Mr. Scott.)

The Senate adjourned.

Second Sitting.

The SPEAKER took the Chair at Three o'clock.

RUSSO-GREEK CATHOLIC CHURCH INCORPORATION BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. MACDONALD (P.E.I.), from the Committee on Standing Orders and Private Bills, presented their 24th report, reporting favourably on the petition of the Rev. Tikhon, of the city of San Francisco, Bishop of the Orthodox Russo-Greek Catholic Church for North America and the Aleutian Islands, praying to be incorporated as a Bishop of the Orthodox Russo-Greek Catholic Church as a corporation sole. He moved the adoption of the report.

Hon. Mr. BERNIER—I do not rise to say anything against this report in so far as it goes, but there is a point of order which I should like to raise. The petition which is reported here by this report is from a gentleman who is an alien and who does not reside within the limits of the British possessions. I contend that this petition should not have been received, because it comes from an alien and non-resident, and I have some precedents to support this contention. In 1877, Mr. Speaker Anglin decided most positively that such petitions could not be

received on the ground that aliens not resident in this country had no right to petition this parliament, and this House could not receive any petition from such person. There is another decision which was rendered in 1880. Mr. Blanchet was then Speaker of the House of Commons. His decision was on exactly the same ground, that the petition then presented could not be received on the ground that aliens not resident in this country had no right to petition this parliament, and the House could not receive any petition from such persons. The points I want to raise are these; whether this House should have received this petition, and whether the Committee on Standing Orders should not have taken cognizance of the fact that the petitioner is not a British subject nor a resident in this country and reported against it. I simply call the attention of the House, and of Mr. Speaker on this point of order. There is no mention of this point in the report from the committee, although it was raised during the sitting of the committee. I submit the point of order and ask for the ruling of His Honour the Speaker.

Hon. Mr. YOUNG—If I understand my hon. friends point of order, it is that an alien who is a non-resident cannot petition parliament. I will read from Bourinot's Parliamentary Procedure, page 320:

> Aliens not resident in this country have strictly no right to petition parliament. In the case of applications for private Bills, however, this rule is not enforced.

This is a private Bill.

> It was agreed in 1878, at the suggestion of Mr. Speaker Anglin, to receive a petition from the Hartford directors of the Connecticut Mutual Insurance Company, on the ground that it was a mutual company, partly composed of Canadians, and that it was the subject of parliamentary legislation, the company being required to make a certain deposit before doing business in the country. In 1883, a petition from certain persons in the city of Portland, in the state of Maine, asking for an Act of incorporation, was received on the ground that the subject-matter came within the jurisdiction of the House.

Hon. Mr. MACDONALD (B.C.)—Is there any cast iron rule to prevent an alien from petitioning?

Hon. Mr. YOUNG—No. In a foot-note on page 321, Bourinot says:

> Mr. Speaker Kirkpatrick privately expressed the opinion that aliens had a right to approach parliament on a question touching their private interests, when it was under the purview of the House. The House, in the matter of private Bills, clearly act in a judicial as well as legislative capacity, and all persons interested should be allowed to appear there as in any court and seek a remedy.

Hon. Mr. BERNIER—I am surprised to hear that. There seems to be a mistake, because the Journals of the House show that the decision of Speaker Anglin is contrary to what Bourinot says. I would suggest, as this is a very important matter, which may establish a precedent, that it might perhaps be well not to press the report at present, so as to give the Speaker an opportunity of considering the point I raised.

Hon. Mr. YOUNG—If I caught my hon. friend correctly, he was referring to something which occurred in 1877. I am referring him to Bourinot, and to what was agreed to in 1878 at the suggestion of Speaker Anglin.

Hon. Mr. LANDRY—Speaker Blanchet's time was after 1878.

Hon. Mr. BERNIER—I have quoted also a decision of Speaker Blanchet, which is subsequent to that cited by Bourinot. The decision I refer to was given in 1880; and it coincides with Mr. Speaker Anglin's decision.

Hon. Mr. YOUNG—Was it a public or a private Bill?

Hon. Mr. BERNIER—A private Bill.

Hon. Mr. YOUNG—There is a distinction made between the two. It strikes me this petition was received some time ago.

Hon. Mr. BERNIER—That is quite true. There is a question here which I submit to His Honour the Speaker. Hon. gentlemen know how it is done. Petitions are most of the time read simply by a reference to the title. Nobody pays attention to that formality. It may be wrong, but it is so. In fact, we do not understand what they are, and they are received in that way without members looking at them as closely as they should. I submit the question as to whether the Committee on Standing Orders should not have taken cognizance of the objection I now raise and reported upon it.

Hon. Mr. YOUNG—It strikes me that my hon. friend's objection would have come in

very properly at the time the petition was presented.

Hon. Mr. BERNIER—No doubt it would have been better then, but I submit that I have still the right of raising that point.

Hon. Mr. YOUNG—I think we have got past that stage.

Hon. Mr. MACDONALD (B.C.)—The Committee on Standing Orders could not have taken cognizance of the legal aspect of it. They could simply say if the petition was in accordance with the rules.

Hon. Mr. YOUNG—The House received it, or it could not have come before the Standing Orders Committee.

Hon. Mr. MACDONALD (P.E.I.)—The point was never brought up in the House whether the petitioner was an alien or not.

Hon. Mr. BEIQUE—Was it within the province of the Standing Orders Committee to inquire into that question? As the hon. member from Manitoba has stated, it is not generally noticed, when a petition is presented, what its object is, and it is difficult then to raise the objection, and he has requested the hon. Speaker to take the matter under advisement. I would draw the attention of His Honour the Speaker to the Naturalization Act. I have not the Act before me, but I know that it prohibits aliens from holding any franchises under our parliament. Then the question will come up as to whether this Bill would be the granting of a franchise to an alien, or whether it is merely incorporting parishes and missions which are on British territory, for the purpose of holding property and carrying on business. I merely want to draw attention to that point.

Hon. Mr. YOUNG—Do I understand my hon. friend to say that an alien cannot hold property in this country?

Hon. Mr. BEIQUE—He cannot hold a franchise. This is a franchise. Being organized as a company is holding a franchise.

Hon. Mr. DeBOUCHERVILLE—The rule is, that no alien can by himself petition, but in cases of private Bills, it has been allowed, and aliens have been permitted to do so. These are exceptions, and I understand there are cases in which it would not be fair not to allow foreigners to petition; but it seems to me that the Committee on Standing Orders ought in this report to inform the House that exception ought to be made in this case for certain reasons. That has not been done in the report.

Hon. Mr. MACDONALD (B.C.)—It was not our function to do so.

Hon. Mr. DeBOUCHERVILLE—I am arguing that it is the function of that committee to know what are the rules, and what is the law, but at the same time to tell the House that there ought to be an exception, and that the exception can be made, because such exceptions have been made in other cases. But we have had nothing from the committee showing how we ought to get out of the law.

Hon. Mr. YOUNG—It is not the strict law.

Hon. Mr. DeBOUCHERVILLE—There are exceptions, but the committee do not say why there should be an exception in this case.

Hon. Mr. YOUNG—The hon. gentleman is speaking now of the reception of the petition.

Hon. Mr. DeBOUCHERVILLE—No, of the report of the committee.

Hon. Mr. YOUNG—That petition was received by the House. It only emphasizes the fact that had our Speaker the power, and if it was his duty to call the attention of the House to these things the moment the petition was presented, the argument which has occurred to-day would have been, in my humble opinion, unnecessary.

Hon. Mr. LANDRY—But every member has that power.

Hon. Mr. YOUNG—Yes, but nobody did it.

Hon. Mr. LANDRY—Nobody knew what the petition was.

Hon. Mr. YOUNG—What is everybody's business is nobody's business.

Hon. Mr. DANDURAND—The point can be raised at any stage of the Bill, because we may not be aware, at the time the petition is presented, that the party is an alien, and that may appear later. I have not had time, or occasion, to study the question, except to ascertain that the practice has

been regular in Great Britain to refuse to aliens the right to petition. I would draw the attention of the Speaker to a case where a petition was presented from the people of Boulogne-sur-Mer. There was a long debate in the House, and the petition was refused.

Hon. Mr. YOUNG—Our practice here has been to receive those petitions under similar circumstances.

The SPEAKER—I have not had any notice that this question was coming up for consideration, and I am not fortified with the authorities on the subject. It appears there are authorities on both sides of the question, and I should like to have time to consider the point raised.

Hon. Mr. WATSON—This Bill has not received a reading yet.

Hon. Mr. DeBOUCHERVILLE—It is an important question to be decided.

Hon. Mr. WATSON—The object of the Bill is to incorporate a bishop who represents the Greek Catholic Church. He is the head of the Greek Church, and while the bishop is an alien, he is travelling all over North America, wherever his people are settled, and is trying to get the religious body in shape throughout the country. They wish to hold property in the Saskatchewan country, about Edmonton, I believe, it is wanted, and they want to hold it legally under an Act of incorporation. Hon. gentlemen quite understand that if they establish churches the property will have to be vested in two or three trustees. These trustees have no legal authority to hold property for the church, and it will be their own property, and they can do with it as they please. What they wish is to have the same powers as other denominations in Canada. I think the authority quoted by the hon. gentleman from Killarney from Bourinot shows clearly that a foreigner has been allowed to petition before in the case of private Bills.

Hon. Mr. MACDONALD (B.C.)—Has the Bill come up from the House of Commons?

Hon. Mr. WATSON—Yes.

Hon. Mr. MACDONALD (B.C.)—There is nothing to prevent the Bill being read.

Hon. Mr. SULLIVAN—There was a dispute in the House of Commons about it.

Hon. Mr. WATSON—Yes, and the name was changed. The Bill was obstructed at every move.

Hon. Mr. SCOTT—What was the change?

Hon. Mr. WATSON—One change was made in the title of the Bill. It was known as the Greek Catholic Church, as introduced first, and there was some change made in the title.

Hon. Sir MACKENZIE BOWELL—The principal objection was to the use of the word 'Catholic.'

Hon. Mr. WATSON—Yes, the objection was to the use of the word 'Catholic.'

Hon. Mr. SCOTT—Could they not obtain a charter to hold property from the legislature of the North-west Territories?

Hon. Mr. WATSON—Of course, but making it a provincial matter, it would be necessary to get legislation in every province. I understand that one provision was inserted in the Bill in the House of Commons on account of the bishop being an alien, that the Russian Consul, situated in Montreal, would have to endorse any transfer of property he might see fit to make. That was looked upon as protection for the Galicians with reference to transfers of property.

The report was allowed to stand.

REMISSION OF PENALTIES BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole, consideration of Bill (151) 'An Act respecting the remission of penalties.'

(In the Committee.)

Hon. Mr. BEIQUE—When the committee rose, the hon. member from Montarville (Hon. Mr. DeBoucherville) asked in virtue of what Act a private prosecutor would be entitled to receive any part of the penalty under sections 298 to 305 of the Railway Act? I would refer him to chap. 180 of the Revised Statutes, which says in the first section that in the absence of any special provision one moiety of the penalty, shall belong to the Crown and the other to the private prosecutor. That proves that the

penalty under the Railway Act would belong, one-half of it, to the private prosecutor.

The amendment of Senator DeBoucherville was declared lost on a division.

On the 1st clause,

Hon. Mr. LANDRY—I move an amendment to confine this provision to penalties incurred hereafter under the Railway Act. The effect of this will be that those penalties incurred by people under the provisions of the Railway Act will be remitted, but I do not want the government to have a general power to remit penalties incurred under any Act of parliament.

Hon. Mr. SCOTT—That would destroy the Bill altogether.

Hon. Mr. WOOD (Westmoreland)—I understood, when the House adjourned, that the minister in charge of the Bill was trying to limit its application to the class of cases he had in view.

Hon. Mr. TEMPLEMAN—Yes, I think I did convey that impression. In conversation with the Minister of Justice since, he explained to me that he wanted the first two clauses made of a general character. My particular personal interest in the matter had more reference to the British Columbia cases, which the third clause would cover more specifically. The Minister of Justice has explained to me that he wants the clause to pass as it stands, so I was premature in making the statement.

Hon. Mr. LANDRY—Did he explain for what reason? We want a reason. If he has a good reason we will yield.

Hon. Mr. SCOTT—The reasons have been given over and over again. The Crown in England, in Ontario, in the North-west Territories, and the Crown as a rule, before any actions are commenced, can remit, but this was in order to remove any doubt about it. The case is unique. Over $20,000,000 are being sued for by informers, and it was thought wise to make the law so effective that there would be no question it would defeat the object the speculators had in view. What the Minister of Justice feared was that to make any change in a Bill so carefully framed would defeat its object.

Hon. Mr. LANDRY—That is no reason at all. The first clause gives the government of the day a general power to remit all penalties, in whole or in part, imposed under any Act. The hon. minister said that they were coming here simply to get power to remit penalties incurred under the sections of the Railway Act mentioned. I suppose we are ready to comply with that demand, and that the intention of the government—and clause 3 says it is the intention of the government—is to remedy a special grievance. I ask that the Bill be framed to remedy that special grievance, and I therefore move that the words 'imposed by any Act of the parliament of Canada' be struck out, and the words 'theretofore imposed by the Railway Act' be substituted. That will meet the special case.

Hon. Mr. WOOD (Westmoreland)—I certainly, for one, would not object to a Bill being passed to meet the special cases to which the hon. minister refers, but I was very much impressed by the argument of the hon. gentleman from St. John this morning, and I understood the feeling of the House before we adjourned to be that a general Act of this kind should not be passed. That is certainly my feeling, and I would like to impress upon the minister that a general Act might be allowed to stand over until next session. It appears to me the principle involved is an important one. It has come up at the last of the session. We have had no time to consider it. I have given it but a few moments' consideration, and it does appear to me that where we pass legislation imposing penalties upon companies or upon individuals for certain acts, and then give the government a general power to remit these penalties, we are really placing in the hands of the government the administration of the criminal law, at least so far as the collection of penalties is concerned. We know that governments desire, or we are willing to admit that governments desire to do right, but we know that great many different influences are brought to bear upon government which are not brought to bear on those who generally administer justice in the country, and it does appear to me legislating in the wrong direction to place upon our statute-books legislation imposing fines for certain acts, and then giving the govern-

ment a general power to remit those fines in their discretion. I certainly, for one, do not feel like giving my support to an Act embodying a principle of that kind at the present, nor do I think anything has been shown to the House so far in the course of this debate why legislation of this kind is necessary. The only cases which have been referred to, and the only cases which the minister has in his mind in passing this legislation, are certain exceptional cases in the province of British Columbia. Those cases are, as I understand them, exceptional in their nature, and I for one, would have no objection to giving the government power to deal with those cases and to remit the fine if they feel so disposed, but I certainly do not feel like giving my support to a general Bill of this character at this stage of the session.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman knows that the government have ample power given by parliament to remit penalties of different kinds, and they have not abused these powers. We must trust the government in reference to many things—mining regulations and other matters—and why not in this? This is to rectify a gross injury that will be done to certain small railways. In fact, they will be bankrupt if this Bill is carried.

Hon. Mr. WOOD (Westmoreland)—I do not object to that.

Hon. Mr. MACDONALD (B.C.)—I do not see the use or the harm of the general powers in this measure. The government should have ample power to remit these penalties. This power has never been abused, and I hope this House will not reject this Bill, because it is a very important thing to those companies in British Columbia.

Hon. Sir MACKENZIE BOWELL—I was in hopes that the hon. gentleman who has this Bill in charge would have acted upon his own suggestion. I do not know that it was a positive promise, but it certainly left an impression on the minds of those who listened to him that he would confine the Bill for the present to the cases in British Columbia. When I spoke before, I gave evidence of the fact that this principle of giving governments large power was recognized by the imperial parliament, by Ontario, and by the North-west Territoires, but I said then that I thought if the Bill was to give as full power as was contained in the Acts which I have quoted, I did not know that I should support it. But I would support it upon the ground that it applied, as I supposed then, exclusively to these cases in British Columbia. I am not so strong as my hon. friend here upon the point of giving governments that power, but if the government would just accept the suggestion of the hon. senator from Westmoreland (Hon. Mr. Wood), I do not think, after mature consideration, that next session we would have any difficulty in accepting the principle laid down in this Bill of giving the Dominion government the same powers that are exercised by the imperial government, by the Ontario government, and by the government of the North-west Territories. At this late period of the session they should be satisfied to accomplish the object they had in view which led to the introduction of this measure, to relieve these unfortunate people in British Columbia who are to be mulcted if the law stands as it is. That would be the best thing that the hon. gentleman could possibly do. I am afraid otherwise he will lose the whole Bill.

Hon. Mr. BEIQUE—If we leave out the last two lines of the first clause of the Bill, 'and whether or not proceedings have been instituted for the recovery thereof,' it will be an exact copy of the Imperial Act and of the Ontario Act, and have no retroactive effect. I would suggest that the clause be amended in that way so that it will be a copy of the Imperial Act. Then when we come to section 3, which is for the purpose of dealing with a special case, we can discuss the question to what extent it should be restricted. I move that the first clause be amended, by striking out those words which I have mentioned.

Hon. Mr. LANDRY—I have moved an amendment to strike out the words 'by any Act of the parliament of Canada' and substitute the words 'by the Railway Act.'

The amendment to the amendment was lost.

Hon. Mr. BEIQUE—I move that the last two lines of this clause be stricken out. That will make this clause not retroactive.

Hon. Mr. POWER—I think that this amendment is a desirable one. In the first place, it makes our legislation harmonize with the legislation passed by the Imperial parliament and by the legislature of Ontario, and in the next place it takes away the retroactive character from the general provision. These are two important points. When we come to the third clause, the hon. gentleman form De Salaberry (Hon. Mr. Beique) has an amendment which will make that clause operative as to the cases which have arisen in British Columbia, and those are the only cases with which the committee has to deal. I may myself personally express the feeling that I should prefer the suggestion of the hon. leader of the opposition, but I think this amendment is clearly in the right direction.

Hon. Mr. DRUMMOND—Will the clause as amended meet the case in point ?

Hon. Mr. SCOTT—I prefer the clause as it stood. I have great objection to altering clauses prepared in the Justice Department with a view of relieving certain penalties. We trust the government with a good deal more power than that.

Hon. Sir MACKENZIE BOWELL—The effect of passing this clause as amended gives the same power to the government to deal with fines and penalties as is given to the Imperial parliament, to the government of Ontario, and to the North-west Territories, and it also goes further : It provides that the penalties, whatever they are, may be remitted, notwithstanding the fact that proceedings may have commenced prior to the intervention of the government. What the hon. gentleman moving the resolution intends is to give the full power for all future operations of this kind, but to prevent it from being considered a retroactive law. The only cases in which they desire to make it retroactive are the cases to which the hon. gentleman refers. They will have the power under this law if the amendment is carried, that the other parliaments have, and all that they should have, without making it retroactive. I understand the hon. gentleman who made the motion does not object to make the Bill retroactive so far as British Columbia is concerned.

Hon. Mr. BEIQUE—No, and I may say that I have prepared a clause, which is acceptable to the Minister of Justice, to be substituted for the third clause. I move that clause one be amended by striking out the tenth and eleventh lines thereof.

The amendment was agreed to, and the clause as amended was adopted.

Hon. Mr. DeBOUCHERVILLE—I understood the government would not accept any amendment ?

Hon. Mr. SCOTT—Yes, I asked the hon. gentleman from De Salaberry to meet the Minister of Justice to see if they could agree on an amendment. which they did.

On clause 2,

Hon. Mr. DeBOUCHERVILLE—I think it is strange we should vote on a question of which we have no knowledge. He has told us that there were railways in British Columbia which would be ruined if they had to pay these sums. We ought to know what sort of demands were made and what was the judgment.

Hon. Mr. MACDONALD (B.C.)—There has been no judgment.

Hon. Mr. DeBOUCHERVILLE—The Minister without portfolio told us that one railway was indebted $1,500,000. Really I cannot see how it can be. I have looked over the law and I find no case where an informer can get such a sum, even if he had had a judgment for it. It is limited to two years. Ten dollars a day for two years would be about $7,000. Let us have something showing us that in reality those railways are in danger of being condemned to pay. We have no information and I am not satisfied.

Hon. Mr. MACDONALD (B.C.)—Supposing it is only one thousand dollars, why should that informer or blackmailer get five cents ?

Hon. Mr. LANDRY—Because the law says so.

Hon. Mr. SCOTT—There is an important point which the House has not considered. Under the General Railway Act the tram roads were not obliged to make a return, but an amendment was made to the law in 1900 in which we extended it to those railways that practically were not passenger railways. It was quite natural that those companies paid no attention whatever to

the railway legislation here. They were not acting as common carriers, and the tram roads and the street railways never dreamed that they would be brought under the general law. Many years have transpired since the Railway Act was consolidated, and in the interim, recognizing that they were not bound to make the return, when an Act was passed in 1900 their attention was not called to it, and they were first apprized of it by the proceedings that were taken by parties who discovered that they had not made returns. The way these things arose was in a petition sent forward to the Governor in Council calling attention to this condition of things in British Columbia and asking for legislation in order that they might be relieved from the past penalties accruing from the failure to make those returns.

Hon. Mr. LANDRY—Is there any judgment given ?

Hon. Mr. SCOTT—I do not know.

Hon. Mr. MACDONALD (B.C.)—No.

Hon. Mr. TEMPLEMAN—No.

Hon. Mr. LANDRY—No penalty incurred ?

Hon. Mr. SCOTT—Suits have been commenced.

Hon. Mr. CLEMOW—If that Act was not in operation at the time the tramway companies were incorporated, they could not be liable.

Hon. Mr. BAKER—No.

Hon. Mr. SCOTT—They would be liable after the Act was passed.

Hon. Mr. CLEMOW—This is legislation of the worst kind. I suppose the government want some power to settle these matters. I understood the feeling was that it would be merely confined to matters under the Railway Act. Why not leave it under those conditions, and then if you do that, there ought to be a provision that the government should be obliged to send to parliament each year a statement showing the penalties remitted, so that the country might know what was being done. Really we are going it blind. We have no information with respect to the condition of affairs. The amounts involved may be large, and it may be small. The remission may be fair or unfair. We know nothing about it. We are taking the opinion of the Secretary of State, an opinion which he has received from other parties, but we have nothing of a tangible nature before us to enable us to say that we have acted as prudent men. We have nothing but the bald statement these hon. gentlemen have been pleased to make.

Hon. Mr. TEMPLEMAN—Is the hon. gentleman referring to the British Columbia cases ?

Hon. Mr. CLEMOW—No, I am not referring to anything particular.

Hon. Mr. TEMPLEMAN—I thought not.

Hon. Mr. CLEMOW—This Act is general. If it referred simply to British Columbia we could take the opinion of the British Columbia members, but the Act is just as applicable to the other provinces as to British Columbia. If it were merely confined to British Columbia we would know what we were doing, but we know nothing about it. Actions may be brought and penalties may be recovered in every province of the Dominion, and we know nothing about it. I cannot tell whether the government will act fairly or in a straightforward manner. Some hon. gentlemen believe they will, and other hon. gentlemen think they will not. I am one of those who have no confidence in the present government and do not know what they will do.

The clause was adopted.

On clause 3,

Hon. Mr. BEIQUE—I move that the following be substituted for clause 3 :—

The preceding sections of this Act shall also apply to any penalty, fine or forfeiture heretofore incurred under the provisions of sections 298 to 305 of the Railway Act, and whether or not proceedings have heretofore been instituted or judgment obtained for recovery thereof, but shall not otherwise be retroactive.

The amendment was agreed to, and the clause as amended was adopted.

Hon. Mr. DANDURAND, from the committee, reported the Bill with amendments, which were concurred in.

Hon. Mr. TEMPLEMAN moved that rule 41 be suspended.

Hon. Mr. DeBOUCHERVILLE—To-morrow.

The SPEAKER—Objection is taken to that.

The third reading was ordered for to-morrow.

Hon. Mr. LANDRY—I give notice that on the third reading of the Bill, I will move that it be not read the third time, but that it be referred back to a Committee of the Whole, with instructions to amend the same by striking out the words, 'Imposed by any Act of the Parliament of Canada,' in the first clause, and substituting the following: 'Heretofore imposed by the Railway Act'; and also to amend the third clause by substituting the word 'only' for the word 'also.'

MANITOBA GRAIN ACT AMENDMENT BILL.

THIRD READING.

The House resumed in Committee of the Whole consideration of Bill (162) 'An Act to amend the Manitoba Grain Act, 1900.'

(In the Committee.)

On clause 2, subsection 2,

Hon. Mr. YOUNG—While I have no objection to compel a country elevator or country warehouse receiving all the grades that are offered, yet it can readily be seen that there may arise a great deal of difficulty in enforcing this Act. Supposing there are six standard grades, and he has six bins, and three of these bins are full, holding three different grades, and he has only room in three other bins, how is he going to receive the six grades? He can receive them whenever he has room. I am not going to offer any amendment, but I simply point out to the House how difficult it will be, under certain circumstances, to enforce this law to the letter. What farmers complain of is this, and what this amendment is endeavouring to remedy is, that elevators and grain buyers receive from the farmer wheat, we will say, of one grade, but there is an excuse that they have no room, and therefore they could only take it as one class, and the farmer, therefore, is wronged because there was not room. But I must confess I cannot see how this is going to work out practically, when occasion may arise at any time when an elevator man will not have room for all the grain. It will not make them pay any better price to the farmer. At the same time I am not going to offer any objection to the clause. Had I known that this Bill was coming up at this time, I would have asked that the government should have the grain commissioner here to furnish information.

Hon. Mr. DRUMMOND—The difficulty is a perfectly plain and practical one. You might as well say that a man with an elevator capable of holding six thousand bushels of grain should take all that is offered to him up to ten thousand bushels. You should insert some clause there, saying he should be required to keep six grades of grain so far as he can practically do it. I would insert the words, 'So far as practicable, keep six bins.'

Hon. Mr. POWER—I appeal to the government in this way. This is a measure which deals with most important interests. It is intended largely to get rid of certain inconveniences which were experienced last year. Those inconveniences may or may not be experienced again. The Canadian Pacific Railway Company have taken power to spend a large sum of money in improving their carrying facilities. The crop next year may not be as heavy as the crop of last season. The difficulties which occurred last year may not occur again. That is one point. Then, this measure has been prepared on information coming from one side only. The hon. gentleman from Killarney (Mr. Young) has told us that the railway people and the elevator people have not been heard from—that they expressed their willingness to come here and be heard, but they were not heard. This is a measure which has been prepared hurriedly during the present session by certain gentlemen, members of the House of Commons, who thought that they represented the interests of the farmer. They have done the best they could with the knowledge at their disposal; but the impression upon my mind is that the condition of the farmer under this Bill will be worse than it is under the present law; and the condition of the elevator people will be undoubtedly worse; and I think we had better bear the evils we have this year than fly to evils we do not know about. The country will not suffer if this measure is allowed to stand over for another year; and then the government and parliament will be in a position to know just what is needed.

Hon. Mr. SCOTT—I presume there are some clauses of the Bill which may not

evoke any opposition, and therefore I think we had better proceed with the measure, and find out what the objections are to the clauses as we approach them. It is very easy to accept the proposition made by the hon. senator from Montreal (Mr. Drummond), that as far as practicable they shall be obliged to keep these standards. Of course if they have only a limited capacity, they cannot be expected to do it.

Hon. Mr. BEIQUE—It was agreed a moment ago that clause 2 was to stand.

Hon. Mr. SCOTT—No, why should we let it stand ?

Hon. Mr. DANDURAND—Because I fear the words 'as far as practicable' will annul the efficiency of the law altogether.

Hon. Mr. DRUMMOND—No, I do not see that. The clause as it stands might work out entirely to the disadvantage of the farmer. There might be bins capable of holding some thousands of bushels of grain of different kinds. There might be a preponderance of one particular class of grain coming in at that particular season, and the bins which ought to hold a large portion of the grain, might be filled, and it would be impossible when the elevator was full, to go any further, and it might operate to exclude a large proportion of its capacity. But if you put in the words 'as far as practicable,' of course it is not very definite, but it seems to me it is the only reasonable way of meeting the difficulty.

Hon. Mr. WATSON—I entirely agree with the remarks of the hon. gentleman from Montreal, that if the words 'as far as practicable' are inserted, it will serve all parties, because the working out of this Act is left almost entirely in the hands of the commissioner. He directs the whole operation of the Act. He is a very competent man. Some years it will simply tie up about four bins in an elevator or flat warehouse if this Bill is passed without the amendment suggested. Very often our crop will only have two grades of wheat altogether. This will provide for the retaining of six separate bins for six separate grades, and in view of the limited capacity at the disposal of the trade, it would be too bad to tie up the capacity of the elevator, when it is required for other purposes. If the Bill is passed as suggested here, it will work well. It has been claimed by some people in the west that at points, in the Territories particularly, the elevators claimed they had no capacity for No. 1 wheat and took in the wheat as No. 1 Northern. I do not think that condition of things prevails to any extent. It was simply in the imagination of people who wanted to find fault with the operation of the elevators. The explanation made here yesterday by the hon. gentleman from Killarney (Hon. Mr. Young), I think will go a great way to show why many people in the west were dissatisfied with the discrepancy between the price paid by the elevator men for wheat when stored and wheat on the track. In fact, the matter was referred to in the North-west legislature, in the address. I might refer to what was said in the Speech from the Throne, delivered March 20, this year, on the blockade. It went on to say :

> The unprecedented crop of last season, brought the transportation question into prominence and demonstrated the necessity for improved and enlarged accommodation for shipping and carrying grain to eastern points after the close of lake navigation. Owing to the representations made to the Canadian Pacific authorities by my government, through the Department of Agriculture, the evils of the grain blockade existing a few weeks ago have been considerably mitigated by shipments to Duluth via North Portal. As a result the farmers are now in receipt of an increase in price amounting to at least ten per cent over prices formerly obtained.

Now, that goes to show it was not the grain combine—it was a fact that as soon as they were relieved by shipping grain out of the congested districts, they got the advanced prices. The great trouble last year was the exceptionally heavy crop, and lack of facilities to carry the grain to market. As explained by the hon. gentleman from Killarney yesterday, grain on track was worth from 6 to 8 cents a bushel more than it was in the elevator, and if the farmer came along and wanted to sell his wheat, and the elevator man had to take it into his elevator he would offer 6 or 8 cents less than the price of wheat on the track, because the wheat on the track would probably be loaded in a vessel at Fort William or Duluth, as the case might be, last fall. The buyer had to speculate on the price of wheat, for holding it six months and storing it. I have suggested to the Canadian Pacific Railway and other railway corporations a solution

of the difficulty in handing our immense crops in the west; the grain will have to be handled in some different way. To my mind, instead of the railway companies building large receiving places at Fort William and Port Arthur, they will require to have large warehouses in the interior where they can deal directly with the farmer, because the farmer wishes to dispose of his grain as soon as it is threshed, and it is simply impossible to expect that railway corporations are going to be able to transfer grain from the prairie sections of Manitoba and the North-west Territories to the lake ports within two or three months, as the desire of the farmers would be, and furnish rolling stock to take fifty millions of bushels of wheat from that country in the course of two of three months. I have no doubt inside of three or four years at the outside, there will be 100,000,000 bushels every year for transport. The solution of the difficulty will be for the railway corporations to erect large receiving warehouses in the interior, where their rolling stock will be capable of handling three or four times as much in a given space of time, as if they had to transfer all the grain to Fort William. There is to be some relief given to the blockade by a recent change which has been made in the law of the United States. Hon. gentlemen have probably observed that recently the United States have agreed to allow our Canadian wheat to be ground in bond at Minneapolis. The Minneapolis mills grind about 90,000,000 bushels of wheat a year. The hard wheat of Minnesota and the Dakotas has been deteriorating of late years, and the United States millers are anxious to grind the Manitoba and North-west hard wheat, and have prevailed on the government of the United States to allow them to grind the wheat in bond. I understand the total crop of hard wheat in Minnesota and the two Dakotas is about 200,000,000 bushels, so you can see the capacity for grinding wheat is almost half the total product in the states of Minnesota and the two Dakotas. The quality of wheat is deteriorating, and the result is the United States miller has found the Canadian flour is coming into competition with his in the foreign market. By the change now secured by the United States millers, of allowing them to grind in bond, they are going to be able to take a large portion of Manitoba and the North-west wheat to grind in Minneapolis for export. There will be a disadvantage there to the Canadian miller, because the Minneapolis millers will be in a position to get much better freight rates to the seaboard than the Canadian millers during the winter months; but it will be an advantage to the Manitoba and North-west farmers. I understand that already the Minneapolis millers have asked for permission to erect some sixty elevators during the coming season in the province of Manitoba and the North-west Territories for the purpose of receiving grain. That, of course, will be stored and only taken down gradually to Minneapolis mills, as they wish to grind it. I am strongly of opinion that the Canadian Pacific Railway and the Canadian Northern will have to erect large receiving elevators at different points in the interior, for the reason they will be able with their rolling stock to take it out of the hands of the farmer, and store it in a much shorter time than if they have to take it to Fort William or Port Arthur. The wheat is just as well, stored in Manitoba and the North-west Territories, as at Fort William or Port Arthur, and the railways will have all the winter months for transporting the grain from the interior warehouses to the lake ports. In May, June and July, the grain will be loaded from the interior warehouses immediately into the cars, and from the cars into the vessels. I think it would be well not to go too far with this Bill, because as has been stated by some gentlemen, you may overreach and do something which will injure the transportation. I have no sympathy with the idea that the elevator men and the railway corporations are deliberately planning to bleed the farmers. If the farmer expects to have his grain transported from his farm in Manitoba or the Territories in three months, and that the railway corporations are going to furnish rolling stock to do it in that time, he must necessarily expect it will cost him more than if the corporations have longer time to transfer the grain. If that grain could be transferred in three months, I venture to say that ten or fifteen per cent of it would have to be stored in cars during that time. A car is a pretty expensive storehouse for storing grain in. There must be some reason in our attempts to regulate the grain trade. All the legislation which has been passed was based on the report of a commission appoint-

ed by the government to inquire into this very difficulty in the west. The Act passed two years ago was based on the report of that commission, a commission composed of farmers who went through the province of Manitoba and the Territories inquiring into the farmers' grievances and suggested some change which might be made to relieve the situation. The Act is working fairly well—much better, I think, than the men who framed it expected it would work. The farmer is expected, through that legislation, to get all the freedom possible, but in giving the farmer all the freedom possible, we must not impose such laws on the transportation company as will practically injure the farmer in getting rid of his crop. I respectfully submit that it would be well to adopt the suggestion made by the hon. gentleman from Montreal (Hon. Mr. Drummond), that after the word 'shall' add 'as far as practicable.' Because the commissioner will have the jurisdiction the same at any particular point. The elevator men are required to keep bins and must have accommodation to keep any grade of wheat tendered——

Hon. Mr. McMULLEN—I think the point could be met by commencing at the word 'receive' in the third line, and adding 'to the extent which storage space will admit.'

Hon. Mr. SCOTT—The other is practically the same and it is more specific and definite.

Hon. Mr. YOUNG—It is better.

Hon. Mr. DRUMMOND—The clause refers to an amendment of the section in the original Act which deals altogether with elevators working for hire, for receiving grain for storage. The commissioner is empowered to exercise very wide authority over the whole Act, and can see that it is carried out properly.

Hon. Mr. McMULLEN—Who is to give the decision as to whether it is practicable or not?

Hon. Mr. SCOTT—The commissioner.

Hon. Mr. McMULLEN—Suppose the man says 'it is not practicable for me to receive the grain,' who is to decide?

Hon. Mr. SCOTT—The commissioner is the judge and must decide it.

The amendment was agreed to.

On clause 3,

Hon. Mr. SCOTT—There are a number of changes in this clause. As the law stood it required the written application of ten persons living within a certain distance to erect a warehouse. The principal change is allowing one person to apply for a flat warehouse.

Hon. Mr. YOUNG—I fancy the change is from one flat warehouse to three. Under this as many flat warehouses as may be desired can be built, and a capacity of 3,000 bushels is struck out, and no special size is mentioned in this clause.

Hon. Mr. WATSON—The old Act is done away with and the railway have to furnish accommodation for the warehouse and put in sidings.

Hon. Mr. SCOTT—They were bound to put in sidings before.

Hon. Mr. WATSON—But they have to pay rental.

Hon. Mr. YOUNG—The report made by the Royal Commission, composed of farmers, submitted to this House in 1900, recommended that flat warehouses should be preserved for the purpose of storing and handling grain, and not be permitted to be used for the purpose of buying grain. Their idea was that these warehouses could be made more useful to the farmer by keeping them for that one purpose, because it was felt by the commission that this would open the door and give the farmers the privilege of storing their own grain and selling it when and where they pleased, while if a buyer was allowed to operate in the warehouses, he might put some grain in each one of the bins, and if a farmer came along he could say that the bins were occupied and he could not store his grain there. By this amendment the warehouses will be used for the storing of grain by the load by the farmer, and it changes the whole nature of the Act in that respect. It is thought it will accrue to the benefit of the producer by giving him more profit. I do not see any objection to it.

The clause was adopted.

On clause 5,

Hon. Mr. SCOTT—It is proposed to repeal section 42, and to insert this clause in the Bill.

Hon. Mr. McMULLEN—I have an amendment to propose to subsection No. 2. It is well known that the Canadian Pacific Railway have certain sidings along their main track that they reserve simply and solely for the purpose of express trains passing each other, and they are not used for any other purpose. They are reserved for that exclusive purpose. An express train comes along to the point where it expects to meet the express train from the opposite direction, and takes the siding and remains there until the other express passes and goes on its journey. They have a number of those. If you were to use those sidings for platforms for cars, you would completely destroy the use of those sidings, and I would suggest that after the word 'prescribe,' we should add 'except at crossing sidings reserved for crossing purposes only.'

Hon. Mr. SCOTT—There are references made in the other sections also to sidings, and it might come in better there. That would be a general clause that would affect all the clauses of the Bill.

Hon. Mr. WATSON—I do not think it is necessary to put that amendment in. However, I do not think it can do any harm. That kind of a siding would not be found at a shipping point.

Hon. Sir MACKENZIE BOWELL—Yes, I think so in some cases.

Hon. Mr. WATSON—It would not be a shipping point. At a shipping point they should put up a warehouse even if it is a crossing place.

Hon. Sir MACKENZIE BOWELL—There can be no possible objection to this amendment. On the contrary, it might prevent a difficulty arising hereafter by some people insisting on building a warehouse near by, so as to utilize these crossings, which would destroy the whole benefit of the through trade.

The amendment was adopted.

On clause 7,

Hon. Mr. YOUNG—The printed Bill would practically give applicants an option on the cars for forty-eight hours, but that would be rather unusual, and it was not intended by those who passed the Bill in the other House. I have drawn up an amendment which I propose to submit to the committee, reducing the time to 24 hours. It has also been suggested that when the applicant places his order in the order book, he should also place the destination of his intended shipment, so that the railway company would have notice where they are sending the car. It would be no great hardship upon the applicant to state the destination.

Hon. Mr. SCOTT—I think the clause is better as it is.

Hon. Mr. YOUNG—What the effect of the clause would be I cannot at the moment say. We start out with the principle of giving the utmost freedom to the farmers in the handling of their grain and we are agreed on that, but whether or not in this distribution of cars we will be doing justice to the farmers who live at a distance from the railway, in all cases, will be for the future to determine. You will notice that farmers who reside within a reasonable distance of the station are likely to be those who will be able to take advantage of loading the cars direct from the farmer's load. The farmer who lives at a distance from the station, say eight or ten or twelve miles or more, as frequently happens, will not have the same opportunity of loading cars as the ones near the station. Therefore, he is dependent upon the elevator and warehouses which are taking the grain day by day by the load, and it may so happen, if some one gets his order in ahead on the order-book, that these other buildings which are receiving from the farmer by the load are unable to take the grain the man near the station would have his car, and the farmer at a distance would have to pile up his bags. That may happen, and I do not know whether we will be asked at the next session of the House to amend this clause in many particulars. While it may be popular to legislate against the elevator man, remember this, that the elevator man accommodates the many, while the man who loads the car will be the fortunate individual who resides within a very short distance from the shipping point; and if we by legislation reduce the elevator man, who handles the grain, to the level even of a warehouseman we certainly reduce the handling capacity of that class of buildings in the west to the detriment and disadvantage of the owners. It is proposed to give

twenty-four hours to a farmer to load a car—to all applicants in fact. If I had my way I would not give more than twenty-four minutes to an elevator to load a car, because they can load a car in less time than that. They can load a car in pretty near half that time, and while every one is put on the same footing, I would be more in favour of making warehouses and elevators load cars in very short order, so that the rolling stock of the company will be used to its utmost capacity, and instead of standing at the siding twenty-four hours they will be loaded in twenty-four minutes.

Hon. Mr. SCOTT—They will do that.

Hon. Mr. YOUNG—They will have twenty-four hours grace under this clause, and I would not give them that, because the elevator man is in a different position from the farmer. It is fair to give a farmer a sufficient time to load, but the elevator men are supposed to have the grain ready when the car comes, and the farmer has to bring it in from the country and requires more time.

Hon. Mr. SCOTT—We might have it to apply to farmers only.

Hon. Mr. YOUNG—The great trouble is that if, on the spur of the moment, we try to amend these important provisions, we may not accomplish the object we have in view. The only object I have in view is to do everything possible to help the farmer out, and place him independent of all the dealers, and at the same time not to hamper the transportation of grain in any way, so that we can get out as much of our grain as possible in a very short time. There is another matter I wish to call attention to. In this amendment we proceed to say by what method cars can be obtained. That is through an order-book, and the delay which may occur to a farmer is pretty hard to measure. He has to take his turn. Possibly it will work out all right. This Act is supposed to be as nearly perfect as it can be made by those who have been making a special study of those grievances which existed, this is the result of their handiwork, and I do not like to suggest any changes. I merely draw attention to these matters.

Hon. Mr. SCOTT—It never was intended that the elevator company should be allowed forty-eight hours to load a car.

Hon. Mr. DRUMMOND—I consider it an outrage on the railway company to keep a car standing forty-eight hours.

Hon. Mr. YOUNG—It is not unreasonable that a warehouse should have twenty-four hours.

Hon. Mr. DRUMMOND—I can see no end of loopholes in this Bill. There are penalties enough provided for the railway men and the elevator men, but there are no penalties for the farmers when they do not fulfil their part of the bargain.

Hon. Mr. YOUNG—Oh, yes.

Hon. Mr. DRUMMOND—A farmer applies for a car and takes twenty-four hours and half fills the car with grain of a particular grade, and has no more to put into it, or cannot get it over on account of the roads. What is the company going to do ?

Hon. Mr. WATSON—They can charge him demurrage after twenty-four hours.

Hon. Mr. DRUMMOND—There is no such provision in this Bill. What will they do when the twenty-four hours elapse ?

Hon. Mr. DRUMMOND—He has put in half a load of particular wheat. They cannot put another man's wheat on top of it. The fact is that you will be able to drive a cart and horse through the whole Act after it is finished, in my opinion.

Hon. Mr. YOUNG—He will lose his right, so far as concerns the cars not so loaded. He is not forced to take what he cannot use.

Hon. Mr. DRUMMOND—If he half fills the car he retains his rights. That last clause speaks of his rights where he cannot load a car. I think there should be something in the nature of demurrage where a man does not fill his car.

Hon. Mr. SCOTT—This would not debar them from charging demurrage.

Hon. Mr. YOUNG—What about an applicant ordering a car for twenty-four hours and not putting anything in it ? Then there is twenty-four hours lost and they cannot claim anything for that, and at the end of that twenty-four hours he tells the company he does not want it. But he has an option on it for twenty-four hours.

The clause was adopted.

On the last clause,

Hon. Mr. YOUNG—Subsection 2 is put in to endeavour, if possible, to meet the abnormal conditions such as we had last year. This applies to the congested condition, and requires the company to give each applicant, according to the order in the order book, one car, and then rateably according to the requirements of each applicant. There is a fairness about the clause, which I think will work very well. Rateably according to requirements will mean this, that if one buyer takes in 5,000 bushels a day and another buyer alongside of him takes in 1,000, it is only reasonable that the man who takes in the 5,000 should get more cars than the one who takes in the 1,000, and while this applies when there is a scarcity of cars, yet that very same principle should prevail at all times, that a man in proportion to the business he does he should get the cars.

Hon. Mr. SCOTT—In proportion to his wants.

Hon. Mr. YOUNG—If you do not do that, you reduce the big business down to the level of the small business, and in that way you hamper without doing good to any one that I can see, except the small competitor, who will have his business placed on the same level as the larger buyer. The elevator is the place where the grain is handled the easiest, and will handle the greatest quality of grain. The elevator, therefore, would have greater requirements by far than the flat warehouses, which could be emptied in a short time. This latter clause is a reasonable one, and may prevent difficulties during times of congestion, and I think we had better pass it as it is.

The clause was adopted.

Hon. Mr. MACKAY (Alma), from the committee, reported the Bill with amendments, which were concurred in.

The Bill was then read the third time, and passed.

SECOND READING.

Bill (102) An Act to incorporate the Gaspé and Western Railway Company.—(Hon. Mr. Sullivan.)

HALIFAX INDUSTRIAL SCHOOL AND ST. PATRICK'S HOME BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (152) 'An Act further to amend the provisions of chapter 183 of the Revised Statutes, with respect to the Halifax Industrial School, and St. Patrick's Home at Halifax.' He said: These are two institutions, reformatories, in the city of Halifax. Under the Criminal Code, magistrates and judges are authorized to send Protestants to the Industrial school, and Catholics to St. Patrick's home. As the law stands now, the lowest term stated would be two years. At the instance of the Attorney General and government of Nova Scotia, it is proposed to reduce the two years to one year, inasmuch as sometimes young boys are sent there, and it is felt that two years would be too long a term. This gives the judge a discretionary power. It also makes a change in the age limit.

Hon. Mr. SULLIVAN—Is that all the change?

Hon. Mr. SCOTT—That is all. This is introduced at the instance of the government of Nova Scotia, who desire to make a more free use of the reformatory and institution.

The motion was agreed to, and the Bill was read the second time. The Bill then passed through its final stages, under a suspension of the rules.

COASTING TRADE OF CANADA BILL.

FIRST READING.

A message was received from the House of Commons with Bill (165) 'An Act respecting the Coasting Trade of Canada.'

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time at the next sitting of the House. He said: The object of this Bill is to defeat the possible efforts of foreign-built ships to secure registration in other ports than in Canada proper. Recently attempts have been made to evade our customs law, which imposes a duty of ten per cent on the hull and 25 per cent on the machinery of foreign vessels which come in and are registered in Canada. Under the law, which is governed by the Imperial

Merchants' Shipping Act, it is held that a registration secured in Great Britain, or in a British colony, would secure an entry into Canada. We could not tax British ships, or ships belonging to the colonies of Great Britain. Attempts have recently been made to evade the law proper, which under our Customs Act, enables us to make a foreign-built ship pay duty before being registered here. Take, for instance, Newfoundland, which is very convenient to Canada: by obtaining registration there, a ship becomes a British bottom, and would be entitled to come into Canada without paying duty. The object of this Bill is to defeat that purpose. If vessels are built in Great Britain, or in British colonies with British registers, we would receive them, and allow them the full benefit of our laws, but what we object to is, foreign vessels, in an indirect way, securing British register in the way I have indicated by going to an outside colony such as Newfoundland, and obtaining registration there and coming in and evading the duty. The Act, as it interferes somewhat with the Imperial Merchants' Shipping Act, cannot be assented to without a conference with the imperial authorities, and therefore, although this parliament will pass the Bill, it is not proposed in the ordinary way to obtain the approval of the Governor General. Its approval can only be had after the imperial authorities agree that it shall be passed. The reason why action is taken at the present moment is that there is a disposition to introduce foreign ships into Canada and evade the duty. A case came recently under the notice of the Customs Department, where the British consul at Chicago allowed a United States vessel to come in as under the British register. The case went to the courts, and the inferior courts held the consul had the authority to grant British register. However, the decision was overruled in the higher court, and very properly and correctly so. But if the vessel, instead of obtaining register through the British consul at Chicago, had gone to Newfoundland and obtained a British register in that colony, and had been acknowledged in a British colony as a British bottom, we could not have prevented it, and it is to defeat the object of bringing in foreign vessels in that way this legislation is being enacted.

Hon. Mr. SCOTT.

Hon. Mr. DANDURAND—Do I understand the Supreme Court has reversed the decision of the lower court in that case?

Hon. Mr. SCOTT—Yes.

Hon. Mr. DANDURAND—The tax on foreign ships was easily evaded, because a ship could be bought at New York and brought to Newfoundland and be registered there as a British ship free of duty, and then sail up the St. Lawrence and come into our waters as a British bottom, and no duty could be collected on the vessel. I think the legislation is very proper.

Hon. Sir MACKENZIE BOWELL—So do I, in one respect more particularly. What commends it to my mind is that it is in the line of protection in every sense of the word. It is not only the abstract principle of protecting the industries of this country, but it increases the duty upon foreign ships. I have looked through this Bill with a great deal of care, and having had some experience in the administration of this branch of the public service, I looked at it probably with more interest than I would under other circumstances. The difficulty that arose has been very well explained. The old system of obtaining—I will not say surreptitiously, because I think they had a right to do it—a certificate in contravention of the provisions of the Tariff Act was by purchasing a foreign vessel, taking it to a British port outside of Canada, and obtaining legislation. For instance, a vessel might be purchased by a British subject in the United States, taken to England or to Newfoundland and registration obtained. In the past, large barges and scows were taken to Newfoundland and British register obtained, and were then brought into Canada as British bottoms under the Merchants' Shipping Act, which is an Imperial Act and controls our own shipping as well as theirs, and stands relatively to Canada in a commercial sense in the same position as copyright does with regard to books. They are much of the same character, hence difficulty arises in its administration. Under the old system, we did not attempt to collect duties on vessels under such circumstances, but Mr. Clergue took other means of securing a United States vessel than that which I have described. He went to Chicago, purchased a vessel and obtained a certificate

from the British consul at Chicago to navigate British waters for six months. After he did that, he declared it to be a British ship, and demanded a Canadian register. The customs officials at Sault Ste Marie refused to give it. He took the case into the courts, and the lower court decided he had a right to obtain it in that manner. Then it went to the higher courts, and they declared against him. Now, I suppose, unless this Bill is passed, and receives the sanction of the British government, Mr. Clergue will take the case, in all probability, to the Privy Council and see it to an end. The point is whether Canada has the power to legislate on a question of this kind, independent of the Merchants' Shipping Act, which governs our shipping trade as well as that of England. If my recollection serves me right, we did not, when the Act affecting the coasting trade was placed on the statute-book, reserve it for the approval of the imperial government. I understand the Secretary of State to say the probabilities are that this being an interference, to a certain extent, with the Imperial Merchants' Shipping Act, it would be reserved by the Governor General for the approval of the home government. As it is only a re-enactment of the Act as it stands on the statute-book to-day, with this difference only, that it makes it apply to all cases of foreign-built ships, which probably the British government might consider an infringement of what is termed the Merchants' Shipping Act, and for that reason I presume the Bill will have to go to England. There is this difference, so far as the duties are concerned, and that difference I approve of, and I hope the government will reform and go on in that way by increasing the duties on all articles of a foreign character which can be manufactured in Canada. The law as it stands on the statute-book, with which I had something to do in framing, has this provision, that all foreign ships seeking a certificate of registration in this country, which will enable them to do a coasting trade, would have first to pay a duty of ten per cent upon the value of the hull, and 25 per cent upon the machinery and engines. The reason for that was this that while there was no tax upon ships formerly, we to encourage the introduction of as many ships as possible of British manufacture, imposed a duty of ten per cent on the hull, but as the engines came into competition with engines made in this country, we drew a distinction between the two, and made the duty on the engine 25 per cent. The present government have gone one better. They make the duty on the whole ship 25 per cent, hull and machinery. I commend them for doing it, and I hope they will keep on doing it in the interest of the manufacturing industries of this country.

Hon. Mr. SCOTT—I do not think we have made any change.

Hon. Sir MACKENZIE BOWELL—Oh, yes. Look at the Bill. I knew very well what the law was, and what is proposed here.

Hon. Mr. SCOTT—When this law comes in force. I thought the hon. gentleman was speaking of the law as it is now.

Hon. Sir MACKENZIE BOWELL—The law now upon the statute-book imposes a duty of ten per cent on the hull, and 25 per cent on the machinery. This Bill imposes a duty upon the total value of the vessel. Formerly ship-building was carried on extensively in the maritime provinces and Quebec. We have of late been building very large vessels for trade on the inland lakes, at the city of Toronto, vessels that are a credit to the country, and I think that the imposition of this extra duty will give an impetus to that trade. I am sure my hon. friend from St. George, who is an ardent free trader, will highly approve of this proposition, and if it has no other effect than that, it will be a good one. I should like to ask the Secretary of State to look at clause 6 of the Bill, and to ask him whether he thinks that carries out the provision in chap. 83 of the Revised Statutes, which is repealed by this Bill. The provision of the law is that we may, by Order in Council, grant the right of coasting to any vessels of a country that gives the same concessions and rights to the Canadian built vessels. I notice that that is all repealed, but the 6th clause reads as follows :

> The Governor in Council may from time to time declare that the foregoing provisions of this Act shall not apply to the ships or vessels of any foreign country in which British ships are admitted to the coasting trade of such country and to carry goods and passengers from one part or place to another in such country.

That certainly carries out the same idea of the old law providing the word 'British' is applied in this sense, and under the Merchants' Act to Canadian-built vessels having a Canadian register and not an English. I do not know whether that point has suggested itself to the hon. Secretary of State, but it is an important point in that respect. If the word 'British' includes a Canadian-built vessel or a vessel carrying a Canadian register, then the same power will be investigated under this Bill that they had under the old Act. I know that in many cases during the late administration, when certain countries would grant to England the coasting trade of this country, it was laid before the government of Canada for approval or disapproval. We could reject it under the present system that prevails, or we could approve it. In every instance in my recollection, when a proposition of that kind came from any foreign country, we always accepted it and passed an Order in Council granting the same rights in coasting that they granted to us, upon this principle, that though a smaller country than many of them, we thought we were quite prepared to compete in that respect with any of them. In the United States, my hon. friend knows, and so does the House, they always refused to even mitigate their coasting laws and, strange to say, they thought that by giving us the right to coast in the United States would be opening the inland waters to the whole shipping of Great Britain. When we explained that to the Secretary of the United States telling him we were quite prepared, though a very small country of five millions, compared to their sixty-five or seventy millions, to compete with them on the lakes, Mr. Blaine positively refused to do so, as will be seen by the correspondence laid before parliament some years ago. We were quite prepared even to fight them, though they are very much larger in population and wealth than Canada is. I call attention to that clause, in order that if they have not thought of the question, that they will ascertain whether the word British under the circumstances will cover a Canadian-built ship or a ship sailing under a certificate of Canadian registration. I may add that, so far as our tariff is concerned, outside of British shipping, England and the British colonies are just as much a foreign country as the United States or France or Belgium; hence there must be something in the Merchants' Shipping Act which will cover the point to which I have called the attention of the Senate, or a Canadian vessel, as I have indicated, would not have the rights that the Governor in Council has in the past granted in connection with the coasting trade.

Hon. Mr. SCOTT—The hon. gentleman knows in past years it was always the practice to consult Canada in making any favoured nation treaty with any of the countries of Europe or the world, and in some instances Canada's consent has been given, and in recent years the present government have practically declined. We preferred not being affected by the favoured-nations clause with Great Britain.

Hon. Sir MACKENZIE BOWELL—I might say, for the information of the Senate, that was the course we often took, because we thought it hampered us in negotiations with any other country.

Hon. Mr. SCOTT—Years ago, before Canada assumed the important position she occupies to-day, the Canadian government usually gave its assent. The imperial government said that they were about entering into a treaty such as they made with Belgium and Germany and other countries, and the general import of the despatch was that unless a dissent was given within a year, it would be taken as an acquiescence. As far as the coasting trade of outside countries is concerned, there is only one country—Norway—in which we are a party to the coasting trade. A Norwegian vessel would have a right to the coasting trade of Canada, and we would have, as part of the British empire, a right to the coasting trade in Norway. If I am correctly advised, that is the only country where the privilege of the coasting trade really exists to-day, and it may be desirable in the future. It is just as well to have latitude in deciding the course to take in reference to those treaties with outside countries. We have invariably adopted the policy, since this government came into power, of declining to be a party to any of those treaties, believing the time will come when we shall be able to make our own treaties. There is another point to which it is my duty to call the attention of the House: as

the Bill cannot receive the Royal assent when the other Bills are assented to, and it may take some little time to have an explanation with the imperial government, we have fixed the date that it shall come into force 1st September next, so that up to that period foreign vessels coming under British registry in British colonies will be entitled to come into Canada. A gentleman in the Chamber—I will not mention his name—said to me: 'Your Bill is going to defeat the purpose I had in buying a yacht in New York;' and I said: 'No. You have till September 1st to complete your purchase.'

Hon. Sir MACKENZIE BOWELL—That would only affect him to the extent of the difference between ten an 25 per cent on the hull of the vessel.

Hon. Mr. SCOTT—No. He will register in Newfoundland, and come up the St. Lawrence. However, he has till the 1st September.

Hon. Mr. DRUMMOND—The Act may not obtain the approval of the British authorities by the 1st September, so that date is subject to revision.

Hon. Mr. SCOTT—Yes. It is presumed that before the 1st September the Bill will be assented to.

Hon. Mr. DRUMMOND—Is it not a mistake to fix a definite date?

Hon. Mr. SCOTT—It was necessary to fix some date, and we did. That was the outside limit, because it sometimes takes three or four months.

Hon. Mr. DRUMMOND—Supposing the consent was not obtained within that time, what then?

Hon. Mr. SCOTT—I presume, as there are several ministers going to England soon, that they will have an opportunity of hastening the conclusion. There is no reason why they should withhold the assent.

Hon. Sir MACKENZIE BOWELL—As I understand the question, the law if passed will have no effect until it is sanctioned by the imperial authorities, so that it makes no difference whether it is made the 1st September or not. If it is not sanctioned by that time, then it will not come into force until it receives the assent.

Hon. Mr. SCOTT—It would not be fair to parties who are availing themselves of this not to fix a date, and therefore we fixed a date.

Hon. Sir MACKENZIE BOWELL—No. That opens up the broad principle of the right to reform the tariff. A man may have ordered something from Germany, or some other place. If it does not come in before the tariff goes into force, there is an end of it.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, May 14, 1902.

The SPEAKER took the Chair at Eleven o'clock.

Prayers and routine proceedings.

THE ORTHODOX RUSSO-GREEK CHURCH PETITION.

THE SPEAKER'S RULING.

The SPEAKER—Before the motions are called, I may as well read the decision to which I have come on the point of order reserved yesterday. I regret that the question should have been referred to me, and I regret further that I have not had time to give the question the consideration it deserves. However, I have come to a conclusion and am pretty clear on the point.

As I understand the position, the Senate has delegated to me the duty of deciding whether or not a petition presented to the House on the 19th of March last, purporting to be the petition of the Right Reverend Tikhon, of the city of San Francisco, in the State of California, bishop of the Orthodox Russo-Greek Catholic Church for North America and the Aleutian Islands, is one which, under the rules governing the proceedings of the Senate, should be received.

If this case arose in England, the petition would not be received. May, 10th edition, p. 500. On the 7th of April, 1876, a petition from inhabitants of Boulogne-sur-Mer, several of whom appeared to be British sub-

jects, was presented to the House of Commons. Mr. Disraeli, then leading the government, moved for its reception. Speaker Brand intimated an opinion adverse to the reception of the petition, and it was suggested that it be referred to a select committee. The suggestion was accepted by the House and the question was referred to a committee composed of experienced parliamentarians. The committee reported on the 16th of May; and their report, which was concurred in by the House, reads as follows:

> Your committee having taken evidence and having searched for precedents, do not advise the reception of the petition by the House.

Inasmuch as the rule of the English Commons, as settled by this leading case, would be also that of the House of Lords, whose practice governs the Senate in cases unprovided for by our own rules, I would be justified, without going further, in deciding that the petition under consideration is not one which should be received by the Senate. As there is, however, some authority to show that a more lenient view of the position of alien petitioners has been taken in the Canadian Commons, and as it may not unreasonably be contended that circumstances which have influenced the other House might be expected to have some weight with the Senate, it may be well to devote a little more time to the matter.

I therefore take the liberty of directing the attention of the House to certain passages in the discussion of the Boulogne-sur-Mer petition in the English House of Commons. The discussion will be found in volume 238 of the third series of the English 'Hansard' between page 1411 and page 1420.

The petition had been introduced on the 6th of April. Speaker Brand made the following reference to it on the following day:

> It will be in the recollection of the House that yesterday the hon. baronet, the member for South Warwickshire (Sir Eardley-Wilmot) offered a petition to this House from inhabitants of the town of Boulogne-sur-Mer, in France, and upon the hon. baronet presenting the petition I demurred to the acceptance of it because I doubted whether there was any precedent for the reception of a petition from any foreign town; and I asked for time to consider that question. I have now to state to the House that I have searched for precedents in this matter, and have found one, and one only, which I will now proceed to read to the House.
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> '17th February, 1831.—Lord John Russell presented a petition from the inhabitants of Crete, complaining of their suffering under the Turkish government in that island.
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> * * * * * *
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> Mr. Speaker said that a very important question was suggested to the consideration of the House by the hon. member for Middlesex—namely, whether petitions from persons who owed neither allegiance to, nor could claim the protection of this country could be received. The object of the petitioners was, to obtain the interference of the Crown of Great Britain to protect them from the miseries under which they were at the present moment labouring. Was this a petition at all? And if so, was it not a petition to the Crown of Great Britain solely? The petition did not appear to contain any matter which brought it within the jurisdiction of the House of Commons. It commenced 'Hon. Sirs,' and stated that 'on the renowned English people, the lovers of liberty, the patrons and protectors of the injured, the Cretans placed their last hope of salvation, looking up to them for the advocacy of the cause of Crete.' It was clear that the petition could not be received by the House of Commons.

Then he proceeds:

> I think it right to observe to the House that it appears that this petition was not received, mainly upon the ground that the petition related to a matter not within the jurisdiction of the House of Commons. I have further to observe that the petition from Boulogne offered to the House yesterday by the hon. baronet, refers to a matter quite within the jurisdiction of the House. The petitioners pray that the consulate in that town should remain a consulate and should not become, as proposed, a vice-consulate. I submit to the House that if the House thinks fit to receive as an act of grace a petition from inhabitants of the town of Boulogne—many of whom appear to be British subjects—upon such a matter, it may be received upon the ground that the subject-matter of the petition refers to a question within the jurisdiction of this House. I may observe that as a general rule the House receives petitions from all British subjects in all parts of the world, and it receives also petitions from foreigners resident within the dominions of the Queen; but I am not aware of any petition being received from the inhabitants of a foreign town, such as the petition offered to this House yesterday. It relates, as I have already said, to a matter within the jurisdiction of this House; but, in the absence of any precedent, it will be for the House to determine whether it may fitly be received.

Then Mr. Disraeli, who was Prime Minister, made a little speech, part of which I shall read. He said:

> Sir, the House is always jealous of restrictions on the right of petitioning, and I trust that this is a feeling and a principle which will always guide the House. You, sir, have reminded us accurately that all Her Majesty's subjects in foreign countries have the right to petition, and all foreigners in Her Majesty's dominions have also such a right. The precedent which you have quoted is one which has no affinity to the petition of the inhabitants of Boulogne. We should recollect that at this time, when the relations between the people of this country and foreign countries are so intimate, the refusal

of this act of grace to foreigners when the matter is within the jurisdiction of the House, might be disadvantageous to the public interests. I am inclined to think the course we ought to take is to receive this petition. I believe that certainly as an act of courtesy and grace and also as a precedent it will be advantageous, I therefore move that the petition be received.

Motion made and question proposed,

That the petition of the inhabitants of Boulogne-sur-Mer, relative to the British consulate in that town, do lie upon the table.

Then Mr. Gladstone spoke on the other side and said :

Sir, it seems to me that this is a question on which, at any rate, it seems desirable that we should not proceed with haste. I do not know, Sir, whether I have collected with perfect accuracy the effect of what has fallen from you ; but I understand the case to be this—that on the surface of the matter there appears to be a precedent against the reception of a petition from foreigners resident in foreign countries ; but that upon the examination which you have been good enough to make it seems there are circumstances of difference in the case which you have made known to us, sufficient to show that we are not bound by that precedent. I imagine the effect of that to be—giving full force to the judgment you have pronounced—that while there is no precedent to require us to decline to receive a petition, there is certainly no precedent which would bind us to receive it ; that the question is one entirely new and really amounts to this—whether we shall now make a precedent in favour of receiving petitions from the subjects of a foreign power, not resident within the British dominions. There seem to be three classes of persons from whom we receive petitions. In the first place all subjects of Her Majesty residing within the limits of the British Empire, which is the simplest of all the three cases. Of their right to petition there can be no question. The second is the case of British subjects residing beyond the limits of the British Empire. That also appears to follow naturally out of their relations to the Houses of Parliament, because these persons, though temporarily non-resident, or even if permanently non-resident, are in no respect dismissed from their allegiance. All our rights over them exist and remain intact ; and consequently all their rights in relation to us, as they are doing nothing illegitimate to us, would be held to remain intact also. Then, thirdly, there is the case mentioned by the right hon. gentleman opposite, of foreigners resident within the limits of the British Empire. I understand we are in the habit of receiving petitions from such foreigners. That likewise appears to me to be a perfectly clear case in point of principle ; for such foreigners living under the protection of our laws apart altogether from what they continue to owe to their own country, owe for the time temporary allegiance to this country. I agree that there is force, as an appeal to feeling in the consideration mentioned by the right hon. gentleman that it is desirable to perform any act of grace or courtesy towards the inhabitants of foreign countries, provided we can perform it without apprehension of probable future difficulties in consequence of our act.

Then he proceeds :

At the same time I would observe, it seems to me that if a petition of this kind is to be received, we have not, in the first place, those means of examining or inquiring into the circumstances under which the petition was prepared or of dealing with it upon its merits, which we would have in respect of all petitions proceeding from our own fellow-subjects, because we have no rights over the parties who present them.

Mr. Gladstone concludes his remarks as follows :

I cannot escape from the idea that there are possibilities of serious inconveniences involved in the reception of petitions from the subjects of a foreign power. We have no rights over them ; they have no relations to us. Courtesy and grace are excellent things; but the right of petitioning has nothing to do with courtesy or grace. It is a security for the discharge of mutual rights and mutual obligations. I think that if we heard that the inhabitants of Dover were petitioning the French legislative chambers, as Englishmen we should not much approve of it, and should not like to see the example followed. I do not now wish to give a final opinion on the subject, and if we were called upon to give a final opinion now, I should give it reluctantly. We should keep on safe ground. I do not see any principle leading us to pronounce an affirmative decision on the matter, and if the question were to be decided now, my disposition would be to decline to receive the petition.

Sir Eardley Wilmot who had presented the petition, stated the facts of the case :

For a long time there had been a British consulate, but it was reduced to a vice-consulate, and the object of the petitioners was to restore the office to its former rank. A great many English people resided in Boulogne, which was a town increasing rapidly in importance. One-half of the imports, amounting altogether to £35,000,000 sterling, from France to this country, and one-third of the exports from the United Kingdom to France, passed through Boulogne, and a new quay—the Quai Napoleon—had been opened, affording very superior accommodation to every class of ships ; and the petitioners felt that the dignity of this country was not adequately represented by a vice-consulate in such an important town.

Then the Speaker said :

When the hon. baronet presented this petition yesterday I particularly asked him whether it was from British residents in Boulogne. Had he answered in the affirmative, I would have made no objection to the reception of the petition ; but the hon. baronet read the heading—'The humble petition of inhabitants of Boulogne-sur-Mer, in France ;' and upon that I demurred to its being read upon the ground that it was from the inhabitants of a foreign town. The hon. baronet stated that it was signed largely—and on the face of the petition it appeared to be so—by British residents ; but I could not do otherwise than regard a petition with that formal heading as a petition from inhabitants of Boulogne-sur-Mer.

Several gentlemen spoke, Mr. Dodson, Mr. Lowe, Lord Robert Montagu, Sir William Fraser, and so on, and the general trend of opinion of the members who spoke was against the reception of the petition. Then, at the close of the discussion, Mr. Gathorne Hardy, who was a member of the government at the time, spoke as follows :

The discussion which has taken place upon the subject show that there is a great deal of doubt in the minds of many hon. members as to the proper course to be pursued upon this occasion, and I am sure that my right hon. friend will agree with those who have spoken, at all events in thinking that in regard to an act of grace to a foreign town the House should be unanimous, and that we should have no division. It seems to me that a very grave question may arise as to whether it is right, in consideration of our diplomatic relations with other countries, that we should receive a petition from a foreign town or country without knowing whether their ambassador in this country is acquainted with what they have done or has sanctioned it. As right hon. gentlemen opposite who have been in office will remember, in dealing with a foreign subject we always take care that he approaches us through his ambassador, and I think that it is a subject well worthy of consideration. I would, therefore, suggest that my right hon. friend should withdraw the motion he has made, so that we may move for a committee to inquire into the question and report upon it.

Then Mr. Disraeli speaks :

As there seems to exist in the House some doubt and great anxiety not to have any division of opinion, I will withdraw the motion I have made, and avail myself of the suggestion of my right hon. friend.

The committee, which was, as I say, composed of experienced parliamentarians, presented their report on the 16th of May, 1876, which report I have read.

There has been as far as I am aware, no decision by a Speaker of the Senate on the question involved in this case. The first decision in the Canadian Commons was by Speaker Anglin on the 19th of February, 1877, on a petition from the Boards of Trade of Detroit, Chicago and some other United States cities, complaining of the loss and inconvenience arising from the closing of the Canadian canals from Saturday evening until Monday morning. The decision was :

That the petition could not be received, on the ground that aliens, not resident in this country, had no right to petition this parliament, and that this House could not receive any petitions from such persons.—Com. J. 1877, p. 41.

The case which is supposed to have overruled that last cited is that of the petition of certain American citizens interested in the Connecticut Mutual Insurance Company, praying for amendments to the insurance law.

I could not find that in the Journals of the House, but it will be found in the Commons 'Hansard' of 1878, page 950, as follows :—

Mr. Speaker called attention to a petition from American citizens interested in the Connecticut Mutual Insurance Company, praying for amendments to the insurance law. Under the rules of the House this petition could not be received, and he would like to have an expression of opinion on the matter.

Speaker Anglin did not decide that the rule was not that way, but he invited an expression of opinion as to whether that rule should be enforced or not.

Mr. Mackenzie said it had been the invariable practice in such cases to allow representatives of companies in a foreign country to lay their case before a committee of the House for the purpose of presenting their views ; and it did seem to him, therefore, rather unreasonable that by adopting a tit-for-tat policy the House should prohibit parties from coming directly before parliament. He could not conceive of any possible injury which would be caused by the reception of such a petition, and he would strongly advise that it be received by the House.

Sir J. A. Macdonald did not see any objection to the reception of the petition. It must be remembered, of course, that in England the rule was insisted upon which excluded foreign corporations from doing business there. Of course, in England any deviation from that rule might be exceedingly inconvenient as regarded anything into which politics might enter, and possibly that was one of the reasons why the prohibition was enforced. Canada, in this respect, was not liable to be inconvenienced in the same way, and he would suggest that petitions should be received by the House subject to special legislation.

Mr. Speaker said he thought it would be well to have an understanding limiting these petitions to parties, companies or corporations directly and expressly affected by the legislation of this parliament and its mode of doing business.

Then in the session of 1880, this question came up again :

On the petition of O. N. Brown and others, vessel owners of Oswego, dealing with the question of harbours on the lakes; and on this petition being read, Mr. Speaker Blanchet ruled——

He used just the same words used by Speaker Anglin in 1878, that this petition could not be received on the ground that aliens, non-residents in this country, had no right to petition parliament. Since that time there have been some other cases, which I have not had time to go into carefully, but they are referred to in the note to page 320 of Bourinot, relating to a petition from

certain persons in the city of Portland, in the state of Maine, asking for an Act of incorporation. It was received on the ground that the subject-matter came within the jurisdiction of the House :

The necessity of offering every inducement to capital was referred to in the debate by Sir John Macdonald as a reason for allowing the reception of such petition.

I may say, hon. gentlemen, in reference to the matter before us, if there was no other way of getting the relief desired by the members of the Russo-Greek Church in the North-west Territories, than that of petitioning through an alien, there might be some ground for relaxing or not enforcing the rule, but the power of petitioning in this matter is not confined to the alien who resides in one foreign country and is under the jurisdiction or rule of another foreign country. The people who suffer inconvenience live in the Canadian North-west, and there does not seem to me to be any obstacle in the way of their presenting a petition to parliament which would be perfectly regular and about which there could be no question. I should hold, therefore, that this petition, even if it were beyond criticism in every other respect, being from an alien residing in a foreign country and not coming under the decisions of Speaker Anglin and other Speakers, is not such as this House should receive.

But when the hon. gentlemen come to examine the petition carefully, I think other reasons suggest themselves why it is questionable whether it should be received, I mean even supposing there were not any objection on the ground of the general practice. This petition is in typewriting and it is signed, or purports to be signed, by one petitioner. Tikhon, as far as one can make out, and looks like Richop. There is just the one signature, and in some other hand, a totally different hand, is written, 'the Bishop of the Orthodox Russo-Greek Catholic Church of North America.' This signature is not verified in any way ; and it is a uniform rule, I think, in legal matters at any rate, that where a document comes from a foreign country it has to be verified in some way, or consul by the certificate of a notary public or something of that kind. There is nothing to satisfy parliament that this gentleman is what he is supposed to be, or that the gentleman who is supposed to have signed this petition, ever did sign it ; and I think that is something which ought in itself to cause us to hesitate about receiving the petition. There is another circumstance which is of some consequence : If this corporation is a corporation in the United States, then the petition should be sealed with the seal of the corporation. If he is a corporation, and has a title there, then I think that the title under which he applies to us, should be the same title by which he is known in the United States ; and, as a matter of fact, it was stated in the discussion in another place, and was not contradicted, that the title by which this dignitary is known in the State of California and in the State of Washington is not the title by which he applies to us. I think, therefore, there is a certain amount of doubt thrown on the character of the petition.

I feel that I am the more free to express the view that I have, because, as I understand, prorogation has been announced for to-morrow. The Bill, which has just come up from the other House, could hardly get through this session, as there are gentlemen who oppose the Bill and would enforce the rules against it. My decision, therefore, does not affect the fate of the Bill.

Hon. Mr. WATSON—We have heard the Speaker on this matter. He has quoted very largely from authority, and apparently lays greater stress on the latter part of his argument, that is the signature of the petitioner.

The SPEAKER—No.

Hon. Mr. WATSON—He said it would be fatal. I do not know that we ever have required a signature of that kind to be witnessed by a notary public. It is a little late in the day to question the right of petitioning parliament. When this petition was regularly presented to the Senate and received, it had before that been presented to the House of Commons. The Speaker of that House had a right to reject the petition if there was anything of an objectionable nature in it, yet it was received and the Bill founded thereon introduced, and passed all its stages in the House of Commons. It is a little late in the day to speak about the irregularity of presenting the petition, and for that, and for other reasons, I think we should

not concur is the decision of the Speaker. It has been the practice to incorporate foreigners in Canada, and I should not like it to go on record that the Speaker rules that foreigners have no right to petition the parliament of Canada. I would prefer to see this Bill defeated by objection to the suspension of the rules in the Senate, than see it be defeated by the ruling of the Speaker, which would probably be quoted in the future as a reason why foreigners should not have the right to petition. Foreigners have had the right to petition in the past. Of course it may be said that such cases are exceptional, but on different occasions, foreigners have petitioned, and received incorporation at the hands of the parliament of Canada. There is the case of a number of Americans who got incorporation for what is known as a fishing club. This very session, the Senate passed a Bill—Bill K—for the relief of Mr. Depew, a citizen of the United States. The petition was received, and the Bill passed by this House, and no objection was raised. The Bill was defeated on its merits in the House of Commons, but so far as the Senate is concerned, it received the petition of Mr. Depew and the Bill was passed by this House and was sent down to the House of Commons, which show clearly that, on the merits of the petition, this petitioner has a perfect right to petition. Then we have the reasoning quoted to-day of Hon. Alexander Mackenzie and Sir John A. Macdonald, when Speaker Anglin asked to be advised by the House as to whether he should allow the petition of an alien to be presented, and both those hon. gentlemen thought they should not bar the right of foreigners to petition parliament. That was the opinion of Hon. Alexander Mackenzie and Sir John A. Macdonald, and Speaker Anglin acted on that opinion at that time. So far as the necessity of this incorporation is concerned, from reading the debates—of course the matter is new to me practically—in the House of Commons, I came to the conclusion that it is a very necessary thing that this Bill should pass.

Hon. Mr. BERNIER—I think the hon. gentleman is entirely out of order. He first discussed the decision of the Speaker, which should not be done, and now he is discussing the Bill itself.

Hon. Mr. WATSON—I have a perfect right to discuss the Speaker's decision.

The SPEAKER—The hon. gentleman has no right to discuss the merits of the Bill.

Hon. Mr. WATSON—His Honour the Speaker said one reason why we should refuse this petition was because these people had the right to go elsewhere and secure relief, and if that is part of the argument advanced by the Speaker——

The SPEAKER—The hon. gentleman is mistaken. I did not say that at all.

Hon. Mr. WATSON—I understood the hon. gentleman to say that if no relief could be secured otherwise by these people who are petitioning, there would be some excuse for receiving the petition, but in his opinion, they could go elsewhere.

The SPEAKER—No.

Hon. Mr. WATSON—That is what I understood, that the hon. gentleman said they could go elsewhere—that the people interested in this religious body could get incorporation through persons resident in this country. We incorporate individuals here. We have this session incorporated the Bishop of Moosonee for the purpose of holding property, and if this Bill is not passed, of course this religious body must depend on other means. I beg to move that the Speaker's decision be not concurred in, and that the petition be received.

Hon. Sir MACKENZIE BOWELL—I listened with a great deal of attention and interest to the lucid reasons given by the Speaker for the decision at which he arrived, and I think the Senate is under great obligations to him for the care and assiduity with which he has dealt with this question. Whatever we may do by way of courtesy is a matter for the consideration of this House. The decision given by the Speaker, and the reasons for that decision, I think are ample to justify the Senate in sustaining the position that he has taken. I do not know that I ever heard, in all my long experience, so lucid a reason furnished for coming to a decision as that given by the Speaker in this case. While I say that, I would have been much better pleased—and I say it with all due deference to the Speaker—had he left out the last portion of the reasons he advanced in reference to the position itself.

The question confines itself, to my mind, to the right of foreigners to petition this House for the privilege of holding property in Canada, the petitioner being one over whom we have no control whatever. If the people who belong to this Church, which is called the Orthodox Russo-Greek Church, desire an incorporation, those living in the territories, or in the Yukon district, have the right, as residents of this country, to petition parliament, asking for it. If a petition of that kind were presented, then a ruling from the Speaker would not have been necessary. I take it, they are British subjects now, and have all the rights and privileges of British subjects, and if they require an Act of incorporation let them petition for it, and I have no doubt it will be given. The hon. gentleman has called attention to certain petitions which have been presented and which have not been objected to. That, I believe, to be quite correct, but the Speaker was not called upon to intervene and prevent the presenting, or reading, of the petition, and his attention not having been called to them, he was not placed in the position of having to give an opinion. I hope that the hon. senator from Marquette (Mr. Watson) will not press his motion to a vote; I repeat that I thank the Speaker for the information which he has given us. It is a valuable decision, and will be something to guide us in the future. Personally, I am entirely opposed to the reception of petitions from people who are really and exclusively foreigners. They have no rights in this country, unless they become residents here and have an interest in the country, either through receiving our protection, or becoming citizens of the Dominion. In the remarks made by Disraeli, quoted by His Honour the Speaker, you will notice that he based his opinions and made his statements upon the fact that a number of the petitioners were British subjects living in a foreign country. If they were British subjects living in a foreign country and not receiving justice in that country, they would have a right to petition for protection, but in this case there is nothing of that kind. The petitioner is a foreigner, living in a foreign country, petitioning this parliament for certain rights and privileges, which, to my mind, should not be granted to him, and I for one cordially approve of the ruling of the Speaker on this question, and hope the Senate will not be divided on the ruling.

Hon. Mr. SCOTT—I entirely concur in the observations made by the leader of the opposition. I have listened on very many occasions to the decisions of Speakers in this House and other Chambers, and have never heard the decision of a Speaker more forcibly and substantially maintained by authorities, than the one we have heard today. It is a very unusual thing to appeal from the decision of a Speaker after he has taken such care to look into the authorities, and having his judgment governed by those who were called upon, under similar circumstances, to give decisions. The invariable practice has been to maintain the decision of the Speaker, when we have once referred a matter to his ruling. I therefore hope the hon. gentleman from Marquette, who has passed some strictures on the Speaker's decision, will not persevere in appealing to the House.

Hon. Mr. MACDONALD (British Columbia)—I am sure the House appreciates the very careful and elaborate opinion given by the Speaker in this matter. I do not rise to question that opinion, but I want to set the House right. The question was, could a petition from an alien, living in a foreign country, be received by this House? How does the House stand now? We received the petition, we read the petition, we referred the petition. Where does it stand now?

Hon. Mr. SCOTT—Nobody called attention to it.

Hon. Mr. MACDONALD (B.C.)—The committee has reported on it, and the proper course for the House now is to refer the report back to the committee with instructions. That is a question which perhaps the Speaker will decide. If this decision had been given before the petition was read, it would have been a different matter, but having gone through all those stages with the consent of the House, it must be referred back to the committee.

Hon. Mr. YOUNG—The question practically is this: Shall any other than British subjects be allowed to petition the Senate of Canada? The objection taken is on the ground that the petitioner is an alien and

therefore his petition cannot be received. This is a very important matter. A written ruling, and a very elaborate one, on the part of the Speaker, will be placed on the Journals of our House, and to a great extent, until we have a standing order to the contrary, this will be referred to, and the practice of the House in future will be governed by this decision, so that it is not a matter to be passed over lightly. We have to consider how far we are going to lock our doors in the way of initiating legislation for private Bills. This affects particularly property rights which may be necessary to be protected by legislation from parliament. Let us get the history of the case, as it is, up to date. If I have the date correctly, the petition was presented to this House on the 19th of March, read and received on the 21st of March, and to-day, on the 14th day of May, we are trying that petition. I must confess that it seems to me to be a pretty late trial.

Hon. Sir MACKENZIE BOWELL—Better late than never.

Hon. Mr. YOUNG—Is it going to be laid down in this House that, as a rule of practice, at any time we can go back and try any particular action? If that is so, it is unheard of in deliberative bodies. We have a rule, clear and distinct, that you cannot refer, during the session, to any previous action of the Senate. We cannot introduce a Bill on the same subject, to reverse the judgment of the Senate, without a suspension of the rules. Now we are asked to reverse our judgment with reference to this petition. Further, in a secondary degree, my hon. friend the Speaker has laid stress on the fact that there is only one signature to the petition.

The SPEAKER—No.

Hon. Mr. YOUNG—I understood my hon. friend pointed that out—that the signature was not authenticated. I would ask if we have ever had any signature to a petition authenticated?

Hon. Mr. SCOTT—What the Speaker said was, if it was a corporation, the petition would require the corporate seal.

Hon. Mr. YOUNG—According to Bourinot, page 319:

> Every petition should have the signature of at least three petitioners on the sheet containing the prayer. But this rule is never interpreted as precluding a single petitioner from approaching the House; it simply refers to petitions signed by a number of individuals. Petitions from one person are constantly received in accordance with the English rules which are more definite on this point.

Therefore there can be nothing in that objection. But I will call attention to a decision which was given in the House of Commons in 1883, at page 138 of the 'Hansard' of that year. Petitions for private Bills is the heading:

> Mr. Hall moved that the petition of Chas. P. Mattocks and others of the city of Porland, presented yesterday, praying for an Act of incorporation under the laws of the Dominion, under the name of the Winslow Packing Com. pany, be now read and received.

Mr. Blake took objection to that, and in a portion of his remarks said:

> There was a rule laid down by one of your predecessors, Mr. Speaker, as to petitions from foreigners or aliens.

The Speaker ruled. He said:

> I remember that Mr. Speaker Anglin, in ruling out a petition from American citizens, referred to the fact that it had been decided in England that a petition which came from some residents of France, at Boulonge-sur-Mer, could not be received; but subsequently it has been the practice here—and Mr. Anglin suggested it as advisable—that petitions from foreigners, relating to matters affected by the legislation of parliament to which the petition is presented, may be received. Mr. Speaker Brand has decided that such petitions may be received, on the ground that their subject-matter comes within the jurisdiction of the House. This being a petition apparently applying for incorporation under the laws of the Dominion, it would appear to come within that rule, and may, therefore, be received.

That was the ruling of the Speaker of the House of Commons on March 8, 1883.

The SPEAKER—Who was the Speaker?

Hon. Mr. YOUNG—Mr. Kirkpatrick. Mr. Blake goes on, after the Speaker had given his ruling and decided that the petition could be received:

> But apart from that question, can it be received without the consent of the House.
> Mr. SPEAKER—No; unless with the consent of the House, that the rule shall be waived, it must lie on the Table two days before it can be received.

That is the ordinary routine with reference to petitions. This petition which we are considering to-day was received a month ago. Therefore, we have gone past that

stage of the proceedings, the petition having been passed on by the Speaker of the House of Commons, whose duty it is to scrutinize and supervise every petition. Our Speaker has not that duty devolving upon him, apparently, but in the House of Commons, if any petition is out of order, the Speaker calls the attention of the House to it, and rules that it is out of order. This petition has gone through the House of Commons.

The SPEAKER—Does the hon. gentleman allege that the attention of Speaker Brodeur was specially directed to this petition ?

Hon. Mr. YOUNG—It did not need to be specially directed. By the standing rules of the House of Commons it is the Speaker's duty to call the attention of the House to any irregularity, whether in a petition or anything else, and he scrutinizes petitions closely, because if you look at the proceedings of the other House, you will see where he rules petitions out of order.

Hon. Sir MACKENZIE BOWELL—That is after receiving the report of the Clerk, whose duty it is to call his attention to it.

Hon. Mr. YOUNG—That makes my position stronger, for after examination by a competent officer, this petition was received in the other House.

Hon. Mr. GIBSON—There was double care in the other House ?

Hon. Mr. YOUNG—Yes. Here, under the same flag, the same constitution, and with no rule preventing it, with practice in our favour in the past, we come to a decision to-day which, for the future, will lock the door against all such petitions.

Hon. Mr. LANDRY—If I understand the hon. gentleman, his contention is this : the petition having been received, how can we go back ?

Hon. Mr. YOUNG—That is one point.

Hon. Mr. LANDRY—A Bill is more than a petition in that respect. If he will look at Bourinot, page 722, he will find :

If a Bill has been presented, and read a first time, before the Committee on Standing Orders have reported on the petition, the order for the second reading must be forthwith discharged, and the Bill withdrawn until it can be introduced regularly.

Hon. Mr. YOUNG—That is a case of irregularity in procedure. In case of irregularity, the proceeding must be commenced de novo ; but this is regular.

Hon. Mr. LANDRY—I thought the hon. gentleman said it was irregular to strike it out now, because it had been received once ?

Hon. Mr. YOUNG—Yes.

Hon. Mr. WATSON—The petition, not the Bill.

Hon. Mr. BERNIER—It is not regular to receive a petition which should not be received.

Hon. Mr. YOUNG—My hon. friend strengthens my argument. Then on the 21st of March, he should have stood up in his place in the House and moved that the petition be not received. That is the point. Remember the petition was presented by an hon. member of this House. He being an old member, no doubt supervised the petition—an hon. member who would not present a petition if he had not been satisfied it was strictly in conformity with the rules and practice of the House.

Hon. Mr. MACDONALD (P. E. I.)—Might I ask the hon .gentleman if he called the attention of the House to the fact of it being a petition from a foreigner ?

Hon. Mr. YOUNG—I take it my hon. friend who presented the petition would read it, as we all do—a petition from so-and-so—giving the name and address. I take it he thought of the rule of the House. I fancy that he did do that. But if we turn to our minutes of proceedings, we will see whether or not the House had fair warning. That may be an important point which I have overlooked. I refer to page 60 of our minutes of proceedings of this year. Under the heading 'The following petitions were severally brought up and laid on the Table :'

By the Hon. Mr. LOUGHEED—Of the Right Rev. Tikhon, of the city of San Francisco, in the state of California, one of the United States of America, Bishop of the Orthodox Russo-Greek Catholic Church of North America and the Aleutian Islands.

Hon. Mr. BERNIER—The report was prepared by the clerk, but as a matter of fact, we all know these endorsements are not all read.

Hon. Mr. YOUNG—I take my hon. friend on that point. We should discuss this care-

fully. I have read the extract of the 19th of March, from the minutes of proceedings placed in the hands of every hon. gentleman for perusal, and I would not for one moment suggest that any hon. gentleman does not make it his first duty, when this document is placed in his hands, to look over it to see that everything is properly done. I would not suggest for a moment that the hon. gentleman from St. Boniface would fail to do so. This was placed in the hon. gentleman's hands on the 21st of March. We have another record of our own to which I should like to call attention, and it reads as follows :

Pursuant to the Orders of the Day, the following petitions were severally read.

And amongst the number is the petition of the Right Reverend Tikhon, of the city of San Francisco, of the state of California one of the United States of America, &c. Therefore the point that the hon. members had no notice and no opportunity of knowing where the petitioner resided, or what the petition was, I think falls to the ground, in view of our record. We have two points to consider. The petition was read in the House as far back as the 21st March, and the first time the point of order was raised with regard to that petition was yesterday. I submit for the consideration of the House that it is now too late to raise the point of order. Secondly, the practice in the past has been to receive petitions from foreigners. The hon. gentleman from Portage la Prairie (Mr. Watson) has also shown the House that we have done the very same thing this session, and shall we now go back on our record of the 21st March, and say that in future to alien shall be permitted to petition the Senate of Canada—because that is the effect of this decision. I fancy my hon. friend will admit that it is too important a matter to leave in that position. The decision of the Speaker should not be regarded as a precedent : we should leave our hands free, in view of the fact that we have received the petition. I do not wish to reflect upon the judgment of the Speaker, but I think it would be well to avoid establishing such a pecedent.

The SPEAKER—I wish to make one or two observations in order to remove a misapprehension, I did not seek the right to make this decision. I did not wish for it. The House insisted that I should do it. I intimated that I did not wish to make this decision. The hon. gentleman has just raised a question which he could have raised when it was proposed to ask my decision.

Hon. Mr. YOUNG—I did.

The SPEAKER—Why was not the sense of the House taken then ? As I understand it, the House decided to waive any irregularity and to ask for the decision of the Speaker, and it is too late now to say : 'Oh well, it was irregular. This matter should not have been referred to the Speaker.' That is a reflection on the action of the House yesterday.

Hon. Mr. YOUNG—My hon. friends will bear me out in this, that when the point was raised, I called the attention of the Speaker to the very fact that we had passed on the petition and that it had been received. I did not give dates, but I said it was about a month ago purposely, so that my hon. friend could take that into consideration in giving his decision. He could have very well ruled then. Inasmuch as the time had elapsed for raising objection to the petition, and on that point alone, without going into the merits of the case, I submit he could have ruled that the point of order was not well taken.

The SPEAKER—It is not for me to rule. It is for the House to rule.

Hon. Mr. SCOTT—Hear, hear.

The SPEAKER—When the House decided to ask my opinion on the question, I was reluctant to rule ; and it seems a little hard that hon. gentlemen should take the line they have taken under the circumstances. But even admitting that this point is not taken too late, as I contend, then I wish to direct the attention of the House to May, page 502, tenth edition, where I read as follows :—

In both Houses, it is the duty of members to read petitions which are sent to them, before they are presented, lest any violation of the rules of the House should be apparent on the face of them; in which case it is their duty not to offer them to the House. If the Speaker observes, or any member takes notice of any irregularity, the member having charge of the petition does not bring it up, but returns it to the petitioners. If any irregularity escapes detection at this time, but is discovered when the petition is further examined, no entry of its presentation appears in the Votes. In other

cases, more formal notice is taken of the rules of the House, and the petitions are not received, or are ordered to be withdrawn, or are rejected. A member who has reason to believe that the signatures to a petition are genuine, is justified in presenting it, although doubts may have been raised as to their authenticity; but in such cases the attention of the House should be directed to the circumstances.

The hon. gentleman thought I should have dealt with this question. I refrained from doing so, because I thought that the House had settled that particular question. I listen with a fair degree of attention to the reading of petitions, but I never knew that that petition had been received. I do not think one hon. gentleman in five was aware that the petition had been received.

Hon. Mr. MACDONALD (B.C.)—What does the hon. gentleman recommend, now that the petition has been received and read ?

The SPEAKER—Under the authority of May, the House can deal at any time with a petition irregularly received.

Hon. Mr. OWENS—There is no motion before the House.

The SPEAKER—Yes, there is a motion appealing from my decision.

Hon. Sir MACKENZIE BOWELL—With reference to the precedent to which the hon. gentleman from Marquette has called attention, with reference to Mr. Depew, I think it is not pertinent to this question ; but before referring to that, I take this ground—and I think it is sustained by the rule read from May—that the right of a senator never ceases, while the parliament is in session, or any question is under discussion, to take objection and to raise a point of order upon any question. He is never deprived of that. The reference to the case of Mr. Depew is scarcely fair, and is not pertinent to this matter at all. Mr. Depew obtained a patent under the laws of the Dominion, and the law of the Dominion regulating the grant of patents extends to any person over the whole world. Mr. Depew having obtained that authority under the law of Canada, only asked for an extension of it, and that was granted. It is done all the time, so that it has nothing to do with this question of foreigners petitioning. It does not affect this point. The laws of Canada giving to a foreigner the right to obtain a patent also give him the right, under the law and under practice, to ask for an extension of it. That is all Mr. Depew did, and that is all parliament dealt with.

Hon. Mr. YOUNG—It does not matter what the petitioner asks.

Hon. MEMBERS—Question, question.

Hon. Mr. YOUNG—The question is that the Speaker's ruling be not sustained.

The SPEAKER—The motion should be in writing.

Hon. Mr. WATSON—It has been suggested to me by some hon. members that I should withdraw the motion. I do not wish to waste much time over it. Of course the suspension of the rules will be objected to, and the Bill will be defeated. I have no wish to force a vote when the Bill is sure to be defeated.

Hon. Mr. TEMPLEMAN—I think, in all fairness to the hon. gentleman; who has no desire to divide the House on the question and who says he is willing to withdraw the motion, we should not force him into that position.

The SPEAKER—If the hon. gentleman is going to make his motion I must have it in writing.

Hon. Mr. TEMPLEMAN—He has signified his intention to withdraw.

Hon. Mr. WATSON—I do not wish to withdraw the motion. It may be declared lost on a division.

The SPEAKER—We will take a division. Will the hon. gentleman be good enough to put his motion in writing, and we will have a division on it.

The motion was lost, on division.

BILL INTRODUCED.

A message was received from the House of Commons with Bill (140) 'An Act to incorporate the Bishop of the Orthodox Russo-Greek Catholic Church for North America and the Aleutian Islands.'

The Bill was read the first time.

Hon. Mr. LANDRY—I object to the reading of the Bill, because there is no report of the Standing Orders Committee.

Hon. Mr. BERNIER—I take objection to this Bill.

The SPEAKER—The Bill is read a first time as a matter of course, but it cannot proceed any further.

THE RULES OF THE SENATE.

MOTION POSTPONED.

Hon. Mr. BEIQUE moved :

That rule 50 of the Senate be amended by striking out the words 'two months' and substituting therefor the words 'one month.'

Hon. Mr. LANDRY—I rise to a point of order. Rule 50 is a standing order and we cannot amend it without complying with all the requirements of rule 16.

The SPEAKER—The members should have been summoned.

Hon. Mr. SCOTT—I thought it was the understanding yesterday that the senators be summoned to-day for the purpose of considering it. I presume all those who are in the city are in attendance.

The SPEAKER—The members can be summoned for to-morrow morning.

Hon. Mr. LANDRY—I ask for a ruling. Is this motion in order ?

The SPEAKER—I rule that it is not in order.

Hon. Mr. BEIQUE—Is the hon. gentleman from Stadacona opposed to this suggested change from two months to one month ? If he is, he is welcome to raise the question of order.

Hon. Mr. LANDRY—I raise the question of order as a matter of principle. I do not want to change the rules without complying with all the formalities.

Hon. Mr. MACDONALD (B.C.)—It was agreed by the House that if a notice of motion was given it should stand as a summons.

Hon. Mr. LANDRY—I did not agree to it.

Hon. Mr. MACDONALD (B.C.)—It was understood yesterday that the notice of motion stood as a summons to the House to appear.

Hon. Mr. CLEMOW—It was given yesterday to overcome a difficulty. It is an important matter. We have had a great deal of difficulty on this one question in the Standing Orders Committee, and if this matter is settled now, with the acquiescence of the Commons, we will get over all the difficulty. I do hope, if it can be done, that the hon. gentleman will withdraw his objection.

Hon. Mr. DANDURAND—Notice was given yesterday.

Hon. Mr. BEIQUE—I understood the hon. Speaker ruled yesterday, when the question was raised, that the notice given then would be taken as a summons.

The SPEAKER—I think so.

Hon. Mr. YOUNG—I should like to ask the hon. Speaker to give his ruling, or to give us the procedure under Standing Order No. 16.

Hon. Mr. LANDRY—It was done before.

Hon. Mr. YOUNG—The words 'previously summoned' were used. What steps has my hon. friend from Montreal to take to summon this House with reference to that if not by notice of motion ? If there is any other procedure let us determine that now, so that my hon. friend can arrange it for the next sitting of the House.

The SPEAKER—If hon. gentlemen will excuse me, I made a mistake just now with respect to rule 16. The practice under that rule has been that a special notice is sent to every member of the Senate telling him that at such a time a special motion will be made to adopt the Standing Order, but the hon. gentleman gave his notice under rule 17, which reads as follows :

No motion to suspend, modify or amend any rule or part thereof shall be in order except on one day's notice in writing, specifying precisely the rule proposed to be suspended, modified or amended, and the purpose of such suspension.

This motion is perfectly in order. It is a motion to amend rule 50 by substituting one month for two months.

Hon. Mr. LANDRY—Where there is a special order stating that when we come to amend a standing order, the Senate must be summoned; we cannot get outside of that.

Hon. Mr. YOUNG—I submit rule 17 provides for the suspension and modification

of rules in our routine business during our sittings. When we come to make a permanent change we must be bound by rule 16.

Hon. Sir MACKENZIE BOWELL—That is right.

Hon. Mr. YOUNG—That is the view I take of it, subject to the decision of the Speaker; I asked the hon. Speaker a moment ago as to what steps were necessary for a special summons.

Hon. Mr. VIDAL—A written notice sent to every member.

The SPEAKER—If the House decide that my decision is incorrect, that has to be done. But my decision is that the hon. gentleman's motion is in order.

Hon. Sir MACKENZIE BOWELL—I think the ruling of the Speaker would be quite correct if he were confining his motion to this session, to affect any Bill or petition during this session. Then it might be strictly in order, but if you can nullify the provisions of No. 16 by giving this notice, there is no use in having it there. It is contradictory and absurd.

Hon. Mr. SCOTT—The simpler way would be to give a notice for to-morrow.

Hon. Sir MACKENZIE BOWELL—Then you would come within the meaning of the rule. My interpretation of the rule is that the Speaker's ruling is quite right, providing the hon. gentleman's motion is confined to the present session, but if the intention is to repeal absolutely rule 16, then I take it the notice must be given as suggested by the hon. Secretary of State.

Hon. Mr. BEIQUE—I understood yesterday that my notice was given under rule 16, and I understood that the very question was raised by the hon. gentleman from Stadacona (Hon. Mr. Landry) and that the expression of opinion was to the effect that rule 17 did refer to matters of ordinary routine, or matters limited to the session as the hon. leader of the opposition says, but that under rule 16, I had to give notice, and that giving the notice yesterday, the hon. members would be summoned to take the matter into consideration, which I did. I do not understand why the motion is out of order, unless it is held that an intermediate day must elapse.

Hon. Mr. LANDRY—I did not object yesterday; it was the hon. gentleman from Montarville who objected in French. He was speaking in French and called attention to it, and the Speaker, thinking probably it was given under rule 17, said we would want a day's notice but the objection I take to-day is that the House is altering by that motion a standing order, and therefore all the senators must be summoned.

Hon. Mr. DeBOUCHERVILLE—The Speaker decided this motion was in order. I think that is perfectly right—that is, it ought to be on the Order paper, but it does not follow that the motion must be adopted. When it comes to asking for the adoption of the motion, then comes in rule 16, but that rule does not operate to prevent the motion being placed on the Order paper, and being put by the Speaker. But when the motion is put by the Speaker, then rule 16 applies, and that rule says that the rules cannot be changed unless the senators have been summoned. The Speaker has said—and I think he is correct—that it would be sufficient to put the motion for to-morrow, and the Speaker would give orders that notice be sent to every senator, and then the matter would be settled. It seems to me that would be the proper course.

The SPEAKER—I have ruled that the motion is in order; I do not know what the hon. gentleman from De Salaberry decides to do.

Hon. Mr. BEIQUE—The question of order is raised and it is for the Speaker to decide.

The SPEAKER—I have decided.

Hon. Mr. MACDONALD (B.C.)—Take a vote.

Hon. Sir MACKENZIE BOWELL—Might I ask the Speaker if the passing of this motion will abrogate and repeal rule 16? I might say that I am in favour of the motion myself.

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—If it does not, it means nothing. That is what I should like to understand from the Speaker. I repeat I am in favour of lessening the time, but will the passage of this resolution nullify and repeal rule 16?

Hon. Mr. LANDRY—No, no.

Hon. Sir MACKENZIE BOWELL—I did not ask the hon. gentleman from Stadacona.

Hon. Mr. BEIQUE—To be on the safe side, I ask that the motion be allowed to stand and that the members be summoned for to-morrow.

The SPEAKER—With the consent of the House, this motion is deferred until the sitting to-morrow morning, and the clerk will summon the members to attend at that meeting.

Hon. Mr. CLEMOW—Will there be a notice sent ?

The SPEAKER—The notice of motion is carried over, and the members wil be summoned.

The motion was allowed to stand.

REMISSION OF PENALTIES BILL.

THIRD READING.

Hon. Mr. TEMPLEMAN moved the third reading of Bill (151) 'An Act respecting the remission of Penalties.'

Hon. Mr. DeBOUCHERVILLE—I cannot agree to the third reading of this Bill and I am going to give my reasons, which I expect will be convincing to hon. members of this House. I must first pay my compliments to the hon. gentleman from De Salaberry (Hon. Mr. Beique) who has taken the place of the government——

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. DeBOUCHERVILLE—And who has demonstrated his great ability. However, as he has not had time to study the question, I think I may be allowed to show him that in some points he did not entirely understand the matter. The hon. minister without portfolio in this House (Hon. Mr. Templeman) should have time to study the measures which come before us, and I think we should get more information than we have received from the government. It would have been fairer if the government had printed this Bill as amended, because at present we have only the report of the committee, which is not very clear. At all events if I understand the amendments as I read them, the Bill is more restricted than it was before. The third clause reads as follows :—

> The preceding sections of this Act shall apply to any penalty, fine or forfeiture under the provisions of sections 298 to 305 of the Railway Act, for the recovery of which judgment has heretofore been obtained.

It is restricted entirely to these cases. Hon. members have cited as precedents an Imperial Act, and another Act passed by this parliament concerning the customs duties. Neither of them has any retroactive effect. It has been admitted that the law of the imperial parliament only applied to the future. The Bill passed by our parliament enabling the Governor in Council to remit penalties incurred under the Customs House Act, has no reference to the past. It applied simply to the future, when it was passed. It was only a repetition of an Act that existed before. Therefore, there is nothing retroactive in either of the precedents cited. I direct the attention of members to this fact. I am sorry that my hon. friend from British Columbia made an appeal the other day, saying to me, 'You are not in favour of informers.' I do not favour them, but I believe in treating them with justice, and I am prepared to go further than that. I think our law is defective. We should not put in our laws anything encouraging informing, but as it is, we have laws that favour informers. As long as the law exists, we should enforce it. When the hon. gentleman spoke of favouring foreigners. I daresay he did not say it for the purpose of influencing the Senate, but it might have influenced some of us. I am going to show that there is nothing favouring informers in this case.

Hon. Mr. MACDONALD (B.C.)—My hon. friend used that phrase before I did. I quoted his words.

Hon. Mr. DeBOUCHERVILLE—I thought my hon. friend said to me 'you do not favour informers.' At all events, it has been said that the Bill is retroactive only against these 'informers.' Those informers have nothing to do with this. We must not forget that this Bill is confined exclusively to sections 289 to 305 of the Railway Act. Take those sections 289 to 305, and what do we find ? They all apply to the annual returns of companies to the government. Follow on and see what it says : They may be condemned to pay a very large penalty, but no-

where do we find that the informer can come in. The penalty will be paid to the government if the government exact it, and will be paid entirely to the government, and it stands to reason that the informer cannot give any information to the government on this point.

Hon. Mr. BEIQUE—Would the hon. gentleman allow me to correct him ? I believe he is laboring under a misapprehension. I yesterday directed the hon. gentleman's attention to chapter 180 of the Revised Statutes, where it is stated that in all cases, as regards penalties and fines, if there is no provision made to the contrary, one-half of the fine is payable to the government and the other half to the party who takes the suit, and as there are no special provisions to the contrary in any of the sections from 298 to 305 of the Railway Act, it seems to me perfectly plain that this section of chapter 180 of the Revised Statutes applies.

Hon. Mr. DeBOUCHERVILLE—In answer to the hon. gentleman, I call his attention to section 305. I do not see why it has been put there, but still it is there. It reads as follows :

All returns made in pursuance of any provisions of the several sections of this Act next preceding, shall be priviledged communications and shall not be evidence in any court whatever.

Therefore, how can an informer run the risk of all the expenses and not be able to bring any proof ? These are privileged communications to the government and shall not be evidence in any court whatsoever. Therefore it is only the government that can ask those companies who have not made the returns, to pay the penalty. I think that is a perfect answer to the hon. gentleman. The Bill will only apply to the railways. Then why does not the government come fairly and frankly before us and say : 'We have forgotten to do it.' They may say : 'We thought they were not bound to pay and we ask permission to remit that sentence.' There would be no retroactive effect, therefore, if that clause were struck out, and since the majority of the members of the House are in favour of giving that power to the government, I would not object to that. But why should we put on our statutes a provision like this ? It has been stated that nothing in this Bill is retroactive. Look at the last part of the third clause, which reads as follows :

Or proceedings which have heretofore been instituted, but shall not be otherwise retroactive.

In our laws, we are going to do a thing you will not find in any English law. The laws they pass are not retroactive, but for the future. As I said the other day, there are some states in the neighbouring country in which the constitution prohibits retroactive legislation. In England they have no such law, because the character of the British people is such that they do not think anybody would attempt to legislate in that way. It seems to me that since confederation, except in one case, (and I am happy to say it was not in this House) justice has never been refused to those who were persecuted, but in this case we are going to do injustice by law. Perhaps it is not so bad to refuse justice as to do injustice.

Hon. Mr. DANDURAND—Injustice to whom ?

Hon. Mr. DeBOUCHERVILLE—You are taking away money which, under the law, belongs to certain people.

Hon. Mr. DANDURAND—Hard-earned money !

Hon. Mr. DeBOUCHERVILLE—Why does not the hon. gentleman, with his liberal, advanced ideas, bring in a Bill showing that we are entirely wrong in offering a reward to informers ? Do not give any reward to those people, but if you do offer a reward, but just. Is faith not to be kept with those who are not of your opinion ? I move :

That this Bill be not now read the third time, but that it be read a third time this day three months.

The Senate divided on the amendment, which was rejected on the following vote :

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Hon. Messieurs

Baker,	Macdonald (P.E.I.),
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Boucherville, de	Owens,
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Non-Contents :

Hon. Messieurs

Béique,	Mackay (Alma),
Bowel (Sir Mackenzie),	McLaren,
Carling (Sir John),	McMullen,
Casgrain (de Lanaudière),	Pelletier (Sir Alphonse),
Church,	Scott,
Cox,	Sullivan,
Dandurand,	Templeman,
Dever,	Thibaudeau (Rigaud),
Drummond,	Thibaudeau (de la Vallière),
Fulford,	Watson,
Gibson,	Young.—23.
Macdonald (B.C.),	

Hon. Mr. LANDRY—The first clause of the Bill reads as follows :

1. The Governor in Council may at any time remit, in whole or in part, any pecuniary penalty, fine or forfeiture imposed by any Act of the parliament of Canada, whether such penalty, fine or forfeiture is payable to His Majesty or to some other person, or in part to His Majesty and in part to some other person, and whether it is recoverable on indictment, information or summary conviction, or by action or otherwise, and whether or not proceedings have been instituted for the recovery thereof.

By this clause it is enacted that any Act of parliament which imposes a penalty is amended in this way, that the Governor in Council may at any time remit the fine or penalty imposed upon it. When the hon. minister without portfolio brought in this Bill, what did he say? He said it was to meet a particular case which arose in British Columbia. For that particular case he wanted the general law to be changed, and he came in with a public Bill of a general character. What happened ? After asking this House to make a general law, he comes in with a third clause, and says this general law will apply to this particular case in British Columbia. What I ask to-day is, since the hon. gentleman wants a remedy for this particular case in British Columbia, let him have his remedy but let us not pass a general law. I therefore move :

That this Bill be not read a third time, but that it be referred back to a Committee of the Whole with instructions to amend the same :—

1. In striking out the words 'imposed by any Act of the parliament of Canada' in the first clause, and substituting the following words therefor : 'heretofore imposed by the Railway Act.'

2. In striking out the word 'also' in the third clause and substituting the word 'only' therefor.

The Bill thus amended will meet the case the hon. gentleman refers to.

Hon. Mr. DeBOUCHERVILLE.

The amendment was declared lost on a division.

The Bill was then read the third time, and passed on a division.

COASTING TRADE OF CANADA BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (165) 'An Act respecting the Coasting Trade of Canada.'

Hon. Mr. LANDRY—Is a Canadian ship supposed to be a British ship ?

Hon. Mr. SCOTT—Yes. A Canadian ship is a British ship, and a British ship is entitled to register under our laws without payment of duty. The law is against foreign-built ships.

Hon. Sir MACKENZIE BOWELL—In the 6th clause, you take power to the Governor in Council to give the same rights and privileges in reference to coasting to any country that admits British ships to the coasting trade. Does the interpretation given to the words 'British ship,' apply to Canadian ships, in the Canadian register ? My own opinion is, it would.

Hon. Mr. SCOTT—I will give an answer at the next sitting of the House. The presumption I formed in reference to that clause is this, that it was made to apply to these cases where treaties had been entered into which bound Canada—that Canada gave ships which had the privilege of the coasting trade of Great Britain the right to the coasting trade.

Hon. Sir MACKENZIE BOWELL—There is no law binding Canada to anything of the kind.

Hon. Mr. SCOTT—Only one country has that privilege, Norway.

Hon. Sir MACKENZIE BOWELL—England gives the right to coasting to all countries. There is no restriction. This provides that if any country which retains the coasting trade for the benefit of its own people, permits British ships to coast, it includes Canadian ships.

Hon. Mr. SCOTT—I think not. The coasting law of England, allowing foreign vessels to coast, would not apply to Canada. We do not allow the ships of any foreign

country, except those of that country that had a treaty with England, in which Canada was included, the privilege of our coasting trade.

Hon. Sir MACKENZIE BOWELL—My hon. friend does not understand me yet. We understand that, under the laws of England, the right to coast in England is granted to all countries. Canada reserves to itself the right of saying who shall have the privilege of coasting outside of Great Britain. The Merchants' Shipping Act provides that a British ship shall have the right to coast in all the colonies. We will take, by way of illustration, Germany. If Germany passed a law, giving the right to English vessels to coast, would that compel us to give the same right in Canada to German ships, without Canadian ships being included in the treaty with Germany?

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—Then it says that the Governor in Council shall have power—that implies that the right does not exist—to grant to these foreign vessels the rights that they grant to British ships. Do the words 'British ship' include a Canadian ship? My own impression is the Merchants' Shipping Act would give it that wide interpretation. My hon. friend thinks not. If it does not, then the power to give that right should not exist.

Hon. Mr. SCOTT—I do not know who inserted that clause. I will make some inquiries as to the intention. It was simply a broad permissive clause, sometimes introduced in statutes, which does not amount to anything.

The motion was agreed to, and the Bill was read the second time.

The Senate adjourned.

Second Sitting.

The SPEAKER took the Chair at Three o'clock.

The SPEAKER read a communication from the secretary of the Governor General announcing that parliament would be prorogued to-morrow at three o'clock.

Hon. Sir MACKENZIE BOWELL—We cannot question the Governor General's right to make this announcement, but supposing the Supply Bill is not passed by three to-morrow

Hon. Mr. SCOTT—Then we cannot prorogue.

Hon. Sir MACKENZIE BOWELL—The probabilities are we may have a little to say on the Supply Bill, and it may delay us a little beyond three o'clock.

Hon. Mr. SCOTT—It has been the usual practice to give the Senate the information that has been conveyed in this way every year. I think the business is very much more advanced this session than it ever has been within my recollection.

Hon. Sir MACKENZIE BOWELL—Kindly do not introduce any debatable subjects.

Hon. Mr. SCOTT—There is nothing but the Supply Bill to come down.

GASPE AND WESTERN RAILWAY COMPANY'S BILL.

PREAMBLE NOT PROVEN.

Hon. Sir ALPHONSE PELLETIER, from the Committee on Railways, Telegraphs and Harbours, to whom was referred Bill (102) 'An Act to incorporate the Gaspé and Western Railway Company,' reported that the preamble of the Bill had not been proven to the satisfaction of the committee.

Hon. Mr. OWENS moved the reception of the report.

The motion was agreed to.

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to inquire if there is any answer to be given to the order of this House for the production of papers concerning the nomination of members on the commission to codify the laws?

Hon. Mr. SCOTT—There were no papers in that case. I said at the time there were no papers. There may have been some private correspondence, but there are no official papers.

Hon. Mr. LANDRY—Is there an answer to be given to the other order relating to the appointment of honorary lieutenant-colonels in the militia?

Hon. Mr. SCOTT—That has been sent to the department in the regular way. I

have not had an opportunity of inquiring, but I will try and get it.

THIRD READING.

Bill (165) An Act respecting the Coasting Trade of Canada.—(Hon. Mr. Scott).

The Senate adjourned during pleasure.

CUSTOMS TARIFF ACT AMENDMENT BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (169) 'An Act to amend the Customs Tariff Act, 1897.'

The Bill was read the first time.

Hon. Mr. SCOTT moved the second reading of the Bill. He said: It is within the knowledge of most hon. gentlemen that the government have entered into a contract with Sir Charles Ross, who is said to be the inventor of a very great improvement on the ordinary rifle, to manufacture yearly for the militia of Canada from ten to twelve thousand rifles. He has been manufacturing rifles in the state of Massachusetts, and on this encouragement he proposes to transfer his plant to Canada and manufacture rifles in Canada. I believe the city of Quebec is the point which will probably be selected. One of the conditions he insisted on was that, as he would have to move any machinery for the manufacture of those rifles, it would be only fair that that machinery should come in free of duty, and in addition to that, there are certain parts that up to the present cannot be made in Canada, the character of the steel he would require, not being here, and as far as those parts are concerned, that they also shall come in free of duty, the rifles to be put together in Canada, and ultimately all the parts which go to make up the rifle, will, I hope, be manufactured in Canada.

Hon. Sir MACKENZIE BOWELL—The proposition contained in this Bill is, I think, a very commendable one, because it is the principle upon which the tariff has been based for a great many years, to encourage the industries of the country. The only question is whether it goes too far. The Bill says:

> The following articles and materials, under regulation to be made by the Minister of Customs, namely, all tools and machinery not manufactured in Canada, up to required standard.

The tools may be manufactured in Canada, but not up to what Sir Charles Ross and those interested might declare to be the standard. However, that is a question we must leave, I suppose, to the Minister of Customs and others. The Bill further says:

> —necessary for any factory to be established in Canada for the manufacturing of rifles for the government of Canada.

That will leave at the discretion of those interested in that machinery, the bringing in of all tools and machinery. It says: 'Not manufactured in Canada.' If it stopped there I should like it better, but it says: 'up to the standard.' Who is to be the judge of what constitutes up to the standard of any tool that may be required in the manufacture of a rifle? It must be Sir Charles Ross himself.

Hon. Mr. SCOTT—Oh, no. They would have an expert in the department who would be able to give an opinion upon it.

Hon. Mr. GIBSON—I might say they have a special officer for the purpose, who has been appointed for about a year, to examine into all kinds of machinery.

Hon. Sir MACKENZIE BOWELL—That is what I am pointing out. They will be the judge. I do not object to that. Then it says:

> All materials or parts in the rough, unfinished, and screw nuts, bands and springs to be used in rifles to be manufactured at any such factory for the government of Canada.

Are the articles mentioned in clause A not manufactured in Canada up to the standard of clause B? People may think I am hypercritical in discussing this question, but those who have had any experience in administering customs laws know how every little technicality is taken advantage of in order to get articles into the country free of duty. Then clause C reads: 'Charcoal making machinery.' Can the hon. gentleman tell us what machinery is required for making charcoal? We know we want wood, and we want fire, and we want coal in order to manufacture the charcoal. However, I am not going to object to it.

Hon. Mr. SCOTT—There is a very good watchdog in charge of that department, pretty well impressed with the views the hon. gentleman has expressed.

Hon. Sir MACKENZIE BOWELL—I may be termed a watchdog, but if the hon. gentleman had been behind the customs counter for 13 years, he would have learned how many little advantages are attempted to be taken and what strange constructions are put upon a few words. As an illustration, there was an article in the free list, only one line and a half, and I tell the hon. gentleman that the Minister of Justice and every member of the cabinet, except Sir Leonard Tilley any myself, gave one interpretation of it, and we took the other view. I frankly confess I did cheer a little when it was decided in our favour, and I said 'Here are two laymen who never studied law, who give an opinion on two lines of the tariff which all our colleagues, lawyers and all, said was not correct, but which finally was sustained.' I do not take any credit to myself for that. I knew, and so did Sir Leonard, that he and myself, having framed it, knew what we intended. We thought we had covered the point, and it was decided afterwards we were right. I merely give you that as an illustration of the difficulties of administering that law. I should not have mentioned it had not my hon. friend spoken about the watchdog.

The motion was agreed to, and the Bill was read the second time.

The Bill then passed through its final stages, under a suspension of the rules.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, May 15, 1902.

The SPEAKER took the Chair at Eleven o'clock.

Prayers and routine proceedings.

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to inquire of the hon. Secretary of State if he is in a position to give me the names of those lieutenant-colonels and colonels I asked for the other day ?

Hon. Mr. SCOTT—After I left the Chamber the other day, I asked the Deputy Minister to communicate with the Department of Militia and see if they could hurry them up. Of course they are not under my control, and it must be admitted the demand was made late in the session, and there was a good deal of work to be done. However, I have asked particularly to get the information.

Hon. Mr. LANDRY—Does the hon. Secretary of State expect to get it at half-past two ?

Hon. Mr. SCOTT—I really could not say. I would be glad if I could.

Hon. Sir MACKENZIE BOWELL—It is true the notice was placed on the Order paper late in the session, and I am quite sure the hon. gentleman from Stadacona (Hon. Mr. Landry) never expected to get the return this session, but it must be borne in mind that it was not his fault. That motion was the one which he handed to the clerk some months ago, out of which the difficulty arose about the reading of the motion before handing it to the clerk.

Hon. Mr. SCOTT—I understood it was the motion made only two or three days ago.

Hon. Mr. LANDRY—Yes, but the first motion had been omitted from the Orders.

Hon. Mr. SCOTT—I did not take any cognizance of that ; I did not give any thought to it ; I did not know it.

Hon. Mr. LANDRY—I suppose if the hon. minister had known that, I would have the return now.

Hon. Mr. SCOTT—Yes, if I had been aware of it.

THE RULES OF THE SENATE.

MOTION DROPPED.

The motion being called,

By the Honourable Mr. Béique :—

That he will move, That Rule 50 of the Senate be amended by striking out the words 'two months' and substituting therefor the words 'one month.'

The SPEAKER—Mr. Béique has gone to Montreal, and before leaving he informed me that the Chairman of the Standing Orders Committee in the House of Commons had been unable to get his committee together, and consequently the Commons' rule would not be altered, and therefore there was no object in the Senate altering its rules.

Hon. Sir MACKENZIE BOWELL—I was under the impression that the proposition of our committee was to change its rule so as conform with that of the House of Commons.

Hon. Mr. CLEMOW—No, they were to conform theirs to our rule. This motion was merely changing the time of the advertisement from two months to one month.

Hon. Mr. WATSON—The understanding was for the House of Commons to adopt our rules so far as the advertisement was concerned, that they had to advertise in each province where they were to do business, and we were to shorten up the time from sixty days to thirty days. That is the proposition we had to make, and the Commons have not changed their rule, so there is no use in changing our rule.

Hon. Mr. MACDONALD (B.C.)—Why cannot this House adopt the motion to shorten the time ?

Hon. Mr. WATSON—They have to advertise for two months in the House of Commons, and it would not make any difference. The change that was supposed to be made was that the House of Commons should adopt our rule, and the notice should be published in every province where the company is doing business. That is the change the House of Commons was to make. Then the House of Commons and Senate both were to shorten the time from two months to one month. The House of Commons have made no change, and there was no use in a change being made here.

The motion was dropped.

THE SUPPLY BILL.

Hon. Mr. SCOTT—It is a very unusual thing that on the day of prorogation the Senate has nothing before it. My recollection is, we have very often had half a dozen Bills on the last day of the session, but today our paper is absolutely clear of orders. The only measure to come down now is the Supply Bill. There is no object in our waiting here, and I move that we adjourn during pleasure.

Hon. Mr. MACDONALD (B.C.)—Are there any other Bills to come up ?

Hon. Mr. SCOTT—None, except those which have originated in the Senate. In fact, I think there is only one really, that relating to the formation of joint stock companies. Whether they are going to pass that or not, I do not know.

Hon. Sir MACKENZIE BOWELL—I see that a number of Bills were dropped in the House of Commons. Was that one of them ?

Hon. Mr. SCOTT—I think so.

The SPEAKER—There is a natural desire to discuss the Supply Bill. If we do not meet until 12 o'clock, that does not give very large scope. Hon. gentlemen know about what the Supply Bill is, and I do not see why we could not discuss it now.

Hon. Sir MACKENZIE BOWELL—That is altogether too radical a change.

Hon. Mr. SULLIVAN—It seems to me extraordinary that we are called to meet here this morning. It looks like a solemn farce to put our signatures to a Supply Bill for an expenditure greater than has ever been sanctioned before in the history of this country, without an opportunity to discuss it. Whether the expenditure is right or wrong, I cannot say, but the idea of bringing a number of gentlemen here in the dying hours of the session, is disturbing to their serenity. Why not let them die in peace, and not bring in this fiscal document just as the session is ending ? I cannot see what use it is. We may discuss it, but what good is the discussion ; we must pass it.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. WATSON—We can reject it.

Hon. Mr. SULLIVAN—That would never do. I would not like to have anything to do with depriving the Secretary of State of his salary.

Hon. Mr. SCOTT—Or the hon. senator from Kingston of his allowance.

Hon. Mr. CHURCH—There are a good many legal fictions in our system of government. For instance, whenever a grant of land is made by a local government, the sovereign by his mere motion is supposed to grant something. It is a legal fiction, yet if the proper officer of the government signs the document it is all right. I understand the Supply Bill has to come up here and we have, pro forma, to sanction it, or the hon. member from Kingston and myself

would have to go home without our allowance.

Hon. Mr. SULLIVAN—Most of us have had our allowance already.

Hon. Mr. CHURCH—We have, and I do not see how they could get at us, unless they called on us next session to refund. I do not know if this Chamber exercises the right to discuss the estimates; if so, certainly there is ground for complaint, because it is impossible to discuss this enormous expenditure in three-quarters of an hour. There are matters affecting the part of Nova Scotia which I represent, or am supposed to represent—that is another legal fiction—which I should like to say something about. I do not believe that Lunenburg county has had fair-play, but I will not attempt to discuss that matter here this morning, because I would have to make a speech of at least half an hour, and that would never do. I think we will have to take the cordial that has been prepared for us after a great deal of deliberation, and I have no doubt after a great deal of contention.

Hon. Sir MACKENZIE BOWELL—It is too bitter.

Hon. Mr. CHURCH—It has been prepared in the executive chamber, and referred to caucus and gone through all the other stages, and I think some of the members of the other Chamber require a rest, and will need a tonic, and to have the services of the hon. gentleman from Kingston to get their physical constitutions in shape. If we have to pass the Bill, we can pass it in fifteen minutes, and then stand up and sing God save the King.

FRENCH MINISTER IN THE SENATE.

Hon. Mr. LANDRY—Will the hon. Secretary of State take the House into his confidence and tell us if it is the intention of the government, as I asked the first day of the session, to appoint a minister in this House representing the French element, who would aid the hon. minister and his colleague and relieve them from the painful duty imposed on them during this session?

Hon. Mr. WATSON—Would the hon. gentleman accept the position?

Hon. Mr. LANDRY—There are hon. gentlemen on the government side of the House who are quite fit to fill the position—the hon. gentleman from De Salaberry (Hon. Mr. Béique), the hon. gentleman from De Lorimier (Hon. Mr. Dandurand), and others.

Hon. Mr. SCOTT—The matter is under consideration.

The House adjourned during pleasure.

THE SUPPLY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (168) 'An Act for granting to His Majesty certain sums of money for the public service for the financial years ending respectively 30th June, 1902, and the 30th June, 1903.

The Bill was read the first time.

Hon. Mr. SCOTT moved the second reading of the Bill. He said: In the earlier years of my presence in this Chamber it was not usual to have the Supply Bill discussed. It always came down at so late a period that it was practically impossible to discuss it, and there is this inconvenience about it, that it is made up of a multitude of items, some small and some large—some very large—affecting particular departments, and only the minister who has charge of the department in question, is sufficiently acquainted with the mode of expenditure of the particular items affecting his department to give a satisfactory explanation. I think it was when my hon. friend opposite came into the government that it became the custom to make a hasty summary, and explain to the Senate the nature of the Supply Bill, not that this House is not amply justified in discussing the Supply Bill, although not able to make any amendment to it, but it is their privilege to throw it out if they please. No changes can be made, and I presume on that account there has been no disposition to discuss the details. The Supply Bill itself is for a sum of five million dollars odd, chargeable to the expenditure of the current year, known as supplementary estimates for the year ending 30th June next, and a sum of thirty-eight million odd, being the amount asked for expenditure for the coming year. That thirty-eight million does not represent the actual authority that the government of the country has for expenditure, because what are known as fixed charges do not enter

into the annual vote taken in the House of Commons. The fixed charges amount, in round numbers, to about twenty millions. Therefore, if you add to that thirty-eight million the twenty million, you get about the amount the government of this country is authorized to expend in the coming year. The actual figures are $59,100,000. Hon. gentlemen are under the impression, from observations that have been made, that this is largely in excess of the Supply Bills of former years. I have the satisfaction of saying that, as far as the preceding year is concerned, it is rather a reduction. The authority of parliament in 1901-1902 was given for the expenditure of $59,953,000. For the coming year the authority of parliament was given for the expenditure of $59,100,000—about $800,000 less than the Supply Bill of the preceding year. It may be, of course, interesting to hon. senators to know in a general way where the chief items of the expenditure of the current year are. I shall briefly give them. The five million odd is made up chiefly of iron bounties, one million and a half. The expenditure of the Royal visit, $358,000; Yukon, half a million; Militia, $350,000; Agriculture Department, chiefly chargeable to census, half a million, and the Intercolonial Railway, one million dollars.

Hon. Mr. CLEMOW—Was that the full amount of the census expenditure?

Hon. Mr. SCOTT—No. Parliament authorized the expenditure before the census was taken at all. This was an excess.

Hon. Mr. CLEMOW—How does that compare with the cost of the last census?

Hon. Mr. SCOTT—It is very considerably in excess.

Hon. Mr. CLEMOW—I thought so. That is the reason I asked.

Hon. Mr. SCOTT—The rate allowed for each name was five cents for the last census, and under the former census only three cents was allowed. There are a number of individual charges which help to make up the amount. The information obtained was considerably in advance of the information afforded by the former census.

Hon. Sir JOHN CARLING—I understood the amount voted this year for the census is over a million.

Hon. Mr. SCOTT—It may be. I gave only the census for the current year. I have not taken the census for the whole time. The census for the year ending the 30th June was a little less than five hundred thousand. The five hundred thousand embraced all the expenditure of the Agriculture Department. The chief expenditure, four hundred thousand odd, was the vote for the census. I cannot say now from memory, without examining the figures, but I do not think the amount taken was very much in excess of that for the coming year, because perhaps the work will be nearly all completed, although there will be some additional sums. There should be no surprise, hon. gentlemen, at the figures I have given the Senate. It is very well known that the trade and business of this country is expanding, and the government must keep pace with the demands, if the prosperity of Canada is to continue. The demand all over this country for aids in support, particularly of transportation improvements, such as the improvements on the St. Lawrence, are very large. All our ports where it is expected the grain of the North-west will feed the railways, in Ontario particularly, are demanding expenditure for the improvement of harbours. The expenditure is general throughout the whole country. In the debates that have occurred elsewhere, while general attacks have been made upon the extent of the expenditure, still the individual items that have been attacked have been very few indeed. No one is prepared to say that a particular item is extravagant. There is one item in the expenditure to which we can all cordially give our assent. At the last moment a proposition was submitted to the House of Commons, and cordially endorsed on both sides, to grant $50,000 towards the unfortunate sufferers in the Islands of Martinique and St. Vincent. The appalling circumstances connected with that terrible calamity, where 30,000 people were, in the short space of three minutes, launched into eternity, seem to have touched the sympathy of the whole world. Large donations are being given by other countries. The United States has passed a vote of $500,000, and subscriptions are pouring in from other directions. The unfortunate sufferers, strange to say, on the Islands of St. Vincent and Martinique, are French and

Anglo-Saxon, and I think it is peculiarly appropriate that the parliament of Canada, made up as it is of the two great races, French and English, should feel a gratification at being afforded the opportunity of aiding the unfortunates who belong to the two great nations to which I have referred. That vote I am quite sure will be acquiesced in by all classes, and we are all prepared to extend the sincerest sympathy to the unfortunate people who have suffered.

Hon. Mr. LANDRY—In the Supply Bill which has been brought before us, there is an item of $328,000 respecting the contract of Mackenzie & Mann. Is that included ?

Hon. Mr. SCOTT—It is included.

Hon. Mr. LANDRY—Is it put down as capital ?

Hon. Mr. SCOTT—I am not very sure.

Hon. Mr. LANDRY—Is it chargeable to capital or revenue ?

Hon. Mr. SCOTT—I am not very sure whether it is chargeable to capital or income. That account was submitted to a very close analysis, and it included nothing but actual disbursements. I could not really, at the moment, say whether it was charged to capital account, but I am inclined to think it was. I am not speaking now with full knowledge of the facts. I do not know whether it was or not.

Hon. Mr. DEVER—I think it should be charged to the Senate account.

Hon. Mr. LANDRY—What has been returned from that capital account ?

Hon. Mr. CLEMOW—Nothing.

Hon. Mr. SULLIVAN—We have the experience.

Hon. Mr. LANDRY—Does that amount include the $100,000 for the North Pole Expedition and the Mackenzie & Mann claim ?

Hon. Mr. SCOTT—The actual expenditure of Mackenzie & Mann in connection with the Yukon Railway, without interest or profit.

Hon. Mr. LANDRY—As the Senate took considerable interest in that matter, I should like to know if there is a judgment of the court imposing on the government a legal obligation to pay that amount.

Hon. Mr. SCOTT—The account was first submitted to experts ; it was then also submitted to Mr. Collingwood Schreiber, in order to check off the damages claimed, and subsequently it was referred to the judge of the Exchequer Court.

Hon. Mr. LANDRY—That is not a reply to the question I am asking. I want to know if there was a judgment of the court imposing on the government the obligation to pay that amount ?

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—Is it intended that the minister who incurred that expense without a vote of parliament, should recoup it ?

Hon. Mr. CLEMOW—Did not the court render a judgment ?

Hon. Mr. SCOTT—It was referred to the judge of the Exchequer Court to say if it was a fair and proper amount.

Hon. Mr. CLEMOW—That is a judgment, is it not ?

Hon. Mr. LANDRY—That is not a legal claim.

Hon. Mr. SCOTT—It is one of the expenditures that governments are obliged to recognize. When they once refer a claim to the judge of the Exchequer Court, it is with the intention of paying it if the judge finds the amount is fairly due.

Hon. Mr. LANDRY—We know that the intention of the government is to pay it ; but I am asking if it is a legal payment.

Hon. Mr. CHURCH—If this Houses passes it, it is legal.

Hon. Mr. LANDRY—We are asked to pay money which we do not owe. I always understood there was a clause in the contract with Mackenzie & Mann which provided that the contract could only come in force when sanctioned by parliament, and since it has not been sanctioned by parliament, we are not obliged to pay this claim. I think the only ones responsible are those who ordered the work to go on. Perhaps the ministers who gave the order might be personally obliged to pay the money. We had better pass a Bill to relieve those ministers from the responsibility.

Hon. Mr. SCOTT—The practice has prevailed in the past, not invariably but on

special occasions when it was thought to be in the interests of the public that a large expenditure should be made, and it was believed by the government it would be recognized and approved of by parliament, to anticipate the vote and authorize the expenditure. I quite admit it is wrong; I do not approve of it, but it has been the practice in exceptional cases. It is only exceptional circumstances that can justify it. At the time that action was taken, the Yukon seemed very much further away than it is to-day. It took three months to get a message there and back again. It was almost a terra incognita. The circumstances were abnormal, and the government thought they were doing a wise thing to reach that country by railway from the Stikine. The contractors were authorized to go on, and they did go on with the work. They had to do it that particular season. The leader of the opposition, Sir Charles Tupper, approved of it at the beginning, gave it his sanction, and it was not assumed that parliament would disapprove of the action of the government. Parliament did disapprove, however, and the work was stopped. The contractors said 'we have gone on in good faith, under the belief your action would be approved, and we think we ought to be paid.' It was pointed out that there was no authority—that they took a certain amount of risk in beginning the work. The answer was, 'very well, but so far as the actual money outlay is concerned, the country ought to that extent approve of it, because the people who represented the country approved of our action.' It was, therefore, recommended that they be paid their actual disbursements, without allowing interest, or expenses, or profits, or anything of that kind, and the amount was allowed by the judge of the Exchequer Court.

Hon. Mr. LANDRY—I beg leave to take issue with the hon. gentleman on this point. He spoke of Sir Charles Tupper having approved of the contract with Mackenzie & Mann.

Hon. Mr. SCOTT—He approved of the work going on. Sir Charles Tupper, and some other gentlemen associated with him, were then interested largely in a stage contract. They were putting on a line of stages to connect with the railway, and Sir Charles Tupper—it is an undoubted fact, I believe—at that time approved entirely of Mackenzie & Mann going on with that work.

Hon. Mr. LANDRY—I never saw that he approved of it. I saw it denied. What I always understood was, Sir Charles Tupper was in favour of constructing a railway on Canadian soil, but I never saw that he approved of the contract with Mackenzie & Mann. On the contrary, he voted against the contract. The contract contained a clause, that it would come in force only when approved by parliament.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—Bringing in the name of Sir Charles Tupper, and the weight of his influence by saying that he had approved of the contract, is something which I think is not sustained by history.

Hon. Mr. SCOTT—He approved of the work of Mackenzie & Mann, and he approved of the construction of the railway from Stikine river. Subsequently, when the matter was discussed in parliament, Sir Charles Tupper, for reasons I need not mention, disapproved of it; but at the inception of the work he approved of it being performed at the earliest possible time, from the point I have indicated, Stikine river to Teslin lake.

Hon. Mr. LANDRY—The proof that he did not approve of it, is the fact that he voted against the contract.

Hon. Mr. BERNIER—On what ground was this referred to the Exchequer Court? Was it to ascertain the fairness of the amount charged, or to ascertain the legal liability of the government?

Hon. Mr. SCOTT—I do not for one moment stand here to argue that it was a legal liability that they could have recovered in a court, because the contract, as all these contracts do, provides in positive terms, that until parliament has approved of the contract, and the money has been voted, the contractor takes the responsibility and runs the risk. In this particular case, there was urgency for despatch. There was the belief that parliament would approve of it. There were all the facts to which I have adverted, and it was thought only fair and equitable that the government should recoup the contractors for their actual expenditure.

Hon. Mr. BERNIER—So the government disclaims any legal responsibility ?

Hon. Mr. SCOTT—I am not going to discuss the legal question, because I have not the papers here. I am giving a frank, offhanded opinion as to the conclusions I would form, without reading the papers. It was certainly an equitable claim, if not a legal claim.

Hon. Mr. LANDRY—Could the hon. gentleman tell why that particular amount, $338,000, was brought in last year also, and was withdrawn ?

Hon. Mr. SCOTT—Because we waited to get further evidence to justify us in recommending it to parliament.

Hon. Mr. LANDRY—That shows that the government wanted to pay the claim, without any evidence at all.

Hon. Mr. SCOTT—It has gone the last three years through a great many stages. The claim first sent in was for a very much larger sum. It was referred to experts to ascertain whether vouchers could be produced for the sum originally demanded. Vouchers could not be furnished for the whole amount, and it was decided to pay only the actual expenditure of the contractors as shown by vouchers. It was referred to the judge of the Exchequer Court to report upon it as to whether it was a just and proper account.

Hon. Mr. SULLIVAN—I do not rise to criticise the amount in any way. Everybody understands it must be paid. But I wish to know if the work which Mackenzie & Mann have performed will be of any use in the present or in the future to assist any other undertaking, or is it a total loss ?

Hon. Mr. SCOTT—With the fuller information we have of that country, we have ascertained that probably better routes into the country can be utilized. Everything was new at that time.

Hon. Mr. SULLIVAN—But whatever work the contractors did, falls to the government ?

Hon. Sir MACKENZIE BOWELL—They did no work on construction.

Hon. Mr. SCOTT—It is not an asset to which I attach any value.

Hon. Mr. SULLIVAN—Is there an amount for the polar expedition of Captain Bernier ?

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—It is quite evident the Secretary of State is not fully acquainted with the facts in connection with the payment of this money, or he would not have made the statements which he has made. The hon. gentleman has stated over and over again, during his remarks, that only the actual bona fide expenses incurred by Mackenzie & Mann under their provisional contract are to be paid. If he will refer to the speech made by his colleague, the Minister of Railways and Canals, he will find that the government are paying interest upon the money alleged to have been expended, and we are also paying a considerable amount for services rendered, or time expended by the contractors. So much for that. There was no judgment, as the Secretary of State admits. The fact is, the claim was made for four or five hundred thousand dollars, according to the figures given by the Minister of Railways and Canals. That account was not accepted until after Mr. Shannon, one of the accountants of the Department of Railways and Canals, had made an investigation. He reported, as I understand from the speeches which were made in the Lower House, that they had expended a certain sum of money. That report was referred, not to the Exchequer Court, but to the judge of the Exchequer Court, who awarded the sum that had been reported, with a very slight deduction, by Mr. Shannon, the accountant of the Department of Railways and Canals. That is really the position in which we find it. It is true, and all admit it, that there was no legal liability on the part of the Dominion to Mackenzie & Mann. They entered into a contract for the construction of a certain work, a narrow gauge railway from the Stikine River to Teslin Lake, for a certain quantity of land per mile, which, if totted up—if the information we have is correct amounted to nearly four million acres of land, which, at the price placed on the land by the Minister of the Interior, of ten dollars per acre, would amount to about $40,000,000, or a little over. That contract, it must be borne in mind, was entered into a very few days before the meeting of parliament—something unusual. When parliament is about to meet, no government in the past, to my

knowledge, has entered into a contract of such a character. Contracts are entered into subject to the approval of parliament, when it is considered a work of necessity, long before parliament is summoned, but in this case, and in the case of the Drummond County Railway, these contracts were entered into only a few days before the meeting of parliament—eight days before so far as these contractors are concerned. That there is an equitable claim on the part of the contractors, urged, as they were, to proceed rapidly with the work, I do not think any one doubts. My own impression is, and I think an investigation of the fact will show, that the statements made by the hon. Secretary of State in regard to the position taken by Sir Charles Tupper, are not strictly correct. I understood the hon. gentleman to say that Sir Charles Tupper approved of the contract into which Mackenzie & Mann had entered with the government. I am not aware of any evidence to establish that fact. This has been stated, that in an interview with the 'Mail' reporter, Sir Charles Tupper urged the construction of the road by this route. At that time little was known of the vagaries of the Stikine river, and much less of the difficulties of navigating the Hootalinqua; but I never saw yet that, after the terms of the contract were made known, he approved of the contract.

Hon. Mr. SCOTT—I did not mean to say that he did. What I meant to say was, in a general way he approved of the work.

Hon. Sir MACKENZIE BOWELL—If I understand the nature of the interview which the 'Mail' reported, and quoted by Mr. Sifton the other day in the House of Commons, and also the statement of the interview between Sir Charles Tupper and himself, of which we had no knowledge in the past, it was an approval of the route and not of the contract, and as soon as the terms of the contract were made public, Sir Charles Tupper opposed it. That is not only my recollection, but I think on reference to the records, the hon. gentleman will find that it is correct. I wish, in this connection, to say that the statement made by responsible ministers, that Sir Charles Tupper and the Conservative party induced the Senate to take the course they did, is, so far as my knowledge goes, speaking individually, without one particle of truth; I state this now publicly: I never had any conversation with Sir Charles Tupper upon this subject until after the action of the Senate had been taken. Whether Sir Charles Tupper had any conversation with other senators in reference to the subject I know not, but I do say this, that when the majority in the Senate are accused of having been urged or influenced by Sir Charles Tupper or the Conservative party in the Lower House to take the course they did, it is not correct, and I challenge Mr. Sifton, or any other man, to prove that, either directly or indirectly, he interfered with or attempted to influence any member of this Chamber. I make that statement in my own defence. I do not know that I should occupy the time of the Senate, were it not for the statement which has been made in reference to the action which the great majority of this House took upon this question.

If you read the premier's utterances, he presents to the country a very doleful tale as to the evil effects which have followed the rejection by the Senate of the Mackenzie Mann contract. He points out that we defeated the construction of a direct line into the Yukon territory, where these large gold deposits have been discovered. He tells the people that he proposed a direct line through Canadian territory; that it would be a Canadian line by which we could obtain admission into that country without passing through foreign territory, and that the fact that we have not that line now, is owing to the action of the Senate, and that it is materially interfering with and destroying the trade of the country. If hon. gentlemen refer still further to his speech they will find that he admits, after having made these statements, that it is impossible to reach the Yukon country unless you pass through United States waters. First, he declares that if his scheme had not been defeated in the Senate you could have reached the Klondike without passing through United States territory and submitting to the bonding system of the United States; afterwards he tells us that we could not reach this point without going through United States waters. We have heard much of this route, and the emphatic and repeated utterances over and over again of the pre-

mier himself, that this was the best and the only feasible route to reach the gold fields of the Yukon territory. Any one who has studied the question must know that the Hootalinqua and Teslin Lake route is not practicable. If you look at the report made for the Minister of the Interior during the Mackenzie administration, as early as 1874-75, by Col. Dennis, then Surveyor-General, you will find a map in which he points out that portions of the Stikine river, during low water, have only two to three feet of water to begin with. The machinery that was lugged over from the Stikine river to Teslin lake still lies on the bank of the Hootalinqua, the river never being safe to navigate. There is no authority to show that the river is navigable in the proper sense of the word. Hence the expenditure on the railway from Stikine river to Teslin lake would be utterly thrown away, and the road would be of no use to-day. After ascending the Stikine river, and going 150 miles by land to reach Teslin lake, you are then further away from Dawson, taking that as the objective point, than you would be at the head of the Lynn canal, at Skagway, where you take the railway. The only way you can get to that country through Canadian territory is overland through British Columbia. We had the Secretary of State the other day, in the Railway Committee, opposing a charter for another road which would come down either to Dyea or Pyramid Harbour, on the ground that it should not approach within five miles of the boundary line of British Columbia, for fear they would reach navigable water in United States territory, either at Dyea or Pyramid Harbour. My own impression is, and experience has led me to this conclusion, that we made a great mistake in not granting all the charters that have been asked for. You can only reach the Atlantic sea-board from Ontario and Quebec in winter, except by the Intercolonial Railway, through United States territory, and the same bonding system and rules apply to the commerce of the Yukon district as to the commerce of Canada passing through Portland or any other Atlantic port in the United States. What I want to show is that the route which they adopted —notwithstanding the fact that Sir Charles Tupper may have approved of it—is not a practicable route. As I propose to prove by the reports and statements of correspondents of Liberal papers and government officials. If any one has taken the trouble to post himself on this question, he will find that in the 'Globe' of the 22nd of June, 1898, their own correspondent gives this description of the Stikine river to Glenora :

> Every boat en route is tied up somewhere along the banks, and passengers and crew are making the best of the situation—a swollen river, with a current against which it is impossible to make headway, and the tie-up may last a week.

This is the 'Globe' correspondent's attractive picture of a commercial navigable river; then on the 27th of May, the same correspondent writes as follows :

> The captains of these Stikine river boats, who are chosen from men of long experience in navigating mountain rivers, are ready to assert that the Stikine out-Herods them all in trickiness and uncertainty. Most mountain rivers, they assert, have their seasons of rising and falling, of swift current and slow, but the Stikine waters go up and down without regard to season or circumstance ; a heavy rain swelling the river occasionally as much as six feet in one night ; a 'cool spell' causing it to drop with almost equal rapidity.

This is, it must be borne in mind, from the 'Globe's' own correspondent, sent out to that country for the purpose of examining into and investigating that particular route. Then the correspondent goes on to point out the difficulty in passing some of the canyons, which are very narrow, and then adds :

> After a heavy rain or during snow-melting season, the current is so swift that vessels with strong propelling power tie up for several days rather than attempt to ascend. Only one boat—the C. P. R. Str. 'Ogilvie'—is able to keep any approach to schedule time, and occasionally she is compelled to dump her freight at the foot of the canyon and return to Wrangel in order to keep faith with her time table there. I have seen five steamers lying idle for days at the canyon mouth waiting for the water to fall.

Now let me give you an extract or two from a report of one of the gold commissioners employed and paid by the government. After his return to this country, he made a speech at Niagara. Mr. Fawcett, who had the reputation of being one of the most honest officials in that country, says :

> There is no more talk about the Stikine route. Few will now say that the Canadian Senate, in disallowing that contract to build a railway from Telegraph creek to the head of

Teslin lake, did not do the country a great service.

* * * * * *

It is difficult to conceive how clever men, and capable men, could commit themselves to such a blunder unless there was something underneath it all, which never appeared on the surface. Were there others besides Mackenzie & Mann in the deal?

Within the Yukon district opinion on the subject was not less adverse to the deal than it was in other parts of Canada. We can easily understand that from the fact that people there had travelled over the route. I have had conversation with some who came out that way, and also by the White Horse route, who have verified that statement. Mr. Fawcett, ex-gold commissioner of the Yukon, has put on record the deliberately expressed opinion of a government official as to the character of the Stikine river, and he gives the Senate credit for having done the country a great service.

Hon. Mr. LANDERKIN—The government did not do a great service!

Hon. Sir MACKENZIE BOWELL—If the Senate did a great service to the country by rejecting the proposition of the government, ergo the government would have done a great wrong.

Hon. Mr. LANDERKIN—What is Mr. Fawcett doing now? He is editing a Conservative newspaper.

Hon. Sir MACKENZIE BOWELL—He is just the sort of man I would expect to find on the Conservative press. He had the honesty to express freely his opinion of the proposition made by the government, and for that reason I suppose he was placed on the Conservative press, which generally, tells the truth. I cannot say as much of the press supporting the government.

Hon. Mr. LANDERKIN—He was put in by the old government.

Hon. Sir MACKENZIE BOWELL—Does that make a difference? Does the hon. gentleman mean to say that Mr. Fawcett lied when he made the statement I have quoted?

Hon. Mr. LANDERKIN—He gave his opinion.

Hon. Sir MACKENZIE BOWELL—I am reading his opinion, the result of personal knowledge and investigation. I do not think the hon. gentleman, if the truth were known, was over-enamoured of the scheme himself at the time it was before the House.

Hon. Mr. LANDERKIN—I have not time to discuss the question to-day.

Hon. Sir MACKENZIE BOWELL—Nor desire. I have some recollection of what took place at the time, and it might be interesting to know what some hon. gentlemen in the Lower House said of this transaction. They did not wish to vote against their party, but had they been left to their own will, the probabilities are they would have joined with those who rejected the project. I do not know any gentleman who was more particular in criticising the actions of his opponents than the hon. gentleman who has been interrrupting me.

Now let us turn to another government official, Mr. W. H. Lynch, who was appointed by the present government to proceed to that country to make a special report, and see what he said. In a speech delivered in the city of Montreal, he says, in speaking of the affairs in that country:

There existed a most disgraceful state of affairs in the Yukon district.

Then, speaking of himself, he declares that we was a true Liberal, and above all, an independent Liberal, and adds:

He had asked permission to speak many times, and never could get a chance from his own party.

Permission from whom? Permission, you will find, from the Minister of the Interior, who employed him and sent him there to make the report. Then he continues:

Now, the Conservatives, from whom he differed in the main, had given him that opportunity, and he wished to open the eyes of the people of Canada to another great scandal that had been placed upon them

The Speaker claims that he spoke officially when the Yukon question was involved.

Then Mr. Lynch quotes from a speech made by the premier, at Windsor Hall, Montreal, shortly before, in which the Premier is reported as having said:

One of the wisest acts ever undertaken by the Canadian government was the possible construction of the railway into the Yukon. If the contract had not been rejected by the Senate, a railway would have been constructed upon Canadian territory which would not have cost a single dollar to the country, and we would have had the trade of that country, a trade which, by the criminal action of the Senate, had been thrown into the hands of the United States at Seattle.

Then he quotes as follows from a speech by Mr. Tarte :

If it had not been for the action of the Senate in rejecting the Klondike arrangement, a railway would have been built there, 18,000 men would have been there, and the country would have been $30,000,000 richer.

Commenting on these statements by the Premier and Mr. Tarte, Mr. Lynch says :

I say that these statements are open to contradiction. It is of this question we must complain. Such a statement should be made with care and have proof, and I say that Sir Wilfrid is not conversant enough with the subject to know whether it is a fact or not. I consider that it is a pitiful state of affairs, for if the premier follows this line of conduct on this question, he will also follow it on others.

The plan was to build 150 miles of railway from Teslin lake to the head waters of the Stikine river. Now, it is not possibe to use this railway in the winter, and it is impossible to navigate the Stikine river in the winter. Even in the summer it was found that boats of heavy draught could not have been brought up the river, and scows had to be used. The road was to have been completed in September, and then the season would have been closed. In 1898, the trade changed character, and we found that before the railway could have been completed, the particular trade (of transporting outfits for the miners had ceased. We also found that the Stikine river was not navigable in an economical sense.

Mr. Lynch continues :

I made a report and attempted to lay it before the government. I was an official of the government, and sent into the country for the purpose of investigation. We endeavoured to bring the matter before the government, but we were turned aside, and the data was never brought before council. It was suppressed, and left in my hands, and I say that until this report is given to the people, they have not the data on the matter. Sir Wilfrid Laurier claimed confidence in his men, and said he was too busy to deal personally with the subject. We were referred to the Department of Interior. Mr. Sifton chose to leave out this report, and in this he shows he was inadequate and incompetent to deal with it.

The blame should be placed in the right place, not on the Senate, but on Mr. Sifton and his department who go blindly into the matter. The government refused to follow the course of independent Liberals, and they must in consequence suffer the penalty.

I make a further statement on information which I have on undoubted authority. It will be remembered that when, after the return of Mr. Coste from his investigation of the Stikine river and Hootalinqua river, and that projected route to reach the gold deposits of that country, I moved for a return. The Secretary of State told the Senate there was no report made by Mr. Coste. A year afterwards, however, the next session, a report was laid on the Table that was made by Mr. Coste, of a very innocuous character. There was very little in it. I tell the hon. gentleman that Mr. Coste did make a report, and had read that report to a member of this House in British Columbia, and when he was told that it was not very encouraging, and that he would not make such a report, his reply was in effect :

I was sent there to tell the truth and I am telling it.

If we are to take Mr. Lynch's statement as correct, that the Minister of the Interior suppressed his report, which was in condemnation of their selection of that route for the railway to enter the Yukon country, I think we have a right to presume that, as an honest official, Mr. Coste did make that report, and that it was treated in the same manner as was Mr. Lynch's—suppressed, as it never came before the people. Had Mr. Coste not shown his report to a senator, as I have already indicated, we should have never known what his conclusions were. But as an official, all he could do was to give it to them and have it suppressed. All the evidence before the public tends to this one conclusion, every particle of evidence that was produced by their own officials would show that the route which they had adopted was not practicable, that the giving away of the land which they proposed to give away for a tramway, 150 miles from Stikine river to Teslin lake, would have been utterly thrown away and useless ; and you must take this into consideration, that by the White Horse Pass you go by steamer from Vancouver and Victoria straight to Skagway, you then take a railway of about 90 miles through the mountains, and reach the head of navigation below Lake Bennett on the Yukon river. I say the Yukon river, because it is a continuous river, although it bears different names, given to different sections as they were discovered. You then take a steamer at White Horse, after leaving the railway, and there is no difficulty at all in navigating the river with good large steamboats down to Dawson, nor from Dawson down to St. Michael's. These are the facts in connection with this whole transaction, and the more one investigates, and the more the facts are known, the greater will be the evidence that the action of the Senate was

not only wise, but, in the language of a Liberal newspaper printed in the west, it saved to the country half a continent. We are constantly told by the premier that the Senate ruined the country by not allowing them to go on with a scheme that has been proved to the world would have been utterly useless. It is nonsense, to my mind—pardon me for using the expression—to talk about ruining the trade of the country. There is only one way of getting into that country through British territory, and that is by starting your railway in British Columbia, either from Ashcroft and over the mountains, or from the Kitimat harbour on the Straits of Georgia, and then on through; but look at the tremendous expense that would be incurred! And even if the premier's declaration be correct—of which there is not a scintilla of evidence upon record—that they intended to continue the route from Telegraph creek down to a port in British Columbia, you would then have all the difficulties of the navigation of the Hootalinqua river until you reach the Lewes and the Selkirk, and entered into the Yukon. It would not have helped the trade of the country in that respect unless you continued the railway from the head of Teslin lake down into the Yukon district. The topography and geography of the country must lead every one who has read the reports and studied the matter, to the conclusion that the cheapest and shortest route to go into that country is by Skagway. Unfortunately, Skagway is claimed to be in the United States. But how much better was the other route? The only place where you could have your baggage examined would be at Wrangel or on the Stikine river; there was never any dispute on that point, so that if you adopted that route you would never be able to get into that country except by stopping at that port and being overhauled by a United States customs official. If, however, our contention as to the proper boundary were right, Skagway, Dyea and Pyramid Harbour would be in Canada, and consequently that would give us an entrance into that country: whether we shall ever get it or not is a doubtful question. The United States have possession of it now. They are fortifying it, and have their soldiers there, and they quietly said to our commissioners in Washington: 'Yes, we will arbitrate with you on condition that you will allow us to keep what we have, and we will get as much more as possible.' I am happy to say that our Premier rejected that proposal, but our commissioners in Washington offered a fair and equitable mode of settling the question. They were quite prepared to leave our claims to the arbitration of eminent men who would be selected for that purpose, and they were willing to go further: they intimated that they were quite prepared to arbitrate, if my recollection serves me right, upon the basis of the Venezuela arbitration, as consented to by Great Britain, where I think Great Britain went altogether too far. However, be that as it may, I have taken this my first opportunity for putting the evidence of these gentlemen upon record, and there I propose to leave it. I may say, as far as the Senate is concerned, if my opinion be worth anything—and I believe I am giving the calm and deliberate opinion of the vast majority of the people of this Dominion—that if the Senate never did another act than rejecting that railway Bill, they have justified the existence of this body. Now, I wish to refer to one or two things that took place in the other House, with reference to subsidies to railways, and that is the only means we have just now of ascertaining what has been done. I think the premier stated—rather an unusual course, I must confess—last night just before the House rose, that no railway subsidies would be presented to the Commons this session, but they would give them next year, and he indicated only one route: that was from the Dauphin country to Edmonton. He intimated they would come down with a subsidy to assist the road. Why that information was given must be left to conjecture. It is well known that certain bankers have been hovering around, not only the Senate, but about Ottawa of late. It is generally intimated, cruel rumour says at least, that these banks are largely interested in the construction of these roads, and in order probably to give buoyancy to the credit of the railway builders, the government indicated what they intended to do in the premises, and that might be a salve probably to heal the wound of a banker who might look forward in the future to probable loss of investment. I do not know whether the

Secretary of State can confirm the reports that have been current, that some $14,500 per mile are to be granted to this northern route up as far as Edmonton, and that the same amount is to be granted to assist in constructing the road from Edmonton through to the Pacific, either by the Pine or Yellow Head Pass. This indication of the premier would lead us to suppose there was some truth in it, and if the Secretary of State can give us that information it would relieve probably the anxiety that exists in the country. I do not object to a fair subsidy, particularly to that section of the road frm the Northern Saskatchewan to Edmonton. It is a magnificent portion of the North-west Territories. It is capable of containing hundreds of thousands, yes millions of people, and I can say this for it also, that it is as fine a part of the country and I believe it will turn out to be as good an agricultural portion of the North-west Territories as even that further to the eastward. I speak from my own observation, having driven over some 600 or 700 miles of it. To a grant in aid of that line I should not object, neither do I think the country would object, in order to induce settlers to go there, but whether the subsidies to which I have referred are to be given I must leave with the hon. gentleman, and I suppose he will not tell us until the time comes.

Hon. Mr. SCOTT—Exactly ; I don't know.

Hon. Sir MACKENZIE BOWELL—That I really believe. Sometimes I am placed in the unfortunate position of contradicting my hon. friend. From the policy pursued, and the mode of governing this country by the present administration, I can readily accept as absolutely true that the hon. gentleman knows nothing at all about it. The doctrine has been laid down in this Chamber—although the hon. gentleman smiles and pooh-poohs the idea—by the Minister of Justice and himself, that they try to carry on the government as nearly as practicable in the manner in which the different departments are managed in England, where the heads of the departments control, so that we have had the evidence here of the Minister of Justice when he introduced Bills, and we have had evidence this session over and over again and the Secretary of State has admitted himself when he introduced government Bills, that he could not explain them for the reason that he did not know anything about them. They came from other departments, and were simply put in his hands. I say they treated him very unfairly, and they treated him in such a way that if he had that pluck which generally characterises an Irishman, he would have strongly objected. When I occupied the seat opposite, I peremptorily refused to introduce Bills from other departments until I had a precis of them, and not only a precis of them, but an explanation why any changes were made. I find no fault with the hon. Secretary of State, because he has not in his mind's eye, or in his intellect, a knowledge of the details of all the departments, but I say the mode of conducting the public business places the different members, and particularly the members of the Cabinet in this Senate, in a position that they should not occupy. I was going to ask another question, but I will take it for granted the hon. gentleman does not know anything about it. I have one word to say about the Post Office Department to which he called my attention the other day, when he found fault with the utterances which I made in reference to the magnificent management of the Post Office Department by the present minister. I find in looking at the records, that the first deficit in 1898, as shown by the records, was $47,602. Of course we heard a great deal of that. I am not going to enter into an explanation just now, but it was found that in 1899 it ran up to $398,000, and in 1900 it was $461,000, and last year there is an apparent reduction, because it is given as $416,183. You will find if you examine this record closely, that the table does not include the Yukon postal service, which of course does not pay its way. That account is given by itself, as if the Yukon were not a part of Canada. It shows that the revenue was $21,074, and the expenditure $116,000, making a deficit of $97,841. Adding this to the acknowledged deficit as it appears on the face of the post office return, gives a total deficit of $514,024. That is without deducting the amounts received from newspaper postage, which the Senate will remember was formerly free. The hon. Secretary of State told us that the postage had been reduced to two cents, and that that was a march in the direction of the benefit

of the people, but when they did that, at the same time they added newspaper postage, which brings up the sum to a certain extent, lost by the two cent postage. The mode of keeping the two accounts this year, by charging the deficit of about $100,000 for the Yukon in another account altogether, shows an apparent reduction, but, if properly charged would, as I say, increase the actual deficit over half a million. One method was to charge all the expenses attending the opening of the Yukon territory to the Mounted Police, and so on. I might go on for hours. No one was louder in denunciation of the expenditure of the government when it rose to thirty-eight million than the hon. gentleman. He said then that we were bleeding the farmers white. I think that was the expression of the present Minister of Trade and Commerce. Now you have got, not what the hon. gentleman said a moment ago, fifty-six or fifty-seven million, but you have got sixty five million. That is the amount we are saked to vote. The trade of the country is increasing rapidly, but not half as rapidly as the expenditure. The people begin to realize the fact that the present government are gentlemen of professions, but not gentlemen of actions; or, in other words, that they have not carried out the principles which they advocated. The late Minister of Justice told the people in London: 'Give us power and we will reduce the expenditure from thirty-eight to thirty-four million.' Four million was to be saved. The brilliant premier, who has a marvellous power of utterance and command of the English language, with a very agreeable French idiom that makes him exceedingly pleasant to listen to, re-echoed this over and over again. But now we have an expenditure of sixty or seventy million, and where it is going to stop I do not know. If it is going on in the same ratio as it has of late, doubling the expenditure, and if the government remain in power another term, it is hard to say where it will end.

Hon. Mr. LANDRY—Wait till you see us next year.

Hon. Sir MACKENZIE BOWELL—Yes, that is what Mr. Tarte said. We are learning and seeing it rapidly. One remark was made by the hon. Secretary of State; as I looked at his face attentively, I was marvellously surprised that he did not blush. He told us the amount to be paid in bounties on iron this year was one million and a half. Does any one remember the utterances of the Secretary of State when he sat on this side of the House, about bounties? If hon. gentlemen do not remember, I would suggest a perusal of the Debates, and hon. gentlemen will find that he said that this principle of bounties was robbery. That is the mild term that he applied to it. Now he belongs to a cabinet which has swollen the bounties from one or two hundred thousand dollars to a million and a half, and the probabilities are that next year it may be doubled. If the output of the furnaces which have been put in blast should be as great as they were during the past year, I suppose we will have to pay two or three million in bounties. I do not object to that. The hon. gentleman knows that the party to which I belong, and with which I have had something to do in the administration of affairs, introduced this principle of bounties, and the effect is what we predicted it would be. If the hon. Secretary of State can, without a blush or without a qualm of conscience, go on in the line and policy of the old government, expending double as much as the former government spent in that direction, and a benefit flowed from it as has been shown to flow from the construction of these works, we will not complain. I have simply to say that the utterances about the trade of the Yukon country being taken from the Canadian people is as great a fallacy as was ever uttered by any public man. That the great United States transport companies should have taken advantage of what took place, is very natural. They have had the control of that trade for the last half century. My hon. friend from Victoria knows that well, and unfortunately the British Columbia capitalists on that coast had not invested money to any great extent to enable them to compete for that trade. Whether you had an all-rail route or not, even starting through British Columbia, the grain output, the food output of Oregon and Washington Territory, being so much nearer the part of the country where it is consumed, would give them an advantage over us, and the only means of securing that trade and retaining it exclusively for the Canadians, is to provide transportation and

enact a high protective tariff against all United States products. If you adopt that principle, then you will secure it; but it is impossible if you allow the food output of Washington and Oregon territories to go into that country upon equal or comparatively equal terms with the food products sent from the North-west and Manitoba. They will always have an advantage that it is impossible to overcome except by protective legislation. I lose all patience when I hear men, and particularly men who should know better, but who know nothing about it, talk about the country being robbed of millions in trade because they do not have that impracticable water and tramway route established by the country, which you could not reach, as I have told you before, any more than you could reach Portland in the winter season without going through United States waters and being subject to the annoyances of the United States customs tariff. I should like to hear the honest opinions of those who have lived in that country who know what the trade is, what the British capitalists have to do—and when I say British I mean Canadian capitalists—to compete with these great corporations that exist. It would be astonishing to you to go through the warehouses in St. Michaels, and also the Dawson warehouses owned by the Seattle and California Trading companies, and see their scores of ships carrying immense freight from United States ports to that country, to see the extent of these warehouses. We all know that to load a vessel that will carry an immense amount of freight of food products from the coast—that is from Washington or from California—even if they go round by St. Michaels, they could carry it much cheaper than they could by railway through British Columbia. When you get to St. Michaels you have a water-way up to the gold-producing regions of the Yukon Territory, and that has been constantly utilized in a way that would stagger an Ontario man, and I think even a maritme province man, unless they have seen them, seen the size and carrying capacity and power of their steamers that tow up three or four of these barges from St. Michaels to the consuming portions of the country. There is nothing to my mind that will secure the whole trade of that country to Canada except that which I have indicated, and then if you build a railway through Canadian territory into that country there is a heavy expense in the freight upon the rail. If you have to pass through portions of the United States territory and submit to the United States customs officials, you have to put on such a duty as will counteract the expense attending the taking of the food products from the producing portions of our North-west. I believe British Columbia is capable of an output that would surprise the whole of us if it were once utilized, but the people of that country have given their attention to lumbering and mining to a very great extent, and not to agricultural pursuits, and until they develop their agriculture they will have to seek their supplies from other portions of Canada. The mining and lumbering being more profitable, they devote their time and attention to it, and I only hope the present government, having adopted a protective policy—we had evidence of that yesterday—that they will go on with the policy, and I have no doubt if they continue it and apply it to the trade of the Yukon Territory from the United States, they will not only secure the trade for Canada, but they will attract population, increase our wealth, and add still greater benefits to the whole country. I am not, as hon. gentlemen know, overenamoured with, nor have I very great confidence in this government, but I do say that upon that particular question of protecting our industries and of continuing them, I care not in what shape or what form it is done, they will have my humble support, whatever that may be worth. The great progress that has taken place in the last few years, and the fact that the prophecies that were uttered by the Conservative party if these people came into power, have not been literally and absolutely realized, is because they adopted our policy and did not carry out their own promises to the people.

Hon. Mr. CLEMOW—I want to show the people of this country that, notwithstanding what the Secretary of State has said, the expenditure has increased to an enormous extent during the time the present government have been in power. If I understood him aright, he said that the expenditure, under this present Bill, is not greater than it was last year. Am I right in that?

Hon. Mr. SCOTT—Yes.

Hon. Mr. CLEMOW—That the fifty-nine million last year included some six or seven million not included in this Bill, for subsidies to railways.

Hon. Mr. SCOTT—Nothing is given to railways this year.

Hon. Mr. CLEMOW—But there was last year ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. CLEMOW—We certainly have been going on in an extravagant way for a great many years, and where is this going to end ? The people of this country know very little about it, and it is unfortunate that we have not time to go into this matter more fully so that the public would understand exactly how this matter stood. It is our duty to let the people know that the expenses have increased to this enormous extent. Where is it going to end ? Nobody can tell. If the government continue in the way they have been going since they came into power, there is no knowing what the expenditure will be a few years hence. The sooner a stop is put to this extravagance the better. As we all know, our revenue has increased greatly. We all admit that, but at the same time our expenditure has increased more than our revenue. Is that right ? As far as the national debt is concerned, how do we stand ? I believe we owe six or ten million more than we did a year ago. Notwithstanding the increase in our revenue, the debt of the country has increased to this enormous extent. The people ought to know this, and ought to apply a remedy in time. How is that remedy going to be enforced ? There are a great many men in this country, sensible non-partisan men, and I am surprised they do not take this matter in hand, and apply some remedy that will benefit them and the country in the future, but as long as we take for granted that everything is right there will be no change. We were told when we did find some fault with the increased expenditure, 'Oh, wait till next year and see what we will do.' We have waited from year to year, and we find they have been truthful in that respect. They have carried out that pledge, most religiously, by increasing the expenditure of the country to an enormous extent. We have had to-day a great deal of valuable information, and I am glad that many matters have come out which certainly reflect the greatest credit upon the Senate in preventing the carrying out of that Mackenzie & Mann scheme. But we have to pay some $340,000 for it. It is true that matter was submitted to the judge of the Exchequer Court, but I am told it was not submitted to him as a judge, but as an individual.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. CLEMOW—Did he examine any witnesses ? How did he arrive at the conclusion that $340,000 was a just sum to be paid to them ? I do not know whether they are entitled to it or not. I know they took the contract subject to certain conditions. You know, as business men, when you put a condition in a contract you expect it to be carried out. The government said they did it in good faith. The government were not under any necessity to make a contract at that time. The House was about to meet. They could have waited a few days to obtain the approval of the House before they allowed these men to enter upon an undertaking which would be perfectly useless in the future. I can understand that under some extraordinary conditions the government would be justified in making this kind of a contract, but under the circumstances which prevailed at that time, they had no right to do it, and therefore I did not believe that Mackenzie & Mann were entitled to one dollar compensation. They took the contract with their eyes open. They knew what they were doing. They were men of knowledge ; capable men, and were not ignorant. They knew what they were agreeing to, and took the responsibility on their own shoulders, and unless something more conclusive than what has been shown in the past can be proved, I do not think they are entitled to compensation to the extent of one dollar. I wish we had time to go into all large items in the Supply Bill ; but we cannot do it—it is impossible. Then, take the expenditure on the census. That is costing double the amount it cost some years ago. Was there any necessity for that ? Was not that gross mismanagement on the part of somebody ? I do not know who it was. There were many communications in the papers finding fault with

the government because this man and that man did not get paid, but there is the naked fact, that although the population did not increase to any extent, still the cost of the census was double. They appointed a new man, and they thought they were going to do wonders by his superior knowledge, but it turned out the duty was far better performed in the old days at one-half the expense than in the last census. To-day we hear complaints about the manner in which the census was taken. I consider it a perfect disgrace that we cannot get at the fact whether that census is right or not. I believe if it were possible to supervise that census we would find discrepancies that would not redound to the credit of the government. But the government keep all these things quiet and secret. They make contracts for locomotives and iron for different sections of the country, for what purpose I do not know. It may be for political purposes, or it may be all right, but we know nothing of those circumstances; but still we are supposed to assume responsibility for the payment of these immense sums. And this Bill is only placed before us within an hour or two of prorogation. Is that fair, right or just? In my opinion, it is treating the Senate in a contemptuous manner. If I had my way, I would say that we should remain here a week to inquire into everything, and get all the information possible, in order that the people may be advised by us who are responsible as to whether the government have been doing right or wrong. Those are my opinions expressed here, so that the country may know that, as far as the party I am connected with are concerned we have always been desirous and most willing to give this information to the public. I think we should insist upon that information being given, and I hope before long there will be some method adopted by which the people of this country will know where they stand, and make provision to protect themselves, because if matters go on in this way there is no knowing what the ultimate result will be. Bankruptcy may be the end. This country is a curious one. It is capable of doing a great deal, I admit, and we are doing wonders; but still this thing can be overdone. The time will come when there will be some reaction. We should look this matter straight in the face, and make some provision to protect the people of this country from being coerced into paying money for which they are not liable. That is my opinion. I may be wrong, or I may be right, but still, under all the circumstances, with the meagre information we have received, we can come to the conclusion that we have not been fairly treated in having the Bill brought down at this stage of the session, and not given an opportunity to discuss it. The sooner the people realize this and apply some remedy, the better for them and the better for the Dominion.

The motion was agreed to on a division, and the Bill was read a second and third time, and passed.

The Senate adjourned during pleasure.

THE PROROGATION.

At Three o'clock p.m. His Excellency the Governor General proceeded in state to the Senate Chamber, in the parliament buildings, and took his seat upon the Throne. The members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, the following Bills were assented to, in His Majesty's name, by His Excellency the Governor General, viz :—

An Act relating to the Regina Law Library.

An Act respecting the Orford Mountain Railway Company.

An Act respecting the Canada Southern Railway Company.

An Act respecting the Canada and Michigan Bridge and Tunnel Company.

An Act respecting the River St. Clair Railway, Bridge and Tunnel Company.

An Act respecting the Edmonton and Slave Lake Railway Company.

An Act respecting the Quebec and Lake Huron Railway Company.

An Act respecing the Port Dover, Brantford, Berlin and Goderich Railway Company, and to change its name to 'The Grand Valley Railway Company.'

An Act respecting the Buffalo Railway Company and the International Railway Company.

An Act to incorporate the Velvet (Rossland) Mine Railway Company.

An Act to incorporate the Battleford and Lake Lenore Railway Company.

An Act respecting the St. Clair and Erie Ship Canal Company.

An Act respecting the Tilsonburg, Lake Erie and Pacific Railway Company.

An Act respecting the Windsor and Detroit Union Bridge Company.

An Act to incorporate the Indian River Railway Company.

An Act to incorporate the Board of the Presbyterian College, Halifax.

An Act to incorporate the Sprague's Falls Manufacturing Company (Limited).

An Act to incorporate the Sovereign Life Assurance Company of Canada.

An Act to incorporate the St. Lawrence and Northern Railway Company.

An Act to incorporate the Nipissing and Ottawa Railway Company.

An Act to confer on the Commissioner of Patents certain powers for the relief of John Westren.

An Act to incorporate the Strait of Canso Bridge Company.

An Act to incorporate the Crown Bank of Canada.

An Act respecting the Ontario Power Company of Niagara Falls.

An Act respecting the Central Counties Railway Company.

An Act respecting the Medicine Hat Railway and Coal Company.

An Act respecting the Vancouver, Victoria and Eastern Railway and Navigation Company.

An Act to incorporate the Medicine Hat and Northern Alberta Railway Company.

An Act respecting the Manitoba and Northwestern Railway Company of Canada.

An Act to incorporate the Knapp Tubular Steamship Company.

An Act respecting the James' Bay Railway Company.

An Act to incorporate the Cosmos Cotton Company.

An Act to incorporate the Canadian Manufacturers' Association.

An Act respecting Pensions to Officers of the North-west Mounted Police.

An Act respecting the Klondike Mines Railway Company.

An Act to incorporate the Pacific Northern and Omineca Railway Company.

An Act to incorporate the Ross Rifle Company, Limited.

An Act to incorporate the Canadian Northern Express Company.

An Act respecting the Dominion Cotton Mills Company, Limited.

An Act respecting the Timagami Railway Company.

An Act respecting the Niagara, St. Catharines and Toronto Railway Company.

An Act respecting the Canadian Pacific Railway Company.

An Act respecting the Ottawa, Brockville and St. Lawrence Railway Company.

An Act respecting the Trans-Canada Railway Company.

An Act respecting the Bay of Quinté Railway Company.

An Act to incorporate the Essex Terminal Railway Company.

An Act respecting the Lake Champlain and St. Lawrence Ship Canal Company.

An Act to amend the Bills of Exchange Act, 1890.

An Act further to amend the Canada Evidence Act, 1893.

An Act further to amend the Unorganized Territories Game Preservation Act, 1894.

An Act further to amend the Acts respecting the North-west Territories.

An Act to amend the Civil Service Retirement Act, 1898.

An Act to amend the Rocky Mountains Park Act.

An Act respecting the Hudson's Bay and North-west Railways Company.

An Act further to amend the Yukon Territory Act and the Acts in amendment thereof.

An Act for the relief of James Brown.

An Act respecting the Canadian Northern Railway Company.

An Act incorporating The Molsons Bank Pension Fund.

An Act to amend the Act respecting the incorporation of Boards of Trade.

An Act further to amend the Pilotage Act.

An Act respecting the Montreal and Southern Counties Railway Company.

An Act to incorporate the Toronto and Niagara Power Company.

An Act to incorporate the Bishop of Moosonee.

An Act to amend the Exchequer Court Act.

An Act to amend the provision with regard to Tolls of chapter 1 of the Statutes of 1881, respecting the Canadian Pacific Railway.

An Act to amend Chapter 41 of the Statutes of 1901, respecting the Administration of Justice in the Yukon Territory.

An Act to amend the Act respecting the Judges of Provincial Courts.

An Act to incorporate the Dyment Securities, Loan and Savings Company.

An Act to amend the Act respecting the Packing and Sale of certain Staple Commodities.

An Act to amend the Land Titles Act, 1894.

An Act to amend the Chinese Immigration Act, 1900.

An Act to amend the Post Office Act.

An Act to amend the Mounted Police Act, 1894.

An Act to authorize the raising, by way of loan, of certain sums of money for the Public Service.

An Act to amend the Naturalization Act.

An Act to amend the Acts relating to the Ottawa, Northern and Western Railway Company.

An Act to incorporate the Yukon Pacific Railway Company.

An Act respecting the United Gold Fields of British Columbia.

An Act respecting la Compagnie du chemin de fer de Colonisation du Nord.

An Act to incorporate the Manitoba and Keewatin Railway Company.

An Act to incorporate the Nepigon Railway Company.

An Act to incorporate the Canada Eastern Railway Company.

An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company.

An Act respecting the Bell Telephone Company of Canada.

An Act respecting the Algoma Central and Hudson Bay Railway Company.

An Act respecting the Manitoulin and North Shore Railway Company.

An Act to incorporate the Maritime Stock Breeders' Association.

An Act respecting the Quebec Southern Railway Company.

An Act further to amend the Yukon Territory Act.

An Act to amend the Railway Act.

An Act to amend the Act of 1899, respecting the City of Ottawa.

An Act to incorporate the Dominion Institute of Chartered Accountants.

An Act respecting the South Shore Railway Company.

An Act respecting the Lake Erie and Detroit River Railway Company.

An Act to incorporate the Canada Central Railway Company.

An Act to incorporate the Montreal Subway Company.

An Act to incorporate the North Shore Power Railway and Navigation Company.

An Act to provide for the establishment of a Medical Council in Canada.

An Act to amend the Immigration Act.

An Act to amend the Fruit Marks Act, 1901.

An Act to incorporate the Securities Bank of Canada.

An Act to incorporate the Metropolitan Bank.

An Act to incorporate the Union Life Assurance Company.

An Act respecting the Royal Marine Insurance Company.

An Act for the relief of Samuel Nelson Chipman.

An Act further to amend the provisions of Chapter 133 of the Revised Statutes with respect to the Halifax Industrial School and Saint Patrick's Home at Halifax.

An Act respecting the representation of the Yukon Territory in the House of Commons.

An Act further to amend the General Inspection Act.

An Act to amend the Manitoba Grain Act, 1900.

An Act respecting the Coasting Trade of Canada.

An Act to amend the Customs Tariff, 1897.

An Act respecting the Remission of Penalties.

An Act to incorporate the Canadian Northern Telegraph Company.

An Act respecting the incorporation of Joint Stock Companies by Letters Patent.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words :—

In His Majesty's name, His Excellency the Governor General doth assent to these Bills.

Then the Honourable the Speaker of the House of Commons addressed His Excellency the Governor General, as follows :—

MAY IT PLEASE YOUR EXCELLENCY :

The Commons of Canada have voted the Supplies required to enable the government to defray the expenses of the public service.

In the name of the Commons, I present to Your Excellency the following Bill :—

An Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively June 30, 1902, and June 30, 1903.

to which Bill I humbly request Your Excellency's assent.

To this Bill the Clerk of the Senate, by His Excellency's command, did thereupon say :—

In His Majesty's name, His Excellency the Governor General thanks His Loyal Subjects, accepts their benevolence, and assents to this Bill.

After which His Excellency the Governor General was pleased to close the second session of the ninth parliament of the Dominion with the following

SPEECH.

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons :

In relieving you from further attendance in Parliament, I desire to thank you for the care and attention given to your important duties.

The unusual number of Acts that have been passed incorporating industrial and railway

companies may be taken as an evidence of the rapid progress that Canada is making in wealth and prosperity. Further proof of that satisfactory condition is afforded by the increase in the trade and revenue of the country.

It has been gratifying to note the unprecedented flow of immigrants from Europe and from the United States that are now seeking homes in Manitoba and in the North-west Territories. The rapidly increasing population in that fertile section of the Dominion must yearly add to the trade of the country.

The agreement entered into with the Canadian Pacific Railway Company, when authorizing an increase of its capital, to expend over nine million dollars in providing additional rolling stock, will, it is hoped, materially diminish in the future the serious losses that have arisen from the insufficient supply of cars to carry the products of the west to eastern ports.

The amendments made to the Manitoba Grain Act authorizing the farmers in Manitoba and in the North-west Territories to erect flat warehouses for storing their grain at railway stations will, it is believed, be found to serve a useful purpose, and defeat any attempt to depress prices by combinations.

The growing population in the Yukon territory and the rapid development in the trade of that section of Canada amply justify the Act granting to its residents a representative in Parliament who will be authorized to speak for his constituency in all matters affecting the more important interests of that remote part of the Dominion.

Gentlemen of the House of Commons:

I thank you in His Majesty's name for the liberal supplies you have granted for the public service.

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

In bidding you farewell, I desire to express the hope that when we meet next year we shall be able to again rejoice in the continued prosperity which now prevails over this wide Dominion.

The SPEAKER of the Senate then said:

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons.

It is HIS EXCELLENCY THE GOVERNOR GENERAL'S will and pleasure, that this Parliament be prorogued until Tuesday, the twenty-fourth day of June next, to be here holden, and this Parliament is accordingly prorogued until the twenty-fourth day of June next.

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PART I—SENATORS

The following abbreviations are used: 1st R., 2nd R., 3rd R., 1st, 2nd and 3rd Readings; *without remark or debate; Accts., Accounts; Adjn., Adjourn; Adjd., Adjourned; Amt., Amendment; Amts., Amendments; B., Bill; B.C., British Columbia; Can., Canada or Canadian; Com., Committee; Co., Company; Consdn., Consideration; Cor., Correspondence; Dept., Department; Govt., Government; His Ex., His Excellency the Governor General; H. of C., House of Commons; Incorp., Incorporation; Inq., Inquiry; Man., Manitoba; Mess., Message; M., Motion; *m.*, moved; N.B., New Brunswick; N.W.T., North-west Territories; N.S., Nova Scotia; Ont., Ontario; Parlt., Parliament; P.E.I., Prince Edward Island: P.O., Post Office; Ques., Question; Rem., Remarks; Rep., Reported; Ret., Returned; Ry., Railway; Sel., Select; 6 m. h., Six Months' Hoist; Withdn., Withdrawn.

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(24) An Act respecting the Windsor and Detroit Union Bridge Co. (Mr. McCallum). Int., 120 ; 2nd R.*, 134 ; 3rd R.*, 180 ; R.A., 562 (c. 14).

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(26) An Act respecting the Quebec and Lake Huron Ry. Co. (Mr. Landry). Int., 120 ; 2nd R.*, 133 ; 3rd R.*, 180 ; R.A., 561 (c. 7).

(29) An Act to incorporate the Sovereign Life Assurance Co. of Canada (Mr. Gibson). Int., 157 ; 2nd R.*, 194 ; 3rd R.*, 231 ; R.A., 562 (c. 18).

(31) An Act respecting the Buffalo Ry. Co. and the International Ry. Co. (Mr. Gibson). Int., 120 ; 2nd R.*, 134 ; M. to ref. B. to Com. on R. T. & H., 134 ; rem., Mr. McCallum and Mr. Gibson, 134 ; M. agreed to, 134 ; M. (Mr. McCallum) for 3rd R. and rem., 180 ; M. agreed to, 180 ; R. A. 561 c. 9).

(35) An Act to incorporate the Nipissing and Ottawa Ry. Co. (Mr. McMullen). Int., 187 ; 2nd R.*, 213 ; 3rd R.*, 241 ; R.A., 562 (c. 20).

(37) An Act to incorporate the Sprague's Falls Mfg. Co., Ltd. (Mr. McHugh). Int., 175 ; 2nd R.*, 194 ; 3rd R.*, 231 ; R.A., 562 (c. 17).

(39) An Act to incorporate the St. Lawrence & Northern Ry. Co. (Mr. Godbout). Int., 166 ; 2nd R.*, 184 ; 3rd R.*, 231 ; R.A., 562 (c. 19).

(40) An Act respecting Pensions to Officers of the North-west Mounted Police (Mr. Templeman). Int., 309 ; 2nd R. *m.* ; rem., Mr. Scott, Mr. Landry and Mr. McMullen ; M. agreed to, 311 ; in Com., on 1st cl., rem., Mr. Scott and Mr. Power, 329 ; on 3rd cl., Sir M. Bowell, 329 ; Mr. Scott, 330 ; on 4th cl., Sir M. Bowell, 330 ; on 9th cl., Sir M. Bowell, Mr. Power, Mr. Landry and Mr. Ferguson, 330 ; Mr. Macdonald (P.E.I.), Sir M. Bowell, Mr. Scott, 331 ; on 13th cl., Sir M. Bowell, Mr. Scott, 331 ; rep from Com. (Mr. Lougheed) 331 ; 3rd R., 351 ; R. A., 562 (c. 34).

(43) An Act respecting the Vancouver, Victoria & Eastern Ry. & Nav. Co. (Mr. Templeman). Int., 262 ; 2nd R.*, 287 ; 3rd R.*, 310 ; R.A., 562 (c. 27).

(44) An Act respecting the Tilsonburg, Lake Erie & Pacific Ry. Co. (Mr. McCallum). Int., 166 ; 2nd R.*, 180 ; 3rd R.*, 200 ; R.A., 561 (c. 13).

(46) An Act to incorporate the Strait of Canso Bridge Co. (Mr. McDonald, C.B.). Int., 175 ; 2nd R.*, 220 ; 3rd R.*, 297 ; R.A., 562 (c. 22).

(47) An Act to incorporate the Canadian Manufacturers' Assn. (Mr. Ferguson). Int., 157 ; 2nd R.*, 180 ; 3rd R.*, 351 ; R.A., 562 (c. 33).

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(49) An Act to confer on the Commissioner of Patents certain powers for the relief of John Westren (Mr. Kerr). Int., 175 ; 2nd R.*, 194 ; 3rd R.*, 231 ; R.A., 562 (c.21).

(50) An Act respecting the Niagara, St. Catharines and Toronto Ry. Co. (Mr. McCallum). Int., 287 ; 2nd R.*, 297 ; 3rd R.*. 367 ; R. A., 562 (c. 41).

(51) An Act to incorporate the Dyment Securities, Loan and Savings Co. (Mr. Ellis). Int., 405 ; 2nd R.*, 407 ; 3rd R.*, 427 ; R. A., 562 (c. 68).

(52) An Act respecting the St. Clair and Erie Ship Canal Co. (Mr. McCallum). Int., 166 ; 2nd R.*, 180 ; 3rd R.*, 200 ; R. A., 561 (c. 12).

(53) An Act respecting the Canadian Northern Ry. Co. (Mr. Kirchhoffer). Int., 240 ; 2nd R.*, 263 ; 3rd R.*, 368 ; R. A., 562 (c. 57).

(54) An Act to incorporate the Essex Terminal Ry. Co. (Mr. Casgrain, Windsor). Int., 309 ; 2nd R.*, 312 ; 3rd R.*, 367 ; R. A., 562 (c. 46).

(55) An Act respecting the Lake Erie & Detroit Riv. Ry. Co. (Mr. Casgrain, Windsor). Int. and 2nd R.*, 469 ; 3rd R.*, 498 ; R. A., 563 (c. 94).

(57) An Act respecting the Ontario Power Co. of Niagara Falls (Mr. Gibson). Int., 240 ; 2nd R.*, 263 ; 3rd R.*, 309 ; R. A., 562 (c. 24).

(59) An Act respecting the James Bay Ry. Co. (Mr. Kirchhoffer). Int., 240 ; 2nd R.*, 263 ; 3rd R.*, 310 ; R. A., 562 (c. 31).

(62) An Act respecting the Klondike Mines Ry. Co. (Mr. Kirchhoffer). Int., 240 ; 2nd R.*, 263 ; 3rd R.*, 310 ; R. A., 562 (c. 35).

(63) An Act to incorporate the Medicine Hat and Northern Alberta Ry. Co. (Mr. Watson). Int., 262 ; 2nd R.*, 287 ; 3rd R.*, 310; R. A., 562 (c. 28).

(64) An Act to incorporate the Cosmos Cotton Co. (Mr. Lovitt). Int., 262 ; 2nd R.*, 287 ; 3rd R.*, 351 ; R. A., 562 (c. 32).

(65) An Act to incorporate the Yukon Pac. Ry. Co. (Mr. Watson). Int., 309 ; 2nd R., 380 ; 3rd R.*, 409 ; R. A., 563 (c. 77).

(66) An Act respecting 'La Compagnie du chemin de fer de Colonisation du Nord' (Mr. Dandurand). Int., 240 ; 2nd R.*, 297 ; 3rd R.*, 367 ; R. A. 563 (c. 79).

(68) An Act respecting the Central Counties Ry. Co. (Mr. McDonald, C.B.). Int., 262 ; 2nd R.*, 287 ; 3rd R.*, 310 ; R. A., 562 (c. 25).

(69) An Act respecting the Canadian Pacific Ry. Co. (Mr. Dandurand). Int., 263 ; 2nd

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R.*, 287 ; 3rd R. *m.*, 368 ; M. in amt. (Mr. Wood (Hamilton) 368 ; rem., Mr. Wood (Hamilton) 368 ; Mr. Jones, 369-370 ; Mr. Landry and Sir M. Bowell, 370 ; amt. withdrawn and B. read 3rd time, 371 ; R. A., 562 (c. 42).

(70) An Act to incorporate the Ross Rifle Co., Ltd. (Mr. Gibson). Int., 240 ; 2nd R.*, 263 ; 3rd R.*, 367 ; R. A., 562 (c. 37).

(71) An Act respecting the Dominion Cotton Mills Co. Ltd. (Mr. Forget). Int., 262 ; 2nd R.*, 287 ; 3rd R.*, 367 ; R. A., 562 (c. 39).

(72) An Act to incorporate the Pacific Northern and Omineca Ry. Co. (Mr. Macdonald, B.C.). Int., 240 ; 2nd R.*, 263 ; 3rd R.*, 310 ; R. A., 562 (c. 36).

(73) An Act to incorporate the North Shore Power, Ry. and Nav. Co. (Mr. Watson). Int., 287 ; rep. from Con. on S. O. & P. B., (Mr. McKay, Truro) 312 ; M. (Mr. Watson) to suspend rules, 313 ; M. objected to (Mr. Forget) 313 ; rem., Mr. Watson, Mr. Wood (Hamilton) and The Speaker, 313 ; 2nd R.*, 372 ; rep. from Com. on R. T. & H. (Sir A Pelletier) 408 ; M. (Mr. Watson) for 3rd R. ; rem., Mr. Macdonald (B.C.), Mr. Watson and Sir M. Bowell, 408 ; M. postponed, 409 ; M. for 3rd R., 432 ; rem., Mr. Macdonald (B.C.) 432 ; Mr. Watson and Sir M. Bowell, 433 ; 3rd R., 433 ; R.A., 563 (c. 97).

(74) An Act respecting the Ottawa, Brockville and St. Lawrence Ry Co. (Mr. Gibson). Int., 263 ; 2nd R.*, 306 ; 3rd R.*, 367 ; R. A., 562 (c. 43).

(75) An Act to incorporate the Knapp Tubular S.S., Co. (Mr. Dandurand). Int., 221 ; 2nd R.*, 232 ; 3rd R.*, 310 ; R. A., 562 (c. 30).

(76) An Act further to amend the Pilotage Act (Mr. Scott). Int., 309 ; 2nd R. *m.*, 311 ; rem., Mr. Scott and Mr. Ferguson ; M. agreed to, 312 ; in Com., on 5th cl., rem., Sir M. Bowell, Mr. Scott and Mr. Landry, 332 ; rep. from Com. (Mr. Ellis) 332 ; 3rd R.*, 351 ; R. A., 562 (c. 60).

(78) An Act respecting the Trans-Canada Ry. Co. (Mr. Watson). Int., 287 ; 2nd R.*, 306 ; rep. from Com. on R. T. & H. (Sir A. Pelletier) 333 ; M. (Mr. Watson) for 3rd R., 333 ; rem., (Mr. Miller) 333-334 ; Mr. Watson, 334-336 ; Sir M. Bowell, 336-339 ; Mr. Wood (Hamilton) 339-340 ; Mr. McCallum, 340-342 ; Mr. Gowan, 343 ; Mr. McMullen, 342-344 ; Mr. Wood (Westmoreland) 344-346 ; Mr. Church, 346-347 ; Mr. Ferguson, 347-349 ; 3rd R.*, 367 ; R.A., 562 (c. 44).

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(79) An Act to incorporate the Crown Bank of Canada (Mr. McCallum). Int., 221 ; 2nd R.*, 232 ; 3rd R.*, 309 ; R. A., 562 (c. 23).

(81) An Act to incorporate the Can. Northern Telg. Co. (Mr. Young). Int. and 2nd R.*, 469 ; 3rd R.*, 498 ; R. A., 563 (c. 113).

(83) An Act to incorporate the Canadian Northern Express Co. (Mr. McMullen). Int., 263 ; 2nd R.*, 287 ; 3rd R*, 367 ; R. A. 562 (c. 38).

(84) An Act respecting the Bay of Quinté Ry. Co. (Sir Mackenzie Bowell). Int., 309 ; 2nd R.*, 312 ; 3rd R.*, 367 ; R.A., 562 (c. 45).

(85) An Act respecting the S. Shore Ry. Co. (Mr. Béique). Int. and 2nd R.*, 453 ; 3rd R.*, 498 ; R.A., 563 (c. 93).

(87) An Act respecting the Que. Southern Ry. Co. (Mr. Béique). Int. and 2nd R.*, 453 ; 3rd R.*, 461 ; R.A., 563 (c. 88).

(88) An Act respecting the Medicine Hat Ry. and Coal Co. (Mr. Young). Int., 263 ; 2nd R.*, 287 ; 3rd R.*, 310 ; R.A., 562 (c. 26).

(79) An Act to incorporate the Can. Central Ry. Co. (Mr. Landerkin). Int. and 2nd R., 469 ; 3rd R., 498 ; R.A., 563 (c. 95).

(91) An Act respecting the Timagami Ry. Co. (Mr. Gibson). Int., 263 ; 2nd R.*, 297 ; 3rd R.*, 367 ; R. A., 562 (c. 40).

(93) An Act respecting the Hudson's Bay and North-west Rys. Co. (Mr. Kerr). Int., 287 ; 2nd R.*, 306 ; 3rd R.*, 385 ; R.A., 562 (c. 54).

(96) An Act to incorporate the Man. & Keewatin Ry. Co. (Mr. Watson). Int., 350 ; 2nd R.*, 372 ; 3rd R.*, 407 ; R.A., 563 (c. 80).

(98) An Act to incorporate the Montreal Subway Co. (Mr. Watson). Int., 453 ; M. for 2nd R., 480 ; objection (Mr. Forget) that B. is not printed in French ; rem., Mr. Watson, Sir M. Bowell, Mr. Young, Mr. Speaker ; M. allowed to stand, 480 ; 2nd R.*, 486 ; 3rd R., 498 ; R. A., 563 (c. 96).

(99) An Act respecting the Montreal & Southern Counties Ry. Co. (Mr. McMullen). Int., 350 ; 2nd R., 371 ; M. to ref. B. to Com. on R., T. & H., 371 ; rem., Mr. Forget, Mr. McMullen and Mr. Landry, 371 ; 2nd R., 372 ; 3rd R.*, 407 ; R. A., 562 (c. 61).

(100) An Act to incorporate the Toronto & Niagara Power C. (Mr. Watson). Int., 351 ; 2nd R.*, 372 ; rep. from Com. on R. T. & H. (Sir A. Pelletier) 407 ; M. (Mr. Kirchhoffer) to suspend rules, 407 ; rem., Mr. Beique, Mr. Kirchhoffer and Mr. Young, M. agreed to, 407 ; M. (Mr. Kirchhoffer) for 3rd R., 407 ; rem., (Mr. Béique, Mr. Speaker, Mr. Kirchhoffer and Sir M. Bowell, 407 ; Mr. Béique, 408 ; M. agreed to, 407 ; R.A., 563 (c. 62).

(101) An Act to incorporate the Nepigon Ry. Co. (Mr. Gibson). Int., 379 ; 2nd R.*, 399; 3rd R.*, 409 ; R.A., 563 (c. 81).

(102) An Act to incorporate the Gaspé and Western Ry. Co. (Mr. Sullivan). M. to suspend rules, 239 ; rem., Mr. Macdonald (B.C.), Mr. Templeman, Mr. Landry, Mr. Dandurand and Mr. Lougheed, 239 ; M. postponed, 240 ; M. renewed, 243; rem., Mr. Macdonald (B.C.) and Mr. McKay (Truro), 243 ; Mr. Fiset, Mr. Owens and Mr. Sullivan, 244 ; Mr. Landry, Mr. Macdonald (P.E.I.) and Mr. Poirier, 245 ; Mr. Miller and Mr. Sullivan, 246 ; Mr. McCallum, 247 ; Mr. Dandurand and Mr. Landry, 248 ; Mr. Poirier, Mr. Scott and Sir M. Bowell, 249 ; M. agreed to, c. 28, n.c. 27, 250 ; 2nd R., 498 ; M. to suspend rule 60 and objection (Mr. Casgrain) 498 ; M. allowed to stand, 498 ; M. (Mr. Sullivan) to suspend rules 60 and 70, 501 ; objection (Mr. Landry) overruled and M. agreed to, 502 ; 2nd R.*, 523 ; rep. from Com. on R. T. & H. (Sir A. Pelletier) 543 ; M. (Mr. Owens) to adopt rep., 543.

(103) An Act respecting the Lake Champlain & St. Lawrence Ship Canal Co. (Mr. Landry). Int., 287 ; 2nd R.*, 306 ; 3rd R.*, 368 ; R.A., 562 (c. 47).

(105) An Act to amend the Bills of Exchange Act 1890 (Mr. Scott). Int., 309 ; 2nd R.*, 332 ; in Com., rem., Mr. Scott, Mr. Macdonald (P.E.I.), Mr. Drummond, Mr. Wood (Hamilton) and Mr. Dever, 352 ; Mr. Drummond, Mr. Wood (Hamilton), and Mr. Dever, 353 ; rep. from Com. (Mr. Lougheed) 353 ; 3rd R.*, 368 ; R.A., 562 (c. 48).

(106) An Act to amend the Post Office Act (Mr. Scott). Int., 385 ; 2nd R. postponed, 400 ; 2nd R. *m.*, 412 ; rem., Mr. Scott, Sir M. Bowell, 412 ; Mr. Scott, Sir M. Bowell, Mr. Wood (Hamilton), 413 ; Sir M. Bowell, Mr. Clemow, Mr. Macdonald (P.E.I.), 414 ; Mr. Landerkin, Mr. Sullivan, Mr. Scott, 415 ; Sir M. Bowell, Mr. Macdonald (P.E.I.) 416 ; M. agreed to, 416 ; in com., rem., Mr. Scott, 436 ; on 15th cl., Mr. Macdonald (P. E.I.), 436 ; Mr. Scott, Mr. Clemow, Mr. Power, Mr. Wood (Hamilton), 437 ; Sir M. Bowell, 438-439 ; Mr. Scott, 439 ; Mr. Macdonald (P.E.I.) and Mr. Church, 440 ; rep. from Com. (Mr. Ellis) and 3rd R., 441 ; R.A., 562 (c. 72).

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(112) An Act to amend the Immigration Act (Mr. Scott). Int., 385 ; 2nd R. *m.*, and rem., Mr. Scott, Mr. Lougheed, Mr. Ellis, 400 ; Sir M. Bowell, Mr. Lougheed, Mr. Church, 401 ; M. agreed to, 401 ; in Com. rem., on 1st cl., Mr. Scott, Mr. Sullivan, Mr. Dever, Sir M. Bowell, Mr. Lougheed, 416 ; Mr. Scott, Mr. Lougheed, Mr. Church, Mr. Sullivan, 417 ; Mr. Ellis, Mr. Church, 418 ; Sir M. Bowell, Mr. Sullivan, Mr. Power, 419 ; Mr. Lougheed, Sir M. Bowell and Mr. Landerkin, 420 ; Mr. Ellis, Mr. Church, Mr. Power and Mr. Dever, 421 ; Mr. Scott, Mr. Dever, Mr. Power, Mr. Macdonald (P.E.I.) and Mr. Church, 422 ; on 2nd cl., Mr. Power, 422 ; Sir M. Bowell, Mr. Lougheed, Mr. Scott, 423 ; progress reported, (Mr. Young) 423. Order called, 441 ; rem., Mr. Scott, Mr. Lougheed, 441 ; order postponed, 442 ; again in Com., 447 ; rem., Mr. Scott, Mr. Lougheed, Mr. Sullivan, 447 ; Mr. Power, Mr. Church, 448 ; Mr. Scott, Mr. Sullivan, 449 ; rep. from Com. (Mr. Young) and 3rd R., 449 ; R.A., 563 (c. 99).

(113) An Act further to amend the Yukon Ry. Act and the Acts in amt. thereof (Mr. Scott). Int., 366 ; 2nd R., 379 ; in Com., 385, rep. from Com. (Mr. Vidal) and 3rd R., 386 ; R.A., 563 (c. 89).

(114) An Act to amend the Exchequer Court Act (Mr. Scott). Int., 385 ; 2nd R. *m.*, 401 ; rem., Mr. Scott and Mr. Macdonald (B.C.), 401 ; Mr. Ferguson ; M. agreed to, 402 ; 3rd R.*, 423 ; R.A., 562 (c. 64).

(115) An Act further to amend the Canada Evidence Act, 1893 (Mr. Scott). Int., 312 ; 2nd R., 332 ; in Com., 354 ; rep, from Com. (Mr. Sullivan), 354 ; in Com., rem., Mr. Scott and Mr. Landry, 371 ; rep. from Com. (Mr. Ellis), 371 ; 3rd R.*, 379 ; R.A., 562 (c. 49).

(116) An Act to amend the provision with regard to Tolls of Chapter 1 of the Statutes of 1881, respecting the Can. Pac. Ry. (Mr. Scott). Int., 379 ; 2nd R. *m.* and postponed (see Fr. ed's. of B's. Printing and Dist'bu. of) 386; 2nd R. *m.*; rem., Mr. Scott, 402 ; M. agreed to, 402 ; M. for Com. stage, 402 ; rem., Mr. Clemow, 402 ; postponed, 403 ; in Com., rem. on 3rd cl., Sir M. Bowell and Mr. Young, 423 ; rep, from Com. (Mr. Young) and 3rd R., 423 ; R.A., 562 (c. 65).

(117) An Act further to amend the Unorganized Ter's. Game Preservation Act (Mr. Scott). Int., 351 ; 2nd R., 372 ; 3rd R., 379 ; R.A., 562 (c. 50).

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(119) An Act further to amend the Yukon Territory Act and the Acts in amt. thereof (Mr. Scott). Int., 453 ; 2nd R., 481 ; in Com., rem., Mr. Macdonald (B.C.) and Mr. Watson, 481 ; Mr. Macdonald (B.C.), Sir M. Bowell and Mr. Dandurand, 482 ; on 2nd cl., Sir M. Bowell, 482 ; on 3rd cl., Sir M. Bowell and M. Scott, 482 ; Mr. Macdonald (B.C.), Sir M. Bowell and Mr. Scott, 483 ; rep. from Com. (Mr. Baker) and 3rd R., 483 ; R. A., 562 (c. 55).

(120) An Act to amend the Dominion Lands Act (Mr. Scott). Int., 379 ; 2nd R. *m.* and postponed (see Fr. ed's of B's. Printing and Dist'bu. of) 388 ; 2nd R. *m.*, 403 ; rem., Mr. Scott, Sir M. Bowell and Mr. Lougheed, 403; M. agreed to, 404 ; in Com., rem. on 1st cl., Mr. Scott, Sir M. Bowell, Mr. Young, Mr. Lougheed and Mr. Power, 424 ; Mr. Young, Mr. Lougheed, Sir M. Bowell and Mr. Power, 425 ; Sir M. Bowell and Mr. Power, 426 ; progress reported (Mr. Lovitt), 426 ; again in Com., 449 ; rem. on 4th cl., Mr. Scott, Mr. Young, Mr. DeBoucherville and Mr. Clemow, 449 ; rep. from Com. (Mr. Lovitt) and 3rd R., 449.

(121) An Act further to amend the Acts respecting the N.-W. T's. (Mr. Scott). Int., 351 ; 2nd R. *m.*, rem., Mr. Scott and Sir M. Bowell, 372 ; Mr. DeBoucherville, 373 ; M. agreed to, 373 ; 3rd R.*, 379 ; R.A., 562 (c. 51).

(123) An Act to incorporate the Canada Eastern Ry. Co. (Mr. Thompson). Int., 385 ; 2nd R.*, 399 ; 3rd R.*, 409 ; R.A., 563 (c. 82).

(124) An Act to amend the Civil Service Retirement Act, 1898 (Mr. Scott). Int., 351 ; 2nd R. *m.*, rem., Mr. Scott, Sir M. Bowell, Mr. Landry and Mr. Lougheed, 373 ; M. agreed to, 373 ; 3rd R., 379 ; R.A., 562 (c. 52).

(133) An Act to amend the Rocky Mts. Park Act, 1897 (Mr. Templeman). Int., 351 ; 2nd R. *m.*, 373 ; rem., Mr. Templeman and Mr. Lougheed, 374 ; in Com., rem., Mr. Templeman, Mr. Macdonald (B.C.) and Mr. Ferguson, 380 ; rep. from Com. (Mr. Fulford) and 3rd R., 380 ; R.A., 562 (c. 53).

(134) An Act respecting the rep'n. of the Yukon Ty. in the H. of. C. (Mr. Scott). Int., 469 ; M. for 2nd R., 483 ; rem., Mr. Scott, Mr. Macdonald (B.C.) and Mr. Templeman, 483 ; Mr. Macdonald (B.C.) and Sir M. Bowell ; M. agreed to. 484 ; in Com., on 9th cl., rem., Sir M. Bowell, 484 ; on 22nd cl., Sir M. Bowell, 484 ; Mr. Béique,

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Sir M. Bowell, Mr. Power and Mr. Scott, 485 ; on 28th cl., Mr. Power and Mr. Scott, 485 ; on 36th cl., Sir M. Bowell, 486 ; on 47th and 55th cl's., Mr. Landry and Mr. Scott, 486 ; progress reported (Mr. Young) 486 ; cl. 22 and 23 amd ; B. rep. from Com. (Mr. Young) and 3rd R., 502 ; R.A., 563 (c. 107).

(135) An Act to amend the Petition of Right Act (Mr. Templeman). Int., 379 ; withdrawn, 389.

(136) An Act to amend the Fruit Marks Act, 1901 (Mr. Scott). Int., 398 ; rem., Mr. Ferguson, 399 ; M. for 2nd R., 411 ; rem., Mr. Scott and Sir M. Bowell, 411 ; M. agreed to, 412 ; in Com., rem., on 1st cl., Mr. Scott and Mr. Sullivan, 436 ; 2nd cl. amd.; on 4th cl., Mr. Scott and Mr. Power, 436 ; rep. from Com. (Mr. Perley) and 3rd R., 436 ; M. (Mr. Scott) to concur in Commons amts., 509 ; R. A., 563 (c. 100).

(137) An Act to amend chapter 41 of the Statutes of 1901, respecting the Administration of Justice in the Yukon Territory (Mr. Scott). Int., 379 ; 2nd R. *m.*, 404 ; rem., Mr. Scott, Mr. Lougheed and Sir M. Bowell, 404 ; Mr. Scott, 405 ; M. agreed to, 405 ; 3rd R.*, 423 ; R. A., 562 (c. 66).

(138) An Act to amend the Act respecting the Judges of Provincial Courts (Mr. Scott). Int., 379 ; 2nd R. *m.*, 405 ; rem., Mr. Scott, Sir M. Bowell and Mr. Macdonald (B.C) ; M. agreed to, 405 ; in Com., rem., Mr. Scott and Sir M. Bowell, 426 ; on 2nd cl., Mr. Lougheed and Mr. Power, 426 ; Mr. Scott, Sir M. Bowell, Mr. Lougheed, 427 ; rep. from Com. (Mr. Watson) and 3rd R., 427 ; R. A., 562 (c. 67).

(140) An Act to incorporate the Bishop of the Orthodox Russo-Greek Catholic Church for N. America and the Aleutian Islands (Mr. Watson) ; M. (Mr. Macdonald, P.E.I.) to adopt 24th rep. of Com. on S. O. & P. B., 509 ; objection (Mr. Bernier) 509 ; rem., Mr. Bernier, 509 ; Mr. Young and Mr. Bernier, 510 ; Mr. Macdonald (B.C.), Mr. Young, Mr. Macdonald (P.E.I.), M. Béique, Mr. DeBoucherville and Mr. Dandurand, 511 ; Mr. Young, The Speaker, Mr. Watson, Mr. Macdonald (B.C.) and Mr. Sullivan, 512 ; M. allowed to stand, 512 ; Speaker's ruling, 527-531 ; rem., Mr. Watson, 531-532 ; M. (Mr. Watson) that decision be not concurred in, rem., Sir M. Bowell, 532 ; Mr. Scott, Mr. Macdonald (B.C.) and Mr. Young, 533 ; Sir M. Bowell, Mr. Young, Mr. Landry, Mr. Macdonald (P.E.I.) and Mr. Bernier, 535 ; The Speaker and Mr. Young, 536 ; Sir M. Bowell, Mr. Watson, Mr. Templeman, The Speaker, M. rejected on div., 537 ; 1st R., 537 ; objection (Mr. Landry) 537.

(141) An Act to amend the Act respecting the Packing and Sale of certain Staple Commodities (Mr. Scott). Int., 410 ; 2nd and 3rd R., 433 ; R. A. 562 (c. 69).

(142) An Act further to amend the General Inspection Act (Mr. Scott). Int., 406 ; M. to fix 2nd R., rem., Mr. Scott and Sir M. Bowell; M. agreed to, 406; 2nd R.*, 407; in Com., on amt., rem., Mr. Templeman, Mr. Young and Mr. Power, 442 ; progress rep. (Mr. Young) 442 ; in Com., rem., on 2nd cl., Mr. Young, Mr. Lougheed and Sir M. Bowell, 450 ; Mr. Power, Mr. Scott, Sir M. Bowell, Mr. Lougheed and Mr. Young, 451 ; Mr. Watson, Mr. Lougheed, Mr. Templeman, Mr. Young and Mr. Power, 452 ; rep. from Com. (Mr. Béique) 453 ; M. for 3rd R., 462 ; rem., Mr. Scott, Mr. DeBoucherville, Mr. Young and Mr. Béique, 462 ; 3rd R., 463 ; R. A., 563 (c. 108).

(147) An Act to amend the Mounted Police Act, 1894 (Mr. Scott). Int., 406 ; M. to fix 2nd R., rem., Mr. Macdonald (P.E.I.) ; M. agreed to, 406 ; 2nd R.*, 407 ; in Com., rem., Mr. Scott, 442 ; rep. from Com. (Mr. Macdonald, P.E.I.) and 3rd R., 442 ; R. A., 562 (c. 73).

(149) An Act to amend the Land Titles Act, 1894 (Mr. Scott). Int., 410 ; 2nd and 3rd R., 433 ; R. A., 562 (c. 70).

(151) An Act respecting the Remission of Penalties (Mr. Templeman). Int., 469 ; M. for 2nd R., 486 ; rem., Mr. Templeman, 486 ; objection (Mr. Landry) that B. is not Printed in French ; rem., Mr. Templeman, Mr. Macdonald (B.C.) and Mr. DeBoucherville, 487 ; Mr. DeBoucherville, Mr. Church and Mr. Béique, 488 ; Sir M. Bowell and Mr. Templeman, 489 ; Mr. Dandurand, Mr. DeBoucherville and Mr. Macdonald (B.C.), 490 ; Mr. Bernier, M. agreed to, 491 ; rem., Mr. DeBoucherville, Mr. Templeman and The Speaker, 491 ; M. to ref. B. to Com. of the Whole, 502 ; rem., Mr. Ellis, 502 ; Mr. Scott and Mr. Clemow, 503 ; Mr. Clemow, Mr. Templeman and Sir M. Bowell, 504 ; Mr. Landry, Mr. Béique and Mr. Scott, 506 ; Mr. DeBoucherville, M. agreed to, 507 ; in Com., rem., on 1st cl., Mr. Power, Mr. Templeman, Mr. DeBoucherville, Mr. Landry, Mr. Béique and Mr. Scott, 507 ; M. (Mr. DeBoucherville) to amd. 1st cl., rem., Mr. Templeman, Mr. DeBoucherville, Sir M. Bowell and Mr. Béique, 508 ; Mr. Dandurand, Mr. Power, Mr. Béique, Mr.

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(155) An Act to amend the Ry. Act (Mr. Scott). Int., 469 ; M. for 2nd R., 491 ; rem., Mr. Casgrain (de Lanaudière), Mr. Dandurand, Mr. Landry, Mr. Scott, Mr. DeBoucherville and Sir M. Bowell, 492 ; Mr. Scott, 493 ; M. agreed to and 3rd R., 493 ; R.A., 563 (c. 90).

(156) An Act to amend the Chinese Immigration Act, 1900 (Mr. Templeman). Int., 410 ; rem., Sir M. Bowell and Mr. Templeman, 410 ; 2nd R. *m.*, 433 ; rem., Mr. DeBoucherville, Mr. Templeman, Sir M. Bowell, Mr. Lougheed and Mr. Macdonald (B.C.), 434 ; 2nd and 3rd R., 435 ; R. A., 562 (c. 71).

(152) An Act further to amd. the prov's. of c. 183 of the Revised Statutes, with respect to the Halifax Industrial School and St. Patrick's Home at Halifax (Mr. Scott). Int., 509 ; 2nd and 3rd R., 523 ; R.A., 563 (c. 106).

(157) An Act to authorize by way of loan of certain sums of money for the public service (Mr. Scott). Int., 410 ; 2nd R. *m.*, 435 ; rem., Sir M. Bowell and Mr. Scott, 435 ; Sir M. Bowell, Mr. Scott, Mr. Landry and Mr. DeBoucherville, 436 ; M. agreed to, 436 ; in Com., rem., Mr. Scott and Sir M. Bowell, 446 ; rep. from Com. (Mr. Sullivan) and 3rd R., 447 ; R.A., 562 (c. 74).

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